United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, FEBRUARY 4, 2010 No. 17

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

In thanks and gratitude we breathe the life-giving spirit of a new day, a day filled with creative potential and possibility.

As on the first day, may this day be ''in the beginning.'' May we see the goodness and abundance of creation. May we embrace the name given to us, Human—from the Earth. May we look into the eternal waters and see in our own reflections the image of the name that cannot be named, the eternal living presence we call by many names. May we see both the human and the divine in ourselves and every other person. May we see the eternal presence of life in all creation.

May the light of the first day be our guiding vision for every day, particularly within the deliberations and decisions among the minds, spirits, and imagination of these Chambers, leading us to see and respect the sacred dignity and worth of everyone and everything, everywhere.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

AIG BONUSES

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

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to express my disappointment and dismay with AIG's decision to pay $100 million in bonuses to executives. These are not just any employees but those from the financial products division, the same group that created the flimsy derivatives that caused such a catastrophe for our economy in late 2008.

With taxpayer dollars allowing to keep AIG afloat and ordinary Americans facing 10 percent unemployment, I don't know who would have thought this announcement would be well-received by the American people. It may be that these bonuses were legally obligated before the AIG crash, but I'm sure that all the brainpower that created AIG's complicated financial products can figure out a way, as the American people would, to simply say ''no.''

CONGRATULATING THE MIAMI-DADE COUNTY FIRE RESCUE URBAN SEARCH AND RESCUE TEAM FOR THEIR EFFORTS IN HAITI

(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. My sincerest thanks and congratulations to the Miami-Dade County Fire Rescue Urban Search and Rescue team for their heroic efforts in aiding the relief work in Haiti. Their courage and dedication to helping save lives are examples for us all. Under the leadership of Division Chief Dave Downey, an 80-man team was sent to Haiti 1 day after it was ravaged by a magnitude 7.0 earthquake.

I would like to commend Miami-Dade Fire Rescue, under the direction of Fire Chief Herminio Lorenzo, for their courageous commitment and dedication to saving lives in south Florida and worldwide. As a result of their work in Haiti, lives have been saved and many more individuals have been aided.

Their selfless dedication and sense of mission are testaments to our Nation's highest principle. The team's experience in disaster relief efforts during Hurricane Katrina, in the aftermath of 9/11, and the 1999 earthquake in Turkey, as part of the national Urban Search and Rescue Response System, were invaluable to their rescue efforts in Haiti. Congratulations to all.

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FISCAL RESPONSIBILITY

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

Mr. ARCURI. Last week I joined with several of my colleagues in the Blue Dog and Populist Caucuses to call for a budget plan that is fiscally responsible. As I have said before, along with the President, if the American family has been tasked with tightening its belt, in this time of economic recovery, then so should Congress.

Pay-as-you-go legislation is on the floor today, and I have never been more optimistic about this key piece of legislation being passed and Congress returning to a time where a balanced budget was the goal, not outrageous deficit spending like that which was done under the previous administration.

I have also promised to work with the members of the Populist Caucus to ensure that big banks and Wall Street firms are held accountable for damage they have done to hardworking American families. If it is the fault of these huge banks and firms that we are in this situation, then they should pay to get us out of it.

I am proud to join with both the Blue Dog and Populist Caucuses in promoting fiscal responsibility and a new, responsible way forward for this country's economic future.

DIGGING THE DEEP HOLE OF DEBT

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

Mr. POE of Texas. Madam Speaker, today we are voting on whether or not to raise the debt limit so the government can borrow more money. Borrowing and spending is out of control.

This is one of my kid's old credit cards. When it reached the spending limit, it meant there was no more room on the credit card for one of my four kids to spend more money. So when it reached the limit, they begged Daddy to raise the limit so they could spend more money. And if I raised the limit, spending always increased until that new limit was reached.

Today we're voting on whether or not to add $1.9 trillion more to the national credit card limit. So what happens if we say ''no'' to all the borrowing? We might have to quit spending money. Do the American people really want their government spending and borrowing less money? I think they do.

This is my congressional voting card. I will be using this card to vote against more debt on the American people. When you find yourself in a financial hole, stop digging.

Don't borrow more money and buy a backhoe and dig a deeper hole of debt.

And that's just the way it is.

YUCCA MOUNTAIN JOHNNY

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

Ms. BERKLEY. Madam Speaker, on behalf of Yucca Mountain Johnny and the people of the State of Nevada, I want to thank the President for putting the kibosh on the Yucca Mountain project, which would have shipped 77,000 tons of toxic nuclear radioactive waste across 43 States to be buried in a hole in the Nevada desert, where we have groundwater problems, seismic activity, volcanic activity, no radiation standards, no way to safely transport the waste, and no canister that currently exists that could store the waste without corroding.

The President came to Nevada 20 times during the campaign and pledged to stop Yucca Mountain. This week, he honored his pledge. The people of the State of Nevada are grateful that he ended this expensive, dangerous, foolish project.

On behalf of Yucca Mountain Johnny, and myself, we thank you, Mr. President. Way to go.

CASH FOR COURTROOMS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Remember September 11, 2001? Two planes hit the World Trade Center. One plane crashed into the Pentagon and another was stopped from hitting its targets in Washington by the brave action of its passengers. All together, thousands died—civilians and soldiers—in that terrorist attack of war.

Now, Khalid Sheikh Mohammed, the self-professed mastermind of this act, and his four co-conspirators are to be tried for this act. But the administration wants to take them out of the detention facility at the Navy base Guantanamo and try them in a civilian court, not a military court. To sweeten the deal, the administration is offering $200 million in a cash for courtrooms deal.

No amount of Federal funds can compensate for the risk this trial would place on the people of New York, Pennsylvania, Virginia, or any other State that would seem to have jurisdiction. This unnecessarily jeopardizes the safety of the citizens, the jurors, and the judges in those communities.

Mohammed and his coconspirators should be tried not in a civilian court for the terrorist acts of war. The American people get it. They want them to be judged by a military court. Why doesn't Washington get it, too?

POPULIST CAUCUS BLUEPRINT ON RECOVERY

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

Ms. SHEA-PORTER. Madam Speaker, I rise today as a founding member of the Populist Caucus to urge my colleagues to support the plan to create jobs and rein in Wall Street. We must end these big corporate bonuses to executives at financial firms that were bailed out by the taxpayers.

Just yesterday, it was reported that AIG is spending another $100 million in bonuses. The people who helped to get us into this mess should not be rewarded while their companies still owe money to the American people.

That is why the Populist Caucus is supporting H.R. 4426, the Wall Street Bonus Tax Act. This bill would tax the bonuses of the bailed-out companies to help small businesses by providing direct lending and other financial assistance.

In addition, the Populist Caucus is supporting H.R. 4191, the Let Wall Street Pay for Restoration of Main Street Act. This bill would create a small transaction fee on certain trades—not the small trades of individual investors or retirement accounts—and it would use those funds to support job creation and to pay down the debt.

Madam Speaker, Wall Street has gone right back to their old ways, but small businesses and families are still suffering. Wall Street must now help small businesses and workers. These bills would help, and I urge my colleagues to support them.

FREE TRADE AGREEMENTS

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

Mr. DREIER. Mr. Speaker, recently the Economist Magazine had an article in which they said it was time for the President to get tough, and in it, it pointed to the fact that he needed to be serious about the trade issue. It congratulated him for not taking a step backward toward protectionism. But the fact of the matter is, by doing nothing, we are taking a step backward.

Now I'm glad to see that the Secretary of Commerce, Mr. Locke, is today launching an initiative which will encourage greater trade. Well, it's wonderful to say that we need to focus on a small business, 21st century, export-oriented trade policy, but the fact is the only way that we can do that is if we pry open new markets for union and nonunion workers in the United States of America at companies like Caterpillar, Whirlpool, and other companies. We can do that by doing what the President failed to do in his State of the Union message after making a great statement about trade, and that is: send up the agreements that are pending that have been signed for Panama, Colombia, and South Korea. The votes are here if we could have that on the floor of the House ASAP so that we create good American jobs.

□ 1015

REINSTATING FISCAL DISCIPLINE

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

Mr. HEINRICH. Mr. Speaker, working families and small businesses across New Mexico face difficult budgeting decisions. And when it comes to the Federal budget, we owe it to them to spend within our means and without unreasonable borrowing. This legislation, referred to as PAYGO, mandates that the Federal Government pay for new tax cuts and spending by finding savings elsewhere.

In the 1990s, PAYGO helped turn massive deficits into record surpluses, but that policy was abandoned by the Bush administration. After not paying for two wars, two tax cuts, and a new entitlement program, we now face a growing deficit. I am an original cosponsor of PAYGO legislation because we have to get this deficit under control. For the sake of our children and for our financial future, we must reinstate fiscal discipline in Washington.

I urge my colleagues to support this bill.

THE BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's $3.8 trillion budget proposal sets a lot of new records—record spending, record deficits, record debt. We can't tax, spend, borrow, and bail out our way to recovery. If we could, we wouldn't have 10 percent unemployment after passing a multibillion-dollar stimulus package and raising the debt limit to $14.3 trillion. That's $47,000 for each American.

Americans are sick and tired of the Democrats' tax-and-spend agenda. Unfortunately, this President's budget only proposes more of the same. It's time for a new approach to fixing our economy. Let's focus on balancing the budget and lowering taxes for small businesses. That's the way to grow the economy and finally create jobs. Congress should never vote for anything less.

CYBERSECURITY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to House Resolution 1051 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. 4061.

□ 1017

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. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, with Ms. BALDWIN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 3, 2010, amendment No. 18 printed in House Report 111–410, offered by the gentleman from Virginia (Mr. CONNOLLY), 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 on which further proceedings were postponed, in the following order:

Amendment No. 19 by Mrs. HALVORSON of Illinois;

Amendment No. 20 by Ms. KILROY of Ohio;

Amendment No. 21 by Mr. KISSELL of North Carolina;

Amendment No. 24 by Mr. OWENS of New York.

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

AMENDMENT NO. 19 OFFERED BY MRS. HALVORSON

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mrs. HALVORSON:

Page 15, line 2, strike ''need and to'' and insert ''need, to''.

Page 15, line 5, insert before the period at the end of paragraph (2) '', and to veterans. For purposes of this paragraph, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 15, as follows:

[Roll No. 39]

AYES—424

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell

Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Abercrombie
Aderholt
Barrett (SC)
Boozman
Brown, Corrine
Edwards (TX)
Engel
Gutierrez
Johnson, E. B.
Murtha
Platts
Radanovich
Ruppersberger
Thompson (PA)
Young (FL)

□ 1049

Messrs. STEARNS and SAM JOHNSON of Texas 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. 20 OFFERED BY MS. KILROY

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. KILROY:

Page 14, line 10, strike ''and''.

Page 14, line 12, strike the period and insert ''; and''.

Page 14, after line 12, insert the following new subparagraph:

(D) outreach to secondary schools and 2-year institutions to increase the interest and recruitment of students into cybersecurity-related fields.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 419, noes 4, not voting 16, as follows:

[Roll No. 40]

AYES—419

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

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—16

Barrett (SC)
Brown, Corrine
Cantor
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Engel
Gutierrez
Hinojosa
Johnson, E. B.
Murtha
Platts
Radanovich
Ruppersberger
Thompson (PA)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1058

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 40, had I been present, I would have voted "aye."

AMENDMENT NO. 21 OFFERED BY MR. KISSELL

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. KISSELL:

Page 11, lines 9 and 10, strike ''Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is amended to read as follows:'' and insert ''Section 5(a) of such Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (3)(A), by inserting '', including curriculum on the principles and

techniques of designing secure software'' after ''network security''; and

(2) by amending paragraph (6) to read as follows:

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 423, noes 6, not voting 10, as follows:

[Roll No. 41]

AYES—423

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

NOES—6

Broun (GA)
Campbell
Flake
Lewis (CA)
McClintock
Paul

NOT VOTING—10

Barrett (SC)
Brown, Corrine
Ellsworth
Engel
Gutierrez
Johnson, E. B.
Murtha
Radanovich
Thompson (PA)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1106

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. OWENS

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. OWENS:

Page 6, line 24, insert '', including technologies to secure sensitive information shared among Federal agencies'' after ''digital infrastructure''.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 430, noes 0, not voting 9, as follows:

[Roll No. 42]

AYES—430

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo

Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—9

Barrett (SC)
Brown, Corrine
Cassidy
Engel
Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1115

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

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

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. BALDWIN, 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. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, pursuant to House Resolution 1051, she 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 SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 5, not voting 6, as follows:

[Roll No. 43]

YEAS—422

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

NAYS—5

Broun (GA)
Flake
Gohmert
Paul
Sensenbrenner

NOT VOTING—6

Barrett (SC)	Murtha	Thompson (PA)
Gutierrez	Radanovich	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1135

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4061, CYBERSECURITY ENHANCEMENT ACT OF 2009

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 4061, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 45, INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1065 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1065

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The question of adoption of the motion shall be divided between concurring in the matter preceding title I of the Senate amendment and concurring in the matter comprising titles I and II of the Senate amendment. The first portion of the divided question shall be considered as adopted. If the second portion of the divided question fails of adoption, then the House shall be considered to have made no disposition of the Senate amendment.

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

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

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1065.

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

There was no objection.

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

Madam Speaker, the resolution provides for consideration of the Senate amendment to H.J. Res. 45, the debt limit and statutory PAYGO resolution. The rule makes in order a motion offered by the majority leader or a designee that the House concur in the Senate amendment. The rule waives all points of order against the motion except those arising under clause 10 of House rule XXI and provides 1 hour of debate on the motion. The rule divides the question between concurring in the matter preceding title I of the Senate amendment and concurring in titles I and II of the amendment. The first portion of the question shall be considered as adopted. If the second portion fails, then the House will be considered to have made no disposition of the Senate amendment.

Madam Speaker, this vote is both historic and difficult. It is historic because it is reinstating the pay-as-you-go law, or PAYGO. This is one tool in the effort to reduce the deficit and return fiscal common sense back to our budget. And it is difficult because this resolution includes a $1.9 trillion increase in the debt limit.

Now, let me begin with the debt limit. None of us are eager to increase the debt limit. But we have a responsibility to take action. The Treasury Department has informed Congress that the United States will reach the current statutory limit on the national debt on February 11. That is next Thursday. If the debt limit is not increased before that date, Treasury will not be able to meet the obligations of the U.S. Government.

Simply, Madam Speaker, if we don't act, then we will default. Now, I can't think of a more reckless or irresponsible act. Defaulting is not an option. If the United States defaults, investors will lose confidence that the U.S. will honor its debts in the future. They would likely demand higher interest rates to compensate for the higher risk of purchasing Treasury securities. And this would increase the cost of Federal borrowing, result in even greater budget deficits, and require higher taxes and fewer government services. A greater portion of U.S. wealth would be transferred to overseas creditors, to China, India, and Saudi Arabia. And it is also possible that those creditors would demand that the U.S. borrow in other currencies rather than dollars, putting in peril the very value and stability of the American dollar.

It is clear that the responsible course of action is to raise the debt limit. It is also clear that we are in this position because of the policies that have been implemented over the past decade. Ten years ago, Madam Speaker, we had a budget surplus. Since then, our country was attacked and the worst recession in our lifetimes took a severe economic toll on our Nation's economy. But we also had two wars that were unpaid for, tax cuts, mostly for the wealthy, that were unpaid for, and a prescription drug benefit that was unpaid for. Yes, Republicans and Democrats have had to increase the debt limit because of these policies and events. And unfortunately, we have to do it again today.

Now, I know there will be those who want to use this vote as a way to demagogue this issue. There will be those on my side of the aisle who will detail how the policies of the last 8 years put us in this position, and there will be those who use this debate to claim that the recession is the fault of the Democrats. We can have that debate, and we will have that debate. But at the end of the day, Madam Speaker, it is my hope that nobody in this Chamber would put our Nation at such financial and economic risk simply because of politics.

My friend from Massachusetts and my colleague, Congressman RICHARD NEAL, said it best in the Rules Committee last night: ''If you voted to go to war in Iraq and Afghanistan, if you voted for the tax cuts that went mostly to the wealthiest in this country, or if you voted for the Recovery Act, then you have to vote to raise the debt ceiling.'' Simply put, the American people want us to solve our Nation's problems. And increasing the debt limit is the responsible action. But it doesn't address the underlying problem. And that is the problem of the deficit.

That is where statutory PAYGO comes in. Statutory PAYGO requires all new policies be offset. That means paid for. In plain English, we have to pay for what we buy. While it is not the only step we can take, this is a solid step towards fiscal discipline.

Now, why is PAYGO so important? It is important because our fiscal health and long-term economic prosperity depend upon it. We must find a balance between short-term deficit spending to speed along our economic recovery with longer-term fiscal discipline.

Dick Cheney, Madam Speaker, famously said that deficits don't matter. Well, I believe that they do matter, and I am glad to hear that my Republican friends now agree with Democrats that deficits do matter. I trust that at the end of the day they will vote that way too. But whether you vote for this resolution or not, you must at least admit that President Obama and the Democrats are facing this problem head-on. We are making sure we responsibly

meet our financial obligations. We are instituting PAYGO so that we pay for the programs that we are funding. And we expect President Obama to formalize a debt commission soon to make other recommendations to bring down our debt. These are important steps, and these are real steps.

I urge my colleagues to do the right thing, to vote for this rule and this resolution.

I reserve the balance of my time.

□ 1145

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

Madam Speaker, no surprise, I rise in opposition to this closed rule. The charade of Speaker PELOSI running ''the most open, honest, and ethical Congress'' is once again confirmed today that that's not happening. That is not happening here again on the floor, and it's related to this activity that we went through in the Rules Committee upstairs just yesterday.

At a time of record deficits and record unemployment, my colleagues on the other side of the aisle are simply trying to blame Republicans and George Bush rather than looking at their own responsibility of what they have done in the last year that has placed enormous, enormous financial strain on this country. Never once did they talk about that responsibility, that they led this country, saying, We must go and spend this money because it will lend itself to jobs. And we're going to have the stimulus bill. We're going to call it the stimulus bill.

The President went all over the country and Members of Congress went all over the country and sold this. It didn't work it. It didn't work. It didn't work big time. I didn't hear any offer of, Whoops. As Vice President BIDEN said, We guessed and it didn't work.

I think it would have been appropriate this morning for the gentleman from Massachusetts or anybody from the Democratic Party to stand up and say, You know, we did guess. I know those Republicans told us this wouldn't work, but we really guessed and we guessed wrong. The Vice President has the guts to say that. I think this body should say the same thing, rather than trying to blame this on George Bush.

Today, we're here to raise the debt limit an additional $1.9 trillion. Now, the first question is: My gosh, why so much? Because so much burden and debt has been added. The bottom line is we're only here because what our friends Speaker PELOSI and the Democratic Party have done did not work. They took out a monster loan that is not paying off. But today, there is not even a vote. It's required, but not even a vote or a debate on the issue of raising the debt limit. In fact, the majority party has used deceitful procedural games to hide the fact that they are raising the debt limit again, for the sixth time, six times since they took control of the House. Why, you ask? Well, it's to give their members political coverage and a vote on statutory PAYGO again. I guess we're going to keep blaming George Bush, President Bush, for this.

The bottom line is, Madam Speaker, as I speak to each of the Members here on the floor today, this is about raising the statutory debt limit $1.9 trillion. And my colleagues and I are going to spend the time today discussing the current economic climate, the reason why things aren't working. The majority's principles and priorities of spending and taxing and borrowing and the President's fiscal year 2011 budget—$3.6 trillion—that was just released this week tell the reason why.

Madam Speaker, we've told you over and over again, if you take the investor out of the equation, if you tax the American people, if you destroy job creators, if you go at employers and have a battle with them, they will get it. They will quit employing people.

Our President seems to have, every time I watch him, he's always after somebody. He's always got a problem; the bankers, the doctors, insurance. Every time I look up, our great President, Barack Obama, has an ax to grind with somebody, and it's generally employers. And then he wants to turn around and say, How come we don't have any jobs? Oh, we're going to get those. We'll get those. This is America. We can do anything.

But the policies are not creating jobs; they're creating debts. They're creating circumstances where this country has to again today borrow for the debt limit and pass a bill here today that says we're going to raise the debt limit $1.9 trillion so our government doesn't go belly up. Madam Speaker, that is over $46,000 per American family, just what we're doing now. Since September 2007, the year our friends the Democrats took control, over $3.8 billion, on average, has been added to the national debt every single day.

The President's budget borrows too much, taxes too much, and spends too much. But what it does is it kills the goose that lays the golden egg. Then we wonder why we don't have jobs in this country.

The $3.6 trillion budget represents nearly a 30-percent increase in total outlays since 2008. The budget includes more than $2 trillion in job-killing tax hikes, with nearly a 20-percent jump in the first year alone. I get it. I get it as an individual taxpayer, and that's why I virtually sold all my stock. I got out of the stock market because this administration and this Congress want to kill economic growth and opportunity, and I can't take that and everybody else can't take that. And so that's why you're seeing employers and others say, Enough is enough. That's what we're saying here today.

This tax includes taxes on small businesses, investors, and families earning less than $250,000 a year, also. I thought we heard the President say that he was going to give everybody a tax cut. They keep talking about it. Boy, it's a great idea to float. Sure wish you'd deliver on that one. But let's also go to the high side. We need investors to be in the game, Madam Speaker. We need investors, and this bill taxes the stuffings out of them.

Additionally, the President's budget runs up a record budget deficit again. We're going to vote on it again. Democrats, Yea, we support the President. All these great priorities. The national debt is predicted to double once again over 5 years and triple by 2019, and that's a mistake. Interest alone would set the American taxpayer back roughly $6 trillion, just the interest over the next decade.

The American people want Congress, want Washington to rein in borrowing, taxing, and spending. They don't want more of it. They want Congress to stop talking about what they will do about helping jobs and to actually make the environment better. There's still an experiment going on out there, Madam Speaker, and people are not buying it because they are concerned about Washington and what they're going to do next. Taxing, spending, and borrowing is not a way to start this new year.

During last week's State of the Union, President Obama stated, Starting in 2011, we will prepare to freeze government spending for 3 years. Great. Great, Mr. President. That was Thursday night. I went upstairs just yesterday and I offered an amendment in the Rules Committee on H.R. 4061, the Cybersecurity bill, the first bill right out of the bag, and I took the President up on that and said, Hey, I think we ought to have an amendment added to the bill, since the bill doesn't do it, that would have frozen spending just on two programs for 3 years. My amendment would have saved a paltry $47 million. That's all, just $47 million. I know it's not a lot. And you would not have believed the calls at me about how out of line I was and how this was the most important thing in the history of our country.

This body is not prepared to make tough decisions. This body is not prepared even to cut $47 million after we clapped for the President just the other day. This Democrat majority continues to pursue initiatives and policies that will lead to more unemployment and bigger and more deficits. This administration and the Democratic majority promised the American people they would aim for jobs and economic recovery, health care, cleaner energy, better education. That list goes on and on and on. And I will tell you what we've got for it: record deficits, record spending, and record unemployment.

I reserve the balance of my time.

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

Madam Speaker, my Republican colleagues are impressive. They're impressive in their ability to cover their

tracks. They make a mess; they cover their tracks. They make a bigger mess; they cover their tracks. They drove this economy into a ditch. They're trying to cover their tracks. Well, that's fine for playing politics on the House floor, but the facts are a stubborn thing. The facts are that $4 trillion of Bush tax cuts were unpaid, $4 trillion: $700 billion for the Bush prescription drug bill, unpaid for; $3.5 trillion in mandatory revenue costs of the Bush economic collapse that we had to endure because of the lousy economy; record job losses in the Bush economy.

Now, the fact of the matter is that we are faced with difficult economic times, and I would like to think that my colleagues on the other side of the aisle would at least take some responsibility in helping to fix things. My colleague talks about the Recovery Act as if it meant nothing.

According to the nonpartisan Congressional Budget Office, the Recovery Act is already responsible for as many as 2.4 million jobs through the end of 2009. An analysis by the Council of Economic Advisers also found that the Recovery Act is responsible for about 2 million jobs, and that's not counting the jobs that were saved. In my home city of Worcester alone, 500 teachers and support staff would have been laid off without the Recovery Act; 22 cops would have been laid off and 17 firefighters. My colleagues on the other side of the aisle would say, Fire them. Fire the teachers. Fire the cops. Fire the firefighters. That's irresponsible.

So I also point out that former McCain advisor Mark Zandi said that the stimulus was key to the strong fourth quarter growth in the U.S. economy. We just heard the news from the Department of Commerce that the U.S. economy grew at 5.7 percent from October through December, a better than expected gain.

And this is what Mark Zandi, the Republican advisor, said: I think the stimulus was key to the fourth quarter. It was really critical to business fixed investment because there was a tax bonus depreciation in the stimulus that expired in December and juiced up fixed investment. And also, it was very critical to housing and residential investment because of the housing tax credit. And the decline in government spending would have been measurably greater without the money from the stimulus, because the stimulus was very, very important to the fourth quarter. That's a Republican advisor, McCain advisor, Mark Zandi.

Now, I would just say, Madam Speaker, that those of us who voted for the Recovery Act have a responsibility to vote ''yes'' on this rule. But I would also say that those who voted for the wars in Iraq and Afghanistan, wars that were not paid for, somehow it's okay to ask all of our men and women to sacrifice, but we do nothing. But those wars were not paid for. But if you voted for the Bush tax cuts, the $4 trillion that was unpaid for, at least have the responsibility to come to the floor and do the right thing.

So I would urge my colleagues, Madam Speaker, to vote for this rule and vote for PAYGO. During the Bush years, no one talked about the deficit except to say that it didn't matter. That was Dick Cheney and some of my other colleagues. It does matter. We need to get the deficit under control. We need to help grow this economy. Statutory PAYGO is one way to do it.

I reserve the balance of my time.

□ 1200

Mr. SESSIONS. Madam Speaker, by the way, I like this PAYGO thing that my friends, the Democrats, are pushing. But when it comes down to it, they waive PAYGO on a regular basis.

Madam Speaker, at this time I yield 2 minutes to the gentleman from Chico, California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I rise in strong opposition to this rule and to the underlying bill. Excessive debt helped bring about the current economic downturn, and the American people know it. Working families have to make difficult choices every day to balance their budgets, yet Congress still refuses to make the tough choices needed to balance the Federal budget.

The legislation before us authorizes the Federal Government to go $2 trillion deeper in debt. In place of real fiscal discipline, it offers a phony pay-as-you-go rule that is full of loopholes and exceptions and does nothing to tackle our government's long-term structural deficits. The good news is that we can take real action to start cutting the deficit today. At a time when our economy is hurting and Washington continues to pile debt on future generations, it's simple common sense to stand up and say enough is enough.

By defeating the previous question and voting ''no,'' the House will have an opportunity to consider the End TARP Act, legislation I introduced along with Mr. PAULSEN and Mr. TIAHRT that would finally bring TARP to an end and immediately reduce the amount of money the government must borrow. A vote for this rule is a vote in favor of the status quo in Washington. The American people have spoken, and it's time the House acts to reduce unnecessary spending.

Madam Speaker, I urge a ''no'' vote.

Mr. MCGOVERN. Madam Speaker, at this time I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Budget Committee.

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

Mr. ANDREWS. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

The constituents that I listen to know that both parties are responsible for borrowing a lot of money. They know that we borrowed a significant amount of money in recent times. They also know that the minority party voted to borrow and increase the national debt by 70 percent during the term of the prior President. They know that this is the worst economic times we've had since the Great Depression. They don't know this by reading the newspaper. They know it by reading the balance in their checking account or reading the foreclosure notice that came in the mail yesterday or reading the want ads because they're looking for a job. They know this.

They know that us saying the Republicans did wrong and the Republicans saying we did wrong isn't going to fix their problems. So what they know is they want to hear us talk about what to do about this burgeoning problem of the national debt. Here is our answer: We first believe that the best way to reduce the debt and reduce the deficit is to get people back to work so that individuals and families are able to pay taxes and so that businesses are able to pay taxes off of their profits.

The best deficit- and debt-reduction program is full employment. We have nothing like full employment, nothing like it at all. We've lost huge numbers of jobs, and our plan to do something about it has been this: First, we believe that we should cut taxes for middle-class families so they have more money to spend. That's what we did last year, and the President proposes to do it again this year. Second, we believe that we should cut taxes for small businesses so they can reinvest in their businesses. That's what we voted for last year. We're prepared to do it again. We believe that we should put people back to work, rebuilding our roads and our bridges, rail systems, clean water systems, clean energy. That's what we voted to do last year.

We are a long way from succeeding in this effort, but here is what has happened: In the last quarter of 2009, nearly 800,000 Americans lost their jobs. Tomorrow we will hear the reports for the month of January. They won't be good. But they will be a lot better than 800,000 people losing their jobs, which is what happened in the last quarter of the year before last year. We've seen growth in the fourth quarter at 5.7 percent. That means nothing to you if you're still looking at the want ads, but it means that there is reason to think that jobs are on the way.

And what have we heard about this? The chief economic adviser to President MCCAIN's Presidential campaign said that the key factor of that growth taking place was the recovery bill that we passed last February. Those are his words, not mine. The nonpartisan Congressional Budget Office, as Mr. MCGOVERN said, estimates that as many as 2.4 million jobs have been created as a result of the recovery bill. We have a long way to go. We have laid out our plan to get there. Frankly, the minority has not laid out a plan, and we look forward to them doing so.

The second thing that you need to do is to restrain and reduce spending. Most people will agree that the number

one spending problem is entitlements, and the number one entitlement problem is health care. There are two ways to reduce health care spending. The first way is to restrain spending right now in existing programs. That's what we did. In November, a bill came to this floor to reform the country's health care system that would have stopped what I believe are wasteful payments to health care providers and people making money off the system to the tune of $480 billion, real deficit reduction that we all voted for. No one—with one exception—on the other side voted to do that.

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

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

Mr. ANDREWS. I thank the gentleman. The second way to reduce health care costs is to change the health care system so there is more competition, so that insurance companies have to compete for people's business and keep costs down that way. We'll all have a chance to vote on a bill that does that next week.

And yes, the third thing that I think you have to do is to raise some revenue. The President and most of us ran on this proposition. We do believe that couples who make more than $250,000 a year and individuals who make more than $200,000 a year should be asked to pay the tax rates that they paid before the Bush tax cuts of 2001. Now we heard in 1993 that this would ruin the economy. It would cause calamity. It would be the end of the American economy as we know it. Mr. Gingrich said this. Others said this. They were wrong. After they said these things, the economy created 23 million new jobs. When we followed their way, the economy lost jobs in the succeeding 8 years.

The American people want to know what we intend to do, and we've said what we intend to do. We know it can be better.

Mr. SESSIONS. Madam Speaker, it's a good thing we're here on the floor of the House where we're exempt from things like deceptive practices, because this body would be guilty today. Here we are with the Statutory Pay-As-You-Go Act of 2010. Madam Speaker, 32 pages of this 56-page bill are exemptions to pay-as-you-go. So 32 pages are—Oh, we say we're going to have pay-as-you-go—but 32 of the 56 pages are, I'm sorry, but it does not apply to the following items. Madam Speaker, that's deceptive.

Madam Speaker, at this time I yield 3 minutes to the favorite son of Dallas, Texas, the gentleman Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding. Madam Speaker, I heard one of my Democratic colleagues say that today is a historic day, that there is a historic opportunity. And yes, history is being made today because never in the history of America has the debt limit been increased to $14.294 trillion. Here we are again, just a few months later, enacting yet another increase in the debt limit. The new debt limit, again, $14.3 trillion, costing every American household over $120,000.

What do I hear from my Democratic colleagues? Well, we hear the old blame game. That's the first thing that we hear. We hear a lot of names from the past. Well, facts are pesky things, Madam Speaker. Listen, there is blame to go around. My party spent too much money. I have a chart right here. It's Congress that controls the purse strings, as we all know. And when the Republicans controlled Congress—this is the blue—these were our deficits. They averaged about $104 billion a year. I'm embarrassed about that. It's much too high. Now in their 3 years of control by the Democrats, we have deficits that are averaging over $1 trillion, $1.1 trillion. That's the difference. What was once our annual deficits have become their monthly deficits, Madam Speaker. That's totally unacceptable.

More history was made earlier this week when the President submitted his proposed budget that so many of my friends on the other side of the aisle decided to embrace. It made history. It is breathtaking in its red ink. It spends $3.8 trillion. The largest budget in American history is being proposed. It proposes a $1.6 trillion deficit, the highest deficit in the history of our Nation, over 10 percent of our economy. We haven't seen debt-to-economy ratios like this since World War II. It triples the national debt in just 10 years. Yes, this is a historic day because, once again, we are here to accommodate the spending agenda of the Democrats with a historic new increase in the debt limit.

Madam Speaker, I will just ask this question: Where are the jobs? We were told that if we went off and if we passed this government stimulus plan, that somehow unemployment would never go above 8 percent. What do we have? We have an extra $1 trillion in debt from that act, and we are still mired in double-digit unemployment. You cannot spend, borrow and bail out your way to prosperity.

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

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

Mr. HENSARLING. I thank the gentleman. Again, we have seen it. It's almost a year later, and yet the Democrats continue to try more of the same. Borrow, spend, bail out your way into prosperity. And what do we have? Again, an additional $1.2 trillion in debt, and over 3 million more of our fellow countrymen have lost their jobs.

Small businesses are wondering who's going to pay for all this? They're concerned about the $2 trillion takeover of health care. Who's going to pay for that? They're concerned about the threatened $800 billion carbon tax, the energy tax. Who is going to pay for that? The omnibuses. Is it any wonder that jobs are not being created in America?

I speak, Madam Speaker, to small businessmen and investors every week, and they tell me, We're too scared to create jobs in this environment. Are we going to have rapid inflation? Are there going to be huge tax increases? Are Congress and the President going to vilify us once again? And my colleagues wonder where, where are the jobs.

You cannot borrow and spend and bail out your way to prosperity.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS), another member of the Budget Committee.

Mr. EDWARDS of Texas. Madam Speaker, getting sailing lessons from the captains of the economic Titanic may be interesting but not very helpful. Let's get serious. Allowing the U.S. Treasury to default on our Nation's debt for the first time in history is not a responsible option. It would devastate our economy, our stock market, and our children's futures. Republicans know it, and Democrats know it. We all know it.

The responsible action is to start getting control of our deficits today, and we can do that by passing the pay-as-you-go law. Pay-as-you-go is a principle that citizens understand and live by every day. It's a principle that helped Congress in the late 1990s turn the largest deficits in American history, created by some of those who have just spoken, into the largest surpluses in American history.

Unfortunately, the Republican House leadership killed the House pay-as-you-go rule that had worked so well. It killed it in 2002. And what happened? The largest surpluses in our history turned into the largest deficits in American history. The Republican-led Congress passed massive unpaid-for tax cuts and the largest expansion of Medicare without paying for a dime of that. Those two actions alone added $6 trillion to our national debt over a period of just one decade, $6 trillion, most of which was borrowed from the Chinese and other foreign governments. It's time to put some discipline back into our Federal budget processes, and that is what pay-as-you-go is all about.

I am proud to have initiated the effort to make this law, this PAYGO, not a temporary law but a permanent law. Had we done that in the 1990s, we wouldn't be facing the terrible deficits that we hear decried today. Pay-as-you-go works for families, pay-as-you-go works for businesses, and then in the 1990s, it worked for the American people in the Federal budget. And when we pass this into law, it will work once again and help us get these intolerable Federal deficits back under control and preserve our children's futures.

Mr. SESSIONS. Madam Speaker, once again, a hyperbole that does not match the action. Out of the 56 pages of this bill, 32 pages are exemptions to pay-as-you-go, 32 of the 56 pages that

our good friends are touting as the answer and the right way to do it. But most intriguing is that we've heard that the way to do it is the way it's being done here, because it's open and honest.

□ 1215

There is not even a vote on the debt limit; it's self-executed in the rule. So let's go and vote for PAYGO and talk about how responsible we are. Oh, at the same time, make sure we fund what we've done, $1.9 trillion. The Rules Committee is pretty good up there, Madam Speaker. Know how to hide things. Know how to obfuscate the real facts of the case. The facts of the case are the American people know what's going on. They K-N-O-W what is going on. Over the last year, I've heard from constituents also, and they want a good economy and they want jobs. And the Democrat majority is simply not stepping up to this.

I'm going to encourage a ''no'' vote on the previous question and a ''no'' vote on the rule when it's our time to get that done. Just so our colleagues understand this, we're going to have a vote on this one here today.

Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I rise today to express great concern on behalf of our children and our grandchildren who are going to bear the burden of this expansion of our national debt. Today we're going to vote on the sixth increase in the debt limit in the past 2½ years. After today we will have added $4 trillion to the government credit limit. Who's going to pay this bill? Congress must address the root of this debt limit increase. It's the spending.

I want to point to a chart here that the President the other night came and talked to us about his spending freeze. So here is the impact of the freeze on spending. I know it's a little hard to tell, but if you look real closely, you see that you get a 49.27 percent growth in spending without the freeze, but with the freeze you get a 49.01 percent increase in spending.

It's a gimmick. This whole PAYGO thing is a sham. We just had a gentleman in New York that was doing a kind of a sham transaction, and he's probably going to—in fact, he is in prison for a Ponzi scheme. That's what this whole situation is is a Ponzi scheme, because what we're doing is we're borrowing and spending and borrowing and spending; we're borrowing the money to make the interest payments on the debt that we already have. And what do the Democrats want to do? They want to borrow some more money.

If you were serious about spending, I offered two amendments yesterday to the Rules Committee that would have put some caps on spending, would have begun to decelerate the growth of government. Those rules, are they eligible to be considered on this floor today? No, they were denied.

You see, if we keep putting off and playing the Ponzi scheme game, we're going to keep running up the debt for our children and our grandchildren. What does PAYGO really mean, the PAYGO vote that we're going to have? It means the American people get to pay and the Democrats get to go spending, taxing and borrowing, just like they've been doing since they took control of this House 3 years ago. But they want you to think today that they have brought some real reform to this body. We passed PAYGO in 2007. Guess what we've done since we've passed PAYGO? We've raised the debt limit five times. And, in fact, in 1998, of the bills that came across this floor, 98 percent of the time, PAYGO was either waived or exempted from that.

And as the gentleman pointed out a while ago, and I appreciate him doing that, a majority of the text of this bill isn't about how we're going to cut spending; it's about the things that we're going to waive that aren't going to be subject to PAYGO. So if we're serious about cutting spending in this country because we're serious about this debt, then why aren't we taking steps that really are going to address spending? The reason that they don't want to address spending is they don't intend to cut spending. They intend to raise taxes. I encourage my colleagues to vote against the rule.

Mr. McGOVERN. Madam Speaker, this debate is laughable. During the Republican-controlled Congress and under President Bush from 2002 to 2006 the debt limit was raised by over $3 trillion. That's just a fact. You can't deny that. Secondly, why are they so against PAYGO? Why are they so against being responsible? Because they have an alternative plan. And we saw the outline of that alternative plan in the Budget Committee the other day, and their plan is to try to reduce the deficit and balance the budget by going after Medicare and Social Security, privatizing Medicare, privatizing Social Security, letting Medicare wither on the vine, going after these programs, which is something they have tried to do time and time again.

But let me just say this for the record: while the Democrats control this Congress, we're not going to let you destroy the two most important social programs that have ever been enacted in this country.

At this time I'd like to yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I find it interesting that our colleagues on the other side of the aisle, the Republicans, say that this is a sham. You know what? It was the law for a decade under the Clinton administration, and I guess it wasn't a sham because the first thing the Republicans did was to repeal PAYGO so that they could run up the massive deficits of the Bush years. We're asking to put this back in place because this is how we cleaned up the unsustainable deficits of the Reagan years. This is how we got, for the first time, a surplus for this country that evaporated in the Republican irresponsibility. PAYGO's not a sham. There's no more sacred cows.

The fact of the matter is, you'll have to choose your priorities. Our priorities may be different, but you don't get to charge them off to the future. You're either going to pay for them, you're going to raise revenues, or you're going to cut something else. The fact is it worked and it worked and it worked and it worked and the deficit came down. And the fact of the matter is, I offered this in 1983, but it couldn't get to Congress because they thought it was too tough. Finally, under President Clinton we did it and the deficits came down, and we left you with an inheritance of $5 trillion that you squandered, you wasted. And now you want not to play by the rules. The rules are you should pay as you go.

Mr. SESSIONS. Madam Speaker, I'd love to engage the gentleman if he would take the time; but I'd like to ask him, if he says it's so good, why are 32 of the 56 pages exemptions to PAYGO? And I would like to find out if this is so real——

Mr. GEORGE MILLER of California. I'll be happy to respond because those were some of the same exemptions that existed in the law, and the fact is the deficit came down. We erased the $300 billion annual deficits of the Reagan administration. We did it over time, and we left you $5 trillion that you squandered.

Mr. SESSIONS. Good. I'd like the gentleman to address why are 32 of the 56 pages——

Mr. GEORGE MILLER of California. It's the same law we had before.

Mr. SESSIONS. Oh, we're going to blame it on Ronald Reagan now. I reclaim my time and I appreciate the gentleman for blaming this on Ronald Reagan. I tell you what, I would be very pleased to engage in a dialogue with the gentleman if you'll answer one question.

Mr. ANDREWS. Yes, sir.

Mr. SESSIONS. Why are you down on the floor, your party saying this is the real deal and yet 32 of the 56 pages exempt spending?

Mr. ANDREWS. May I answer the question?

Mr. SESSIONS. I would enjoy the gentleman doing that. I yield to the gentleman.

Mr. ANDREWS. They do not exempt spending. Here's what they say. As the gentleman knows, the structure of this bill is that increases in mandatory spending or decreases in revenue must be offset. There are four exceptions, the so-called ''doctor fix,'' the SGR payments; middle class tax cuts; the estate tax fix, which I think both parties have tried to support.

Mr. SESSIONS. Then why are we—we did the same thing but now it's okay for you.

Mr. ANDREWS. If I may, I'm trying to answer. Would the gentleman yield so I could answer?

Mr. SESSIONS. I am engaging with the gentleman.

Mr. ANDREWS. The pages the gentleman is talking about are what are called the sequestration rules; and what that means is, if the Congress violates pay-as-you-go, and it spends more than it should under those rules, then there is an automatic reduction in spending to make the so-called score card balance out, to make sure things are brought into balance. Sequestration has happened once in the years that pay-as-you-go were in effect. It was when Mr. Darman was Budget Director. It has never happened before. What these rules say is if there's a sequestration, there are certain programs that are off limits to the sequestration. But they're not exceptions to the PAYGO rule.

Mr. SESSIONS. I appreciate the gentleman. You know, I think the best evidence, and reclaiming my time, I think the best evidence that this is not working is the deficit rising from $161 billion in 2007, to $1.4 trillion last year and $1.6 trillion this year; $161 billion in '07 to last year, $1.4 trillion and this year $1.6 trillion.

I would say that the preponderance of the evidence does not support the hypothesis. Today, in this rule, we didn't really debate the debt limit about being honest about the vote; but we're going to go ahead and have an opportunity, Madam Speaker, when my colleagues vote ''no'' on the previous question, that we will be allowed to amend this rule to consider an end to the TARP Act to stop the bailouts which are a part of this problem. This act would immediately terminate the Troubled Asset Relief Program and reduce the debt ceiling by the amount of remaining authorized TARP funds, which is nearly now $200 billion.

We cannot continue what we're doing, spending taxpayer dollars and having these bailout programs. This is an ineffective program.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. Madam Speaker, America is calling for fiscal responsibility. And I welcome the gentleman from Tyler, Texas (Mr. GOHMERT) to speak for 2 minutes.

Mr. GOHMERT. Madam Speaker, we can agree on some things. Default is not responsible is one of them. It isn't responsible. But there are things that can be done to avoid defaulting other than raising the massive debt ceiling beyond anything anybody ever dreamed of before. And we keep being told that Clinton gave you a balanced budget. The President does not vote on a balanced budget. He signed, and wasn't real happy there at first about signing a balanced budget that was pushed over there by the Republican majority that was voted in in 1994 because of the Democrats' irresponsibility.

And so things went well as the Republicans did what they were elected to do for a time. But you are right: when President Bush got elected, 9/11 happened, and the spending began anew, and it was not responsible as it should have been. And when I was elected in 2004, one of the things that we dealt with was too much spending. And it continued. And some of us fought to bring it down, but it was not enough.

And as a result, the Democrats have been in charge since 2007. And so pay-as-you-go—let me tell you, I was asked earlier today by our whip, ERIC CANTOR. You know, we checked our records. You voted for this one of the times they brought it up last year. Why'd you do that? And I said, it was my mistake. I thought they were serious. But they keep waiving and exempting, keep adding it to bills, and here it is back again. They won't fool me again because I know they're not serious about it anymore.

We heard from Art Laffer, who was the architect behind turning around double-digit inflation, double-digit unemployment, double-digit interest rates. How'd he do it? He cut taxes 30 percent. And Art Laffer 2 weeks ago said you want to deal with this deficit? You have so much in the way of assets in the western part of the country. You own most of the country. Start selling some assets. That's what people do who are responsible.

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

Mr. SESSIONS. I yield the gentleman an additional minute.

Mr. GOHMERT. What responsible people do, and I appreciate being lectured on responsible, is they bring down spending immediately. You don't have a President or a head of a household saying we're going to get responsible next year. Yeah, that's it. Next year. No, you do it now. You don't keep going on. And I'll give you a personal, very personal example. We have three kids who have been going through college. We owe a lot on student loans. We have a home that I'm not in 4 or 5 days out of the week. I love that home. I hoped that home would be my home the rest of my life. But we're putting it up for sale because it's an asset; it will allow us to pay off debt.

Let's start selling some of our assets. But instead, oh, no. Last week we voted to buy a bunch of the Virgin Islands. We voted in here, because of the majority, we're going to buy homes in foreign countries for rare dogs and cats. We're going to buy homes for cranes that don't live in this country. It's time to get responsible all right. Let's vote down this bill, and let's come back and be responsible immediately.

Mr. MCGOVERN. Madam Speaker, again I remind my colleagues of $4 trillion in Bush tax cuts that weren't paid for. And during the Republican-controlled Congress under President Bush from 2002 to 2006 the debt limit was raised by over $3 trillion. I didn't hear any complaints at that time. My colleague talks about selling assets. The problem is the assets they want to sell are Social Security and Medicare, and we don't want any part of it.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

□ 1230

Mr. FATTAH. Let me thank my colleague for yielding me this time.

If we roll the tape back, I can hear, as if it was yesterday, Alan Greenspan, Chairman of the Fed, testifying before this Congress—and right after President Bush was sworn into office—about the fact of this $5 trillion surplus and the opportunity to pay off the debt. We were having a discussion about whether it would be good for our economy—this is in the record of this Congress—whether it would be good for our economy to pay off all of our debt or rather we should leave some debt on the books. That is what was projected. It was said at the end of the Bush Presidency, we can be an entirely debt-free country. Well, here we are today in a much different situation.

Now, if you want a balanced budget, then you should follow those people who know how to get us there. Democrats led the way under President Clinton, and we had a surplus. We had a balanced budget. We were paying down national debt. And that is where we are returning our country to, which is a responsible fiscal policy.

And as we see the economic turnaround, gross domestic product, 6 percent in the negative a year ago. We saw $700,000 lost in January a year ago. What we see now is a 5.7 percent increase in gross domestic product. We see purchasing orders up, manufacturing up, in today's report, by 1 percent, which is the second month in a row. We see home sales up. We see a country on the rebound.

And the fact of the matter is that PAYGO, as structured under this rule, not only says that you have to pay as you go, it also directs the Government Accountability Office to look for duplicative programs in the Federal budget that can be cut.

Now, I am going to be offering additional legislation next week on dealing with the debt that has been accumulated by the Republican President and the Republican majority over the last 6 years of the Bush administration, and we can do even more.

Mr. SESSIONS. Madam Speaker, if I could engage Mr. MCGOVERN for the purpose of letting him know that I am down to my final few minutes, I have two additional speakers. He has a lot of time remaining. I would ask that he engage his speakers and his time as we roll it down.

Mr. MCGOVERN. May I inquire how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Texas controls 3 minutes, and the gentleman from Massachusetts controls 9 minutes.

Mr. MCGOVERN. I yield myself 2 minutes, Madam Speaker.

Madam Speaker, we don't even need lectures from the Republicans on fiscal discipline. We did it, and we're going to do it again. And the President and the leadership here of this House has outlined how we're going to do it.

But I want to point out that my colleagues on the other side don't like statutory PAYGO. They don't want to pay for tax cuts for rich people or for corporations or for big oil companies because they have a different plan, and their plan is to reprise the Bush-era proposal to privatize Medicare and Social Security.

In the Budget Committee the other day, the ranking Republican introduced his plan, which makes it very clear that he wants to privatize Social Security and Medicare. Ezra Klein of The Washington Post writes, This proposal would take Medicare from costing an expected 14.3 percent of GDP in 2080 to less than 4 percent. That's trillions of dollars not going to health care for seniors. The audacity is breathtaking.

The Congressional Budget Office said of that proposal that starting in 2021, new enrollees would no longer receive coverage through their current program but instead would be given a voucher with which to purchase private health insurance. CBO says traditional benefits would be reduced below those scheduled on the current laws for many workers who are aged 55 or younger in 2011.

Peter Orszag, the Director of OMB, says, The proposal takes the Medicare program and, for those 55 and below, turns it into a voucher program and that it introduces individual accounts privatizing Social Security.

Madam Speaker, we have some challenges before us, but I would like to think that we can all agree that balancing the budget by letting Medicare wither on the vine and privatizing Social Security and destroying two of the most important social programs in the history of the country is not the way to go. And so that is the choice.

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

Mr. MCGOVERN. I yield myself an additional 30 seconds.

We do what's fiscally responsible and enact the statutory PAYGO and pay as you go. If you want to increase education programs or programs for health care, you have to find an offset. You have to cut another program to find additional revenue. If you want to give tax cuts to rich people, you've got to pay for it. But I think that's the responsible way to go. Going their way, going after Medicare and Social Security, is the wrong way. We've seen this movement before. We don't want to go there.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, spin zone. I love it. The gentleman is talking about all these Republicans want to privatize Social Security and Medicare. We're responsible. Well, what the gentleman forgot is it's the Democrats' proposal that takes $400 billion out of Medicare, $400 billion. Those are not only talking points from the 1990s that the gentleman is hung up on, it's not truthful.

I would like to yield to the gentleman from Minnesota (Mr. PAULSEN) 1 minute.

Mr. PAULSEN. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong opposition to this self-executing rule which will raise our national debt to nearly $2 trillion. That's 12 zeros. I urge Members to vote ''no'' on the previous question so that we can immediately have the House consider H.R. 4566, the END TARP Act, that will end the TARP bailout program once and for all, saving taxpayers about $200 billion.

In the most recent report, the Special Inspector General of TARP himself said the program has failed to boost bank lending and it's also failed in halting the spread of home foreclosures. If the program isn't helping small businesses, if the program isn't helping homeowners, two of its major goals, why do we consider to throw hundreds of billions of dollars of taxpayer money at it?

It's time we got serious about fixing our national fiscal house and spending problems. I urge Members to vote ''no'' on the previous question so that they can bring up the END TARP Act. We can end the bailouts once and for all and not raise the debt ceiling by nearly $2 trillion.

Mr. MCGOVERN. Madam Speaker, I again inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts controls 6½ minutes and the gentleman from Texas controls 1½ minutes.

Mr. MCGOVERN. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, we have had an enlightening debate here today, and I guess the difference between Democrats and Republicans couldn't be clearer and this debate couldn't come at a better time.

My colleagues on the other side of the aisle believe that we should balance the budget by going after Medicare and Social Security. They introduced an alternative budget in the Budget Committee. It's there in black and white. It's easy to understand. No one denies it. The gentleman from Texas (Mr. HENSARLING) who was on the floor earlier was on MSNBC talking about the need to ''reengineer Social Security,'' which is a code word for privatization.

My colleagues on the other side say they don't support PAYGO and they don't support increasing the debt limit. I guess that means they'd rather play politics than act responsibly to fix the problems that this country faces.

President Obama said that fixing this economy would not be easy and it would not happen overnight, and that's clear. He took office and he implemented a bold plan to jump-start the economy, and in the fourth quarter, we saw the U.S. economy grow at a 5.7 percent rate. Mark Zandi, the cofounder of Moody's Economy.com and former McCain economic adviser, said, We're headed in the right direction. The recovery has begun. I think prospects are that job growth will continue and we will have enough job growth to bring up unemployment and then good things will happen. That's a Republican economist.

Instead of working together to fix the economy, my Republican colleagues have decided to try and use this recession for political gain. They've obstructed and opposed all efforts to jump-start the economy. They voted against the Recovery Act, which put millions of people to work and saved millions of jobs. They would have rather fired cops and firefighters and teachers. They would have denied new emerging industries the important money to hire more people. They voted against the jobs creation bill and, except for one brave vote, against the health care bill that, according to CBO, would reduce the deficit. Instead, they have dusted off the tired old standbys: corporate tax cuts and privatization of Social Security and Medicare. Unfortunately, they're stuck in the past and are simply repeating the mistakes that put us here in the first place.

Madam Speaker, we were elected to do responsible things, to do what's right. We were elected to solve problems and to make this country a better place. Democrats say we cannot default on our debt and that we will reduce that debt through PAYGO, bending the cost curve of health care and freezing spending.

I believe we need to look at all parts of Federal spending, including wasteful and unnecessary spending at the Defense Department, but it's clear we need to prioritize our spending. In fact, Democrats say we're going to cut capital gains—something that Republicans have been touting for years—but Republicans are opposing that, too, simply because President Obama is proposing it.

Madam Speaker, there is a time and a place for politics, and I get that. But to paraphrase JOHN MCCAIN, sometimes you have to put the country first. It's unfortunate that my Republican colleagues would rather play politics instead of acting responsibly to attack our country's problems.

Madam Speaker, at this time I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, in the remaining time, I would just like to say that I think the American people are watching and they are listening, and they heard a good debate here

on the floor about these corporations that Republicans try and get all of these tax breaks for. I'd like to remind the gentleman those are called employers, and employers in this country have the second highest tax rate of any country in the world.

Darn right Republicans are trying to cut taxes, because we want the American people to get employed again, and attacking employers is the key thrust of what the Democratic objective is all about. No wonder we've lost jobs. We're attacking employers, attacking employers. The President, the gentleman Mr. HOYER, the Speaker, Mrs. PELOSI, attacking employers. No wonder we've got an unemployment problem.

But this budget is filled with reckless spending and unsustainable debt. Don't blame that on somebody else. Accept the responsibility yourself. This is the biggest budget we've ever had. And for the President to come and say, as a takeaway, Just as you know, American people, we're going to start this spending process to where we freeze spending, it's really a joke.

The bottom line is the American people know what the problem is. They've clued in on it. They even know the pages of the bills where they have seen the majority party try and take advantage of the taxpayer, rip health care out from their advantage where they could have their own health care, take dollars away from their employers and tax them.

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

Mr. SESSIONS. I will tell you, the Republican Party is going to stand up for jobs again today.

Mr. MCGOVERN. Madam Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Massachusetts controls 3½ minutes.

Mr. MCGOVERN. I yield myself 1 minute.

Before I yield to our last speaker, let me again just remind my colleagues what this debate is about. It is about whether we should pay as we go. That is what families do. That is what we should do here. I don't know why that's a radical idea in the Republican Conference, but it's the responsible thing to do.

My friends on the other side are responsible for creating this economic mess. They should share that responsibility with us now to get this economy out of the ditch.

And one final thing, Madam Speaker, trying to balance the budget by going after Social Security and Medicare is the wrong way to go. These are important programs that provide important benefits, mostly to our senior citizens, and we should not allow them to wither on the vine and be subject to a Republican budget that would basically take a meat-ax to those programs. That is the wrong way to go.

□ 1245

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

Mr. MCGOVERN. I yield myself an additional 30 seconds, Madam Speaker.

Madam Speaker, again, I would remind my colleagues that we are facing tough times, but tough times require tough decisions. And statutory pay-as-you-go to basically pay our way is the responsible thing. We can't keep on adding to our deficits and to our debt. We have responsibility to our kids and our grandkids. I would ask my Republican colleagues to join with us. If they don't want to do it, then I guess we will have to do the responsible thing on our own.

Again, I would urge my colleagues to vote for the rule.

I yield the remaining time to our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

The last time we voted on this issue, the floor was packed on both sides of the aisle. And I observed at that time that, and I repeat today, I really doubt that there are any of the 435 of us, Madam Speaker, who believe that this matter that is included in this rule ought to be defeated. I would hope that's the case.

The gentleman who represents the minority party on the Rules Committee has confronted this issue in the past. He confronted it in 2002. He confronted it in 2003. He confronted it in 2004 and again in 2005. On each of those occasions, he voted to increase the debt limit. His party was in charge. Unfortunately, my party voted against it at that point in time because we weren't in charge.

The point I make is that the American public too often believes that we do not do what we think is the responsible thing for our country but what we think is the right thing to do from the perspective of our party. They are not impressed by that kind of action. In fact, not only did Mr. SESSIONS vote to increase the debt limit on numerous occasions, many of us voted against it essentially for the same reasons, because we said the other party had incurred liabilities with which we did not agree. In fact, I'm sure all 435 of us could say we incurred certain liabilities in which we did not agree.

But the fact of the matter is that America, voting through its representatives in the House and in the Senate, incurred those liabilities. Creditors throughout the world relied on the fact that the United States of America, the world's wealthiest Nation, would, in fact, pay its bills.

I will say that in the future when this issue comes up, I will not repeat again the mistakes that I made in the past. I said that last time. And if it so happens at some time in the future the other party is in control and we come to the necessity of ensuring that America can pay its bills, it will be my intention to vote with the majority party to increase the debt limit—not because I want to see us deficit spend; I don't. I voted for constitutional amendments to balance the budget to constrain the spending of this body.

In a few minutes, I will speak strongly in favor of adopting statutory PAYGO, which is made in order by this rule. Statutory PAYGO will be a constraint on the spending that this Congress votes for, a restraint to bring in line spending on mandatory items with the revenues and abilities that we have.

And so I say to both sides of the aisle, this is not a vote about party. This is a vote about country. There is no one in this room, no one who has raised his or her hand to defend and protect the Constitution of the United States, not one of us who honestly can say that it is an alternative available to us to not ensure that America can pay its bills. That's what this is about.

That's why my friends on the Republican side, when you were in charge, you voted, in some cases almost to a person, almost unanimously, to increase the debt five times under President Bush.

Very frankly, I tell my friends on the Republican side, when President Bush was in office, we did the same thing you're going to do today. We pretended that somehow because we did not agree with the policies that had led us to the place where we had incurred those debts that somehow we would take no responsibility for paying those debts. Ladies and gentlemen, our creditors around the world on whom we are now relying in order to fund our government don't really care about our partisan politics. They do care, however, about the will that we have to meet our responsibilities to pay our bills and to meet our obligations to them.

Everybody understands that if we did not increase this debt limit, at some point in time, not too long thereafter, checks to Social Security recipients would have to stop, checks to veterans would have to stop, and checks to employees who work for the government would have to stop. No one thinks that's a rational alternative. We may think there ought to be less or more, but no one thinks that we ought to have none.

And so I say to my colleagues this is a vote for American responsibility, not Republican responsibility or Democratic responsibility, but for American responsibility.

Both of us—both of us have pursued politics in this matter. The American public is hopeful, as we all can see, that at some point in time we all realize that playing politics is not the policy that Americans want us to pursue. They want us to pursue the well-being of our country and of our citizens. We've incurred debts. We expect people to pay the debts they owe us, and they, in turn, expect the same. That's what this vote is about.

And so there are not a lot of Members on this floor. I hope a lot of Members, Madam Speaker, are watching, because I hope when they come to this floor to vote for this rule, which will deem the authorization of the ability of America to meet its responsibilities,

that they will vote for their country, for our citizens, and for our responsibility. It's the right thing to do.

Every one of us on each side of the aisle, Republican or Democratic, knows it's the right thing to do. Let's do the right thing. I urge support of this rule. I urge support of the statutory PAYGO provision made in order by this rule, which will say that, notwithstanding the fact that we have authorized additional debt, we are also, at the same time, going to constrain the incurring of additional debt beyond that which we are prepared to pay for. That's what families have to do. That's what we need to do.

Vote for this rule. It's the right thing to do.

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

AMENDMENT TO H. RES. 1065

OFFERED BY MR. SESSIONS

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

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the bill (H.R. 4566) to terminate authority under the Troubled Asset Relief Program, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion or demand for division of the question except: (1) two hours of debate equally divided and controlled by the chairmen and ranking minority members of the Committee on Financial Services and the Committee on Ways and Means; and (2) one motion to recommit. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4566.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Suspending the rules and adopting House Resolution 1022;

Ordering the previous question on House Resolution 1065;

Adopting House Resolution 1065, if ordered;

Suspending the rules and passing H.R. 4532.

The first and third electronic votes will be conducted as 15-minute votes. Remaining electronic votes will be conducted as 5-minute votes.

HONORING MEDGAR EVERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1022, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1022.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 44]

YEAS—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)

Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—7

Cole
Gutierrez
Murtha
Radanovich
Thompson (PA)
Wolf
Young (FL)

□ 1320

Ms. CORRINE BROWN of Florida and Mr. SCHAUER changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 45, INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The unfinished business is the vote on ordering the previous question on House Resolution 1065, 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 195, not voting 5, as follows:

[Roll No. 45]

YEAS—233

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
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)
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
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
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
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
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
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—5

Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1332

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.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 212, not voting 5, as follows:

[Roll No. 46]

AYES—217

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
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
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—212

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

NOT VOTING—5

Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

□ 1351

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.

SOCIAL SECURITY DISABILITY APPLICANTS' ACCESS TO PROFESSIONAL REPRESENTATION ACT OF 2010

The SPEAKER pro tempore (Ms. BALDWIN). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4532, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 4532.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 6, not voting 15, as follows:

[Roll No. 47]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey

Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—6

Campbell
Coffman (CO)
Gohmert
King (IA)
Lummis
McClintock

NOT VOTING—15

Abercrombie
Berman
Boehner
Clay
Culberson
Davis (IL)
Gutierrez
Linder
Murtha
Radanovich
Rogers (MI)
Rush
Stupak
Thompson (PA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1401

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was absent from the House Chamber today, due to a family emergency. Had I been present, I would have voted "yea" on rollcall votes 39 through 47.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. HOYER. Madam Speaker, pursuant to House Resolution 1065, I call up the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the resolving clause and insert the following:

That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $14,294,000,000,000.

TITLE I—STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1. SHORT TITLE.

This title may be cited as the ''Statutory Pay-As-You-Go Act of 2010''.

SEC. 2. PURPOSE.

The purpose of this title is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

SEC. 3. DEFINITIONS AND APPLICATIONS.

As used in this title—

(1) The term ''BBEDCA'' means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term ''outyear'' means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term ''AMT'' means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term ''EGTRRA'' means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term ''JGTRRA'' means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term ''budgetary effects'' means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed ''costs'' and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed ''savings''. Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, ''modifications to substantive law'' refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term ''debit'' refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term ''entitlement law'' refers to a section of law which provides entitlement authority.

(7) The term ''PAYGO legislation'' or a ''PAYGO Act'' refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term ''timing shift'' refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

(a) PAYGO ESTIMATES.—

(1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Committees, the conference report or amendment between the Houses shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.''.

(2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

(A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any

current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

(iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

(B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled ''Budgetary Effects of PAYGO Legislation'' by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

(b) CBO PAYGO ESTIMATES.—

(1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(3) CBO PAYGO ESTIMATES.—

''(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

''(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation.''.

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking ''Reports on''.

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(d) Scorekeeping Guidelines.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

(2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

(3) LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.—

(A) PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.—For provisions eligible for a current policy adjustment under subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) INCLUSION OF STATEMENT.—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled ''Budgetary Effects of PAYGO Legislation'', submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) OMB PAYGO ESTIMATES.—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a), OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.—Neither scorecard maintained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled ''Community Living Assistance Services and Supports Act'', which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) EMERGENCY LEGISLATION.—

(1) DESIGNATION IN STATUTE.—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all

fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—When the Senate is considering a PAYGO Act, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a PAYGO Act, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) EFFECT OF DESIGNATION ON SCORING.—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to the exemptions set forth in section 11, OMB shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as ''Payment for Physicians' Services'');

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109–280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than $200,000 for a single filer and $250,000 for joint filers.

(b) DURATION.—This section shall remain in effect through December 31, 2011.

(c) MEDICARE PAYMENTS TO PHYSICIANS.—

(1) CRITERIA.—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Security Act (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(d) ESTATE AND GIFT TAX.—

(1) CRITERIA.—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts

indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(e) AMT RELIEF.—

(1) CRITERIA.—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(f) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.—

(1) CRITERIA.—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 or less for joint filers in tax year 2010, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) INDEXING FOR INFLATION.—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting ''calendar year 2008'' for ''calendar year 1992'' in subparagraph (B) of such section.

(h) GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.—

(1) MIDDLE CLASS TAX CUTS.—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legislation, those provisions shall be estimated in the order in which they appear.

(2) AMT.—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

SEC. 8. APPLICATION OF BBEDCA.

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to ''this part'' or ''this title'' shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to ''section 254'' shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to ''section 251, 252, or 253'' shall be interpreted as referencing section 4 of this title.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking ''the expenses the Federal deposit insurance agencies'' and inserting ''the expenses of the Federal deposit insurance agencies''.

(b) Section 256(k)(1) of BBEDCA is amended by striking ''in paragraph (5)'' and inserting ''in paragraph (6)''.

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking ''origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.'' and inserting in lieu thereof ''origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.''.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

''(1) CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable

Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

''(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

''(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.''.

(3) by inserting after paragraph (1) the following:

''(2) UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.'';

(4) by inserting after paragraph (3), as redesignated, the following:

''(4) TIMING OF SUBSEQUENT SEQUESTRATION ORDER.—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).'';

(5) in paragraph (6), as redesignated, to read as follows:

''(6) SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

''(A) the part C growth percentage under section 1853(c)(6);

''(B) the part D annual growth rate under section 1860D–2(b)(6); and

''(C) application of risk corridors to part D payment rates under section 1860D–15(e).''; and

(6) by adding after paragraph (6), as redesignated, the following:

''(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

''(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

''(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

''(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.''.

SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking ''1998'' and inserting in lieu thereof ''2010''.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

''(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

''(b) VETERANS PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''All programs administered by the Department of Veterans Affairs.

''Special Benefits for Certain World War II Veterans (28–0401–0–1–701).

''(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

''(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.''.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

''(g) OTHER PROGRAMS AND ACTIVITIES.—

''(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

''Activities resulting from private donations, bequests, or voluntary contributions to the Government.

''Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–808).

''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).

''Black Lung Disability Trust Fund Refinancing (16–0329–0–1–601).

''Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93–454 (1974), as amended (89–4045–0–3–271).

''Claims, Judgments, and Relief Acts (20–1895–0–1–808).

''Compact of Free Association (14–0415–0–1–808).

''Compensation of the President (11–0209–01–1–802).

''Comptroller of the Currency, Assessment Funds (20–8413–0–8–373).

''Continuing Fund, Southeastern Power Administration (89–5653–0–2–271).

''Continuing Fund, Southwestern Power Administration (89–5649–0–2–271).

''Dual Benefits Payments Account (60–0111–0–1–601).

''Emergency Fund, Western Area Power Administration (89–5069–0–2–271).

''Exchange Stabilization Fund (20–4444–0–3–155).

''Farm Credit Administration Operating Expenses Fund (78–4131–0–3–351).

''Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78–4171–0–3–351).

''Federal Deposit Insurance Corporation, Deposit Insurance Fund (51–4596–0–4–373).

''Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51–4065–0–3–373).

''Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51–4458–0–3–373).

''Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51–4457–0–3–373).

''Federal Home Loan Mortgage Corporation (Freddie Mac).

''Federal Housing Finance Agency, Administrative Expenses (95–5532–0–2–371).

''Federal National Mortgage Corporation (Fannie Mae).

''Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20–1713–0–1–752).

''Federal Payment to the District of Columbia Pension Fund (20–1714–0–1–601).

''Federal Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Federal Reserve Bank Reimbursement Fund (20–1884–0–1–803).

''Financial Agent Services (20–1802–0–1–803).

''Foreign Military Sales Trust Fund (11–8242–0–7–155).

''Hazardous Waste Management, Conservation Reserve Program (12–4336–0–3–999).

''Host Nation Support Fund for Relocation (97–8337–0–7–051).

''Internal Revenue Collections for Puerto Rico (20–5737–0–2–806).

''Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

''Medical Facilities Guarantee and Loan Fund (75–9931–0–3–551).

''National Credit Union Administration, Central Liquidity Facility (25–4470–0–3–373).

''National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25–4476–0–3–376).

''National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25–4473–0–3–371).

''National Credit Union Administration, Credit Union Share Insurance Fund (25–4468–0–3–373).

''National Credit Union Administration, Credit Union System Investment Program (25–4474–0–3–376).

''National Credit Union Administration, Operating fund (25–4056–0–3–373).

''National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25–4469–0–3–376).

''National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25–4475–0–3–376).

''Office of Thrift Supervision (20–4108–0–3–373).

''Panama Canal Commission Compensation Fund (16–5155–0–2–602).

''Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15–0100–0–1–153).

''Payment to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97–0850–0–1–054).

''Payment to Judiciary Trust Funds (10–0941–0–1–752).

''Payment to Military Retirement Fund (97–0040–0–1–054).

''Payment to the Foreign Service Retirement and Disability Fund (19–0540–0–1–153).

''Payments to Copyright Owners (03–5175–0–2–376).

''Payments to Health Care Trust Funds (75–0580–0–1–571).

''Payment to Radiation Exposure Compensation Trust Fund (15–0333–0–1–054).

''Payments to Social Security Trust Funds (28–0404–0–1–651).

''Payments to the United States Territories, Fiscal Assistance (14–0418–0–1–806).

''Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801).

''Postal Service Fund (18–4020–0–3–372).

''Radiation Exposure Compensation Trust Fund (15–8116–0–1–054).

''Reimbursement to Federal Reserve Banks (20–0562–0–1–803).

''Salaries of Article III judges.

''Soldiers and Airmen's Home, payment of claims (84–8930–0–7–705).

''Tennessee Valley Authority Fund, except nonpower programs and activities (64–4110–0–3–999).

''Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including

but not limited to Tribal Special Fund (14–5265–0–2–452), Tribal Trust Fund (14–8030–0–7–452), White Earth Settlement (14–2204–0–1–452), and Indian Water Rights and Habitat Acquisition (14–5505–0–2–303).

''United Mine Workers of America 1992 Benefit Plan (95–8260–0–7–551).

''United Mine Workers of America 1993 Benefit Plan (95–8535–0–7–551).

''United Mine Workers of America Combined Benefit Fund (95–8295–0–7–551).

''United States Enrichment Corporation Fund (95–4054–0–3–271).

''Universal Service Fund (27–5183–0–2–376).

''Vaccine Injury Compensation (75–0320–0–1–551).

''Vaccine Injury Compensation Program Trust Fund (20–8175–0–7–551).

''(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Central Intelligence Agency Retirement and Disability System Fund (56–3400–0–1–054).

''Civil Service Retirement and Disability Fund (24–8135–0–7–602).

''Comptrollers general retirement system (05–0107–0–1–801).

''Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14–9924–0–2–303).

''Court of Appeals for Veterans Claims Retirement Fund (95–8290–0–7–705).

''Department of Defense Medicare-Eligible Retiree Health Care Fund (97–5472–0–2–551).

''District of Columbia Federal Pension Fund (20–5511–0–2–601).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Energy Employees Occupational Illness Compensation Fund (16–1523–0–1–053).

''Foreign National Employees Separation Pay (97–8165–0–7–051).

''Foreign Service National Defined Contributions Retirement Fund (19–5497–0–2–602).

''Foreign Service National Separation Liability Trust Fund (19–8340–0–7–602).

''Foreign Service Retirement and Disability Fund (19–8186–0–7–602).

''Government Payment for Annuitants, Employees Health Benefits (24–0206–0–1–551).

''Government Payment for Annuitants, Employee Life Insurance (24–0500–0–1–602).

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Military Retirement Fund (97–8097–0–7–602).

''National Railroad Retirement Investment Trust (60–8118–0–7–601).

''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306).

''Pensions for former Presidents (47–0105–0–1–802).

''Postal Service Retiree Health Benefits Fund (24–5391–0–2–551).

''Public Safety Officer Benefits (15–0403–0–1–754).

''Rail Industry Pension Fund (60–8011–0–7–601).

''Retired Pay, Coast Guard (70–0602–0–1–403).

''Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75–0379–0–1–551).

''Special Benefits for Disabled Coal Miners (16–0169–0–1–601).

''Special Benefits, Federal Employees' Compensation Act (16–1521–0–1–600).

''Special Workers Compensation Expenses (16–9971–0–7–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''United States Court of Federal Claims Judges' Retirement Fund (10–8124–0–7–602).

''United States Secret Service, DC Annuity (70–0400–0–1–751).

''Voluntary Separation Incentive Fund (97–8335–0–7–051).

''(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

''Biomass Energy Development (20–0114–0–1–271).

''Check Forgery Insurance Fund (20–4109–0–3–803).

''Credit liquidating accounts.

''Credit reestimates.

''Employees Life Insurance Fund (24–8424–0–8–602).

''Federal Aviation Insurance Revolving Fund (69–4120–0–3–402).

''Federal Crop Insurance Corporation Fund (12–4085–0–3–351).

''Federal Emergency Management Agency, National Flood Insurance Fund (58–4236–0–3–453).

''Geothermal resources development fund (89–0206–0–1–271).

''Low-Rent Public Housing—Loans and Other Expenses (86–4098–0–3–604).

''Maritime Administration, War Risk Insurance Revolving Fund (69–4302–0–3–403).

''Natural Resource Damage Assessment Fund (14–1618–0–1–302).

''Overseas Private Investment Corporation, Noncredit Account (71–4184–0–3–151).

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601).

''San Joaquin Restoration Fund (14–5537–0–2–301).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Terrorism Insurance Program (20–0123–0–1–376).

''(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''Academic Competitiveness/Smart Grant Program (91–0205–0–1–502).

''Child Care Entitlement to States (75–1550–0–1–609).

''Child Enrollment Contingency Fund (75–5551–0–2–551).

''Child Nutrition Programs (with the exception of special milk programs) (12–3539–0–1–605).

''Children's Health Insurance Fund (75–0515–0–1–551).

''Commodity Supplemental Food Program (12–3507–0–1–605).

''Contingency Fund (75–1522–0–1–609).

''Family Support Programs (75–1501–0–1–609).

''Federal Pell Grants under section 401 Title IV of the Higher Education Act.

''Grants to States for Medicaid (75–0512–0–1–551).

''Payments for Foster Care and Permanency (75–1545–0–1–609).

''Supplemental Nutrition Assistance Program (12–3505–0–1–605).

''Supplemental Security Income Program (28–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).''.

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

''(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''GSE Preferred Stock Purchase Agreements (20–0125–0–1–371).

''Office of Financial Stability (20–0128–0–1–376).

''Special Inspector General for the Troubled Asset Relief Program (20–0133–0–1–376).

''(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

''Federal-Aid Highways (69–8083–0–7–401).

''Highway Traffic Safety Grants (69–8020–0–7–401).

''Operations and Research NHTSA and National Driver Register (69–8016–0–7–401).

''Motor Carrier Safety Operations and Programs (69–8159–0–7–401).

''Motor Carrier Safety Grants (69–8158–0–7–401).

''Formula and Bus Grants (69–8350–0–7–401).

''Grants-In-Aid for Airports (69–8106–0–7–402).''.

SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

SEC. 13. LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.

(a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

TITLE II—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and government-wide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Hoyer moves that the House concur in the Senate amendment to House Joint Resolution 45.

The SPEAKER pro tempore. Pursuant to House Resolution 1065, the motion shall be debatable for 1 hour equally divided and controlled by the majority leader and the minority leader or their designees.

The gentleman from Maryland (Mr. HOYER) will control 30 minutes. The gentleman from Michigan (Mr. CAMP) will control 15 minutes, and the gentleman from Wisconsin (Mr. RYAN) will control 15 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. I thank the Speaker, and I yield myself 1 minute.

Ladies and gentlemen of the House, as we have on numerous occasions, we just raised the liability, or the ability, of the United States to pay a substantial amount. What we are doing now that we have not done in the last decade is to adopt a fiscal constraint at the same time, a fiscal constraint to get us to wherever Americans want us to be, and that is to fiscal balance, to a fiscally responsible government and a fiscally responsible country to match the fiscal responsibility of most of our citizens.

The House has just voted that our country should pay the bills it already incurred. Those obligations, of course, come from actions America has already taken. Those actions cannot be changed, so it was necessary to pay the bill. But we can and must confront our record debt going forward. We can and must set a more responsible path fiscally for our country.

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

Mr. HOYER. I yield myself 3 additional minutes.

A New York Times analysis found that 90 percent of our deficit is due to the policies of the previous administration, the extension of those policies, and the economic downturn. However we believe America got into this mess, this Congress can begin getting America out of it. That is why Congress must pass one of the most proven deficit cutting tools we know, statutory pay-as-you-go legislation or, as it is affectionately known, PAYGO.

Now, let me point out this chart to my right, your left. The deficits are when we did not have statutory PAYGO in effect. Now, when statutory PAYGO was put into effect in 1990, we still had deficits, but you can see that we started reducing those deficits almost on a straight line. And then in 1997 we went into surplus, fiscal year 1998, and we went into surplus for the next 4 years under PAYGO. Unfortunately, you will see that in 2001 it was decided that we would waive PAYGO, and then in 2003 it was decided by the then majority party that we would eliminate statutory PAYGO. And you can see the result. We returned to deep deficits.

So what we are voting on on the floor has demonstrably made a difference, has demonstrably helped America discipline its finances and bring surpluses. As I said, when George Bush took office from President Clinton, he, his administration, based upon the past record of the Clinton administration, said we had a $5.6 trillion surplus. Unfortunately, for the country, when President Bush left office we had an almost $8 trillion deficit confronting us.

PAYGO compels Congress to find savings for the money it spends, so it keeps our deficit from increasing. Under PAYGO we'll be required to find savings to balance any new tax cuts or entitlement spending, which makes this law essential, essential to the wise prioritization that responsible budgeting demands and, indeed, that our fellow citizens expect. As the Concord Coalition, a bipartisan fiscal responsibility group, put it, and I quote, ''PAYGO requires anyone proposing tax cuts or entitlement expansions to answer the question, How do you pay for it? Going through this process will force an explicit trade-off between spending, taxes and debt, which is exactly the priority-setting exercise that the budget process should and must facilitate.'' We all know that such deliberate priority-setting steps stops us from passing our bills on to our children.

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

Mr. HOYER. I yield myself 2 additional minutes.

Under President Clinton, PAYGO helped turn record deficits into a $5.6 trillion projected surplus. We also know that PAYGO was disregarded, waived and finally allowed to expire under the last administration. And as I have pointed out on this chart, our deficits exploded and, indeed, our economy was hurt as well as those deficits exploded. Some argue that the PAYGO legislation on the floor today is too weak. But I'd point out that it brings our country more fiscal discipline than it has seen in nearly a decade.

The perfect ought not to be the enemy of the good. PAYGO can't get us out of our fiscal hole, but it can keep us from digging it deeper. When my Republican colleagues raise their concerns about our growing debt, I absolutely agree with them. They're right. All of us understand this debt is not sustainable. But it's not enough to complain about the debt; we have to do something about it. If my colleagues are sincere in their concerns, I hope they'll work with us to pass PAYGO and contribute to the bipartisan fiscal commission announced by President Obama. I hope you'll participate in that commission, helping us get our country to fiscal balance.

America's dangerous fiscal condition threatens our prosperity and our place in the world. If my colleagues will forgive a Democrat for paraphrasing Ronald Reagan, there are no easy answers to this mess, but there is a simple answer. The answer lies in recommitting ourselves to the principle that has served our prosperity so well in the past, the principle of responsibility. Ronald Reagan was right. Let us pass this legislation.

In closing, let me say, Madam Speaker, that so many people are responsible for this day; the Blue Dogs, I want to congratulate them. In a minute I'm going to yield to ALLEN BOYD who has led this effort on behalf of the Blue Dogs for such a long and successful time.

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

Mr. HOYER. I yield myself 30 additional seconds.

I also want to congratulate an extraordinary individual who worked for an individual who's not on this floor, Charlie Stenholm, who deserves a portion of the credit this day for this legislation. And he was assisted, as I am now assisted, as all of the House is assisted, by an extraordinary member of our staff, Ed Lorenzen. Ed, I want to thank you personally for the extraordinary efforts you have made to get us to this day.

Madam Speaker, I designate Mr. BOYD of Florida to control the remainder of the time.

The SPEAKER pro tempore. The gentleman will be recognized.

The Chair recognizes the gentleman from Michigan.

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

If this so-called PAYGO legislation fails, there is no increase in the debt limit and you cannot separate the two concepts. If this legislation passes, the debt limit increases by an astounding $1.9 trillion, the largest one-time increase in the debt limit ever. Since the majority came into control of Congress 3 years ago, the debt limit has been increased by over $5.3 trillion, or by nearly 60 percent. Despite this massive heap of debt thrust on the American people, Democrats plan to pile on even more debt next year.

According to the President's newest budget proposal, the amount of debt subject to the limit will increase by nearly $1.4 trillion from fiscal year 2010 to fiscal year 2011. A number that large is hard to put into perspective, but let me offer a few points of reference. The President intends to increase the debt in just 1 year by an amount equal to the entire GDP of Canada. This 1-year increase in the debt is larger than the GDP of India, Mexico, Australia, or South Korea. It is larger than the GDP of Ireland, Poland, and Belgium combined. We've heard a lot of talk recently from the President about the need to get America's fiscal house in order. However, according to the President's own budget, Congress will have to raise the debt limit again before 2011 is over.

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Even more disturbing is the fact that under the President's proposed budget, debts subject to this limit will exceed the size of the entire U.S. economy by 2013 and remain more than U.S. GDP through the next decade and presumably for years to come.

Experts on both sides of the political spectrum agree that this kind of runaway debt threatens the very foundation of America's economy. Yesterday, the market provided a stark warning as credit rating agency Moody's stated the U.S. AAA bond rating is threatened by deficits driving up this debt.

I hear a lot from the President, from my colleagues in the majority, about inherited deficits and debt, but let's be clear. According to the President's own budget, the largest deficit in U.S. history will be under a Democratic administration and a Democratic majority in

Congress. A Democratic President and a Democratic Congress plan a 1-year increase in the debt larger than the size of major economies around the world.

This isn't about what anyone inherited. It is about what this President and the Democrats in Congress planned for America: too much spending, too much taxing, and too much debt.

My friends on the other side are fond of the analogy that raising the debt limit is necessary in the same way that someone who has eaten in a restaurant must now pay the bill. That analogy is misleading. It is more accurate to say that having sat down at a restaurant with enough money for a decent meal, Democrats decided to go on an eating binge. It's simply irresponsible for Democrats to spend the American people's money in this fashion.

Rather than letting this massive debt increase pass, I urge Congress to examine its out-of-control spending habit this year rather than after the election, as the President suggests with his so-called deficit commission.

I urge this House to restore responsible spending. Vote ''no'' on the largest one-time increase in the debt limit ever.

I reserve the balance of my time.

Mr. BOYD. Madam Speaker, I yield myself 1 minute.

I rise in favor of this PAYGO legislation. This has been a priority of mine and my Blue Dog colleagues for many, many years, and I am proud to stand here today where we're on the brink of final passage of this very important legislation.

Madam Speaker, PAYGO was the very first bill that President Obama sent to Congress last year, and the progress we made in the last year would not be possible without his support. And I want to thank the President for weighing in and supporting fiscal responsibility.

I also want to take a moment to thank the leaders of the House who have been so important, particularly Speaker NANCY PELOSI, who has a commitment to fiscal responsibility, Majority Leader STENY HOYER, who you've already heard from, and also chairman of the Budget Committee, the gentleman from South Carolina, JOHN SPRATT.

My Blue Dog colleagues and I will continue to advocate for tools to bring our fiscal house in order because this is only the very first step. It is a small step, and it will not solve all of our problems that have been created over the last decade, but we will continue to advocate for tools that will pave the way for long-term economic stability.

I reserve the balance of my time.

Mr. CAMP. I yield 1½ minutes to the distinguished gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. These congressional Democrats just aren't listening. After Massachusetts, voters sent a signal on behalf of this country of no more spending, we are too deep in debt, a here-we-go-again. And when they sent the signal that government should be open and the people ought to have a say today, they snuck into this bill an increase in the debt limit to make sure there wouldn't be an embarrassing up-or-down vote on this bill the way the public demands it to be.

When they were in charge, it was a different story. As the majority leader, highly respected STENY HOYER, said, Democrats, raising the debt limit is immoral. This policy of borrow and spend is not only irresponsible, it's immoral and it must stop. He was exactly right.

When our Speaker—again, highly respected Speaker—took that gavel 3 years ago, the debt limit in America was $29,000 for every man, woman, and child. Today, just 3 years later, it's $45,000 for each one of you, and it's going up and up and up each year.

And I will tell you, when they say, No, no, the Republicans, Democrats share the blame, Democrats have incurred twice as much of that debt to date, and it's going to skyrocket under their control. And what's even more frustrating is, with the new President's budget, that deficit is going to triple over future years.

And I will finish with this. PAYGO. PAYGO is to fiscal responsibility what ethics is to the former Governor of Illinois, Mr. Blagojevich. PAYGO, since it's been put in place 3 years ago, our deficits have increased tenfold.

I urge defeat of this bill.

Mr. BOYD. Madam Speaker, it is my pleasure and privilege to yield 2½ minutes to the Budget Committee chairman, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, to supplement my remarks about statutory PAYGO, I would like to include in the RECORD the attached section of the bill.

Madam Speaker, at the outset of the 1990s, the Congress passed the Budget Enforcement Act for a simple purpose: to ensure that the Budget Summit Agreement we just passed was actually carried out. Among its provisions was a new rule called PAYGO, pay-as-you-go.

I can remember how our critics disdained our resort to budget process instead of making hard substantive decisions. They said we were dodging the hard choices, choices we had to make if we were going to wipe out the deficit. But by the end of the 1990s, the budget was in surplus for the first time in 30 years, and it was clear that for the budget process, rules we would put in place like PAYGO played a big part in our fiscal success.

Republicans were in the majority in 2002 when the Budget Enforcement Act expired, and they chose not to reinstate PAYGO because they knew it would impede passage of their tax-cutting agenda. Without these process rules in place, the budget plunged from a surplus of $236 billion to a deficit of $413 billion in the year 2004. When Democrats took back the House, we made PAYGO a rule of the House the first day we convened the 110th Congress.

The Obama administration, the current Congress have inherited an economy in crisis and a colossal deficit, swollen by recession and recovery measures both. As these measures pull us out of recession, we should turn our attention on our longer-term fiscal fate.

Statutory PAYGO works. It's proven to work. It reins in new entitlement spending. It reins in tax cuts as well. Both tend to be long lasting, easy to pass, hard to repeal. By insisting on offsets and insisting on deficit neutrality, PAYGO buffers the bottom line, and Lord knows it needs it now. Its terms are complex, but at its core is a commonsense rule that everyone can understand: When you are in a hole, stop digging.

Statutory PAYGO was first put in place with bipartisan support, renewed on a bipartisan basis in 1997. When the House passed it in July, the rule PAYGO, two dozen Republicans joined 241 Democrats in voting for it.

We recall and invite you to cast another vote today for statutory for fiscal responsibility. Vote for statutory PAYGO. It will help us reduce the deficit, both short-term and long-term. And while it can't solve all of our problems—it's no panacea—it does represent one solid step forward towards getting things back on the path of fiscal sustainability and fiscal responsibility.

Madam Speaker, as Chairman of the Budget Committee I am submitting for the RECORD a section-by-section analysis of the Statutory Pay-As-You-Go Act of 2010 that the House is considering today as part of the Senate amendments to H.J. Res. 45. The Statutory Pay-As-You-Go Act of 2010 establishes points of order in the House of Representatives only to the extent that it does so explicitly.

SECTION-BY-SECTION ANALYSIS OF THE STATUTORY PAY-AS-YOU-GO ACT OF 2010

Section 1—Short Title: The title of this Act is the ''Statutory Pay-As-You-Go Act of 2010.''

Section 2—Purpose: The purpose of the Statutory Pay-As-You-Go Act (PAYGO) of 2010 is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

Section 3—Definitions and Applications: Section 3 sets forth definitions of terms used in the PAYGO statute. Many terms are defined by cross-references to the standard definitions used in other budget laws, including the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act (BBEDCA) of 1985. Terms that are of particular importance include:

Budgetary effects. Budgetary effects are defined as the amount by which PAYGO legislation changes mandatory outlays or revenues relative to the baseline. The budgetary

effects of changes in tax or mandatory spending law are measured relative to what revenues or mandatory spending would otherwise have been if not for the legislation, as measured by the baseline (as defined in section 257 of BBEDCA). Off-budget effects (i.e., Social Security trust funds and the Postal Service fund) and debt service are not counted as budgetary effects. ''Mandatory spending'' and ''direct spending'' (the term used in the statutory language) are synonymous.

PAYGO legislation/PAYGO Act. Legislation, or provisions thereof, that increases or reduces revenues, or increases or reduces the cost of mandatory programs, is called PAYGO legislation or a PAYGO Act. In this Act, the terms are used interchangeably. PAYGO legislation is subject to statutory PAYGO.

Legislation subject to PAYGO also includes provisions in annual appropriations bills that change revenue or mandatory spending law in appropriations bills. Changes in mandatory spending law are considered discretionary in the current and budget years because the Appropriations Committees can offset the costs or use the savings by adjusting funding levels for discretionary programs in those years. But mandatory spending provisions in appropriations bills having outyear budget authority effects—that is, effects in those years after the budget year—are considered PAYGO legislation. This is generally consistent with the existing point of order in the Senate against ChIMPs (Changes in Mandatory Programs). However, such provisions for which the mandatory outlay effects net to zero over the period consisting of the current year, the budget year, and the four subsequent years shall not be counted as having budgetary effects.

Timing shift. A timing shift involves a shift of costs from within the PAYGO window, i.e., the ten-year period covered by the PAYGO scorecard, to outside the window (or savings from outside the window to within the window). More technically, the term is defined to refer to a delay of the date on which mandatory outlays would otherwise occur from the ninth outyear (the last year taken into account in the PAYGO calculation) to the tenth outyear (not taken into account in the PAYGO calculation) or an acceleration of the date on which revenues or offsetting receipts or collections would otherwise occur from the tenth outyear to the ninth outyear. Timing shifts are not counted for purposes of statutory PAYGO to prevent gaming the PAYGO scorecard.

Section 4—PAYGO Estimates and PAYGO Scorecards: Section 4 establishes procedures for determining the budgetary effects of legislation subject to PAYGO. These budgetary effects are entered by OMB on the PAYGO scorecards, as defined in section 4(d), and are used to determine whether a sequestration order must be issued.

Estimates of budgetary effects are made either by Congress or OMB. Subsection (a) establishes the procedures Congress must follow in order for its estimate of budgetary effects of legislation to be used for PAYGO enforcement. If Congress follows these procedures, the Congressional estimate of budgetary effects shall be used by OMB. If Congress does not follow these procedures, the budgetary effects of legislation subject to PAYGO shall be estimated by OMB. Subsection (b) establishes the procedures by which the House and Senate Budget Committees obtain estimates from CBO, and the procedures to be used by CBO for making estimates. Subsection (c) outlines the additional procedures to be followed by CBO or OMB, as applicable, when adjusting the estimates of budgetary effects for legislation that qualifies for a ''current policy'' adjustment under section 7 of this Act. Subsections (d)–(f) relate to procedures used by OMB for PAYGO estimates and enforcement. Subsection (g) addresses procedures for legislation designated as an emergency for the purpose of statutory PAYGO.

The Chairmen of the Budget Committees in each House are authorized to submit estimates of budgetary effects for printing in the Congressional Record. If such estimates are submitted, they shall establish the budgetary effects of the legislation as described below. Printing the statement in the Congressional Record ensures that the estimate of budgetary effects is, at the time of the vote on the bill that is enacted into law, unambiguous, fixed, and knowable, for Members, for OMB, and for the public.

(a) PAYGO Estimates. Congress can establish the budgetary effects of PAYGO legislation by following a two-step process. First, the text of PAYGO legislation must include one of the statements prescribed in paragraphs (1)(A), (B), or (C). Second, the Chairman of the relevant Budget Committee must submit for printing in the Congressional Record a statement of the budgetary effects of the legislation, also referred to as the ''cost estimate'' or ''score.'' A Congressional estimate must satisfy both of these requirements to be valid. If Congress fails to follow this procedure for legislation that is subsequently enrolled and signed by the President, or chooses not to provide an estimate of budgetary effects, the OMB estimate of a PAYGO Act's budgetary effects is used for PAYGO enforcement.

The statements prescribed in paragraphs (1)(A), (B), or (C) establish a reference in the legislative text of PAYGO legislation to an estimate of budgetary effects to be submitted for printing in the Congressional Report before a vote on passage. The statement may be included in the original text of the legislation, or by amendment as may be allowed under the regular procedures in either House. The estimate need only be submitted for printing in the Congressional Record before a vote on passage. The actual estimate of budgetary effects is never inserted into the legislative text of PAYGO legislation. This process avoids the need to amend PAYGO legislation to include an updated estimate of budgetary effects if amendments are adopted.

This two-step process avoids the Constitutional concerns identified in *Bowsher v. Synar*, 479 U.S. 714 (1986) and *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983) because Congress will establish the budgetary effects of the PAYGO Act through the legislative process, not after enactment. An unambiguous and fixed estimate available prior to a vote is incorporated by reference in the PAYGO legislation. Matters incorporated by reference are binding on the executive branch. *See Hershey Foods v. USDA*, 158 F. Supp. 2d 37, 41 (D.D.C. 2001), *aff'd on other grounds*, 293 F.3d 520 (D.C. Cir. 2002); *see also United States v. Sharpnack*, 355 U.S. 286, 293 (1958).

1. Required Designation in PAYGO Acts: One of three statements must be included in legislation subject to PAYGO for the Congressional estimate to be entered by OMB on the PAYGO scorecard. The statements provide the basis in the legislative text for incorporating the Congressional estimate by reference into the PAYGO Act.

The three statements address three possible scenarios under which a PAYGO Act may be signed by the President: (1) legislation is originated by the House and passed without amendment by the Senate; (2) legislation is originated by the Senate and passed without amendment by the House; and (3) legislation is agreed upon by both Houses after differences are resolved by a conference committee or by amendments between the Houses.

Statement (1)(A) refers to an estimate provided by the House Budget Committee Chairman. This statement would be included in legislation originated in the House of Representatives. If the House Budget Committee Chairman submits a statement of budgetary effects for printing in the Congressional Record before the vote on passage in the House, the budgetary effects of that legislation will have been set by the House. If the Senate then passes the House bill without amendment, the House PAYGO estimate will be placed on the PAYGO scorecard by OMB. Similarly, if the Senate originates and passes PAYGO legislation with the statement prescribed 3 in (1)(B), and the Chairman of the Senate Budget Committee submits a statement of budgetary effects for printing in the Congressional Record before the Senate votes, the House of Representatives will have accepted the Senate estimate as controlling if it passes the Senate bill without amendment.

One House may strike the statement inserted in the legislative text by the other House and replace it with the statement referring to the estimate submitted by the Chairman of its Budget Committee. In doing so, the second House has rejected the first House's estimate. A disagreement between the Houses on the estimate of budgetary effects becomes a matter in dispute between the Houses to be resolved by the House and Senate Budget Committees.

The statement in (1)(C) refers to an estimate of budgetary effects jointly submitted to the Congressional Record by the Chairman of the House and Senate Budget Committees. This statement must be included in a conference report, or amendments between the Houses, when the Houses resolve the differences in their budgetary estimates. Where differences between the Houses are to be resolved in a process of amendments between the Houses, the requirement of a joint statement prevents the House acting first from having an advantage in negotiations. The joint statement also underscores that different estimates of the budgetary effects of legislation must be resolved to the satisfaction of the Chairmen of both Budget Committees if Congress wants a Congressional estimate to be placed on the PAYGO scorecard.

Presumably not all PAYGO legislation will contain a Congressional estimate of budgetary effects. For example, the budgetary effects of a particular PAYGO Act may be so small that Congress chooses not to complete an estimate. It is also possible that the Houses cannot come to an agreement on an estimate of budgetary effects. Absent a designation pursuant to section 4(a)(1) and estimate submitted pursuant to section 4(a)(2), the estimate made by OMB post-enactment will be entered on the PAYGO scorecards.

In some cases, one piece of PAYGO legislation could have multiple designations and estimates throughout the legislative process—the first by the originating House, the second by the second House acting upon the legislation, and a third by the conference committee. For the purpose of directing OMB as to what amounts are to be entered on the PAYGO scorecards, the only estimate that matters is the one contained in the version of the legislation passed by both Houses and presented to the President for signature. Conversely, the omission by one or both Houses of a designation and estimate earlier in the legislative process, for whatever reason, has no bearing on the validity of an otherwise valid estimate appropriately referenced in a PAYGO Act signed by the President.

2. Determination of Budgetary Effects of PAYGO Acts: In order for Congress's estimate of budgetary effects to bind OMB, a

valid statement must be submitted for printing in the Congressional Record by a Chairman of the Budget Committee, or by the Chairmen jointly, as applicable. However, the Chairmen are not obligated to submit a statement. The statement, if submitted, must be titled ''Budgetary Effects of PAYGO Legislation.''

The Chairmen of the Budget Committees retain full discretion over the Congressional estimate of budgetary effects for the purposes of enforcing this Act, consistent with Section 312 of the Congressional Budget Act. The Congressional Budget Office will continue to provide estimates to the Budget Committees.

It is the responsibility of the Budget Committee Chairmen to ensure that statements of budgetary effects are submitted for the Congressional Record in a timely manner, and that they identify with specificity any previously submitted statement for the same legislation that it supersedes. A previous statement is no longer valid and is superseded when that House adopts an amendment to a PAYGO Act after the statement has been submitted. Any subsequent amendment, regardless of its budgetary effects, will invalidate a previously submitted estimate.

In the case of a conference report, a statement of budgetary effects is not valid if it is first submitted for printing in the Congressional Record after one House passes the report. It is incumbent on both Houses to ensure that prior to a vote in either House on PAYGO legislation leading to enrollment and presentation to the President, there is an unambiguous, fixed, and knowable statement of budgetary effects.

3. Procedure in the Senate: It is in order in the Senate for the Legislative Clerk to read the statement of budgetary effects into the record of proceedings once it has been submitted by the Chairman of the Senate Budget Committee. This reading provides an added assurance that all Senators have been given notice of the Congressional estimate of the budgetary effects prior to a vote on passage of legislation. Notice to Senators will also be provided by printing the estimate in the Congressional Record. As a practical matter, votes on some legislation subject to PAYGO may be taken after the statement has been submitted for the Congressional Record, but before it has been printed. If the vote will be taken after the statement has been printed, the Senate may waive the reading of the estimate by unanimous consent.

4. Jurisdiction of the Budget Committees: When Congress follows the procedure set forth in this section, the designated legislation is not subject to a point of order under section 306 of the Congressional Budget Act. (Section 306 generally bars the consideration of legislation dealing with matters within the jurisdiction of the Budget Committee unless it has been reported by the committee, or the committee has been discharged from further consideration.) The inclusion of the statements specified in (1)(A), (B), and (C)—without modification—in legislation subject to PAYGO avoids a point of order under section 306. If different language is used, for example, or if an authorizing committee includes some other budgetary provision, a point of order under section 306 would be in order. This is consistent with Senate precedent that ''directed scoring'' language in legislation is within the jurisdiction of the Budget Committees.

(b) CBO PAYGO Estimates. Subsection (b) amends Section 308 of the Congressional Budget Act of 1974 to establish a procedure by which Congress may request that CBO estimate the budgetary effects of PAYGO legislation. Consistent with section 312 of the Congressional Budget Act, and existing Congressional practice and procedure, the Chairmen of the Budget Committees are responsible for requesting estimates from the Congressional Budget Office. CBO shall prepare its estimates consistent with section 257 of BBEDCA, but shall not count timing shifts as those are defined in section 3(8) of this Act. CBO estimates shall also be scored in accordance with the scorekeeping guidelines determined under section 252(d)(5) of BBEDCA.

(c) Current Policy Adjustments for Certain Legislation. Section 4(c) establishes procedures for making adjustments to the estimates of budgetary effects for legislation in four policy areas: (1) physician payments under section 1848 of the Social Security Act; (2) the Estate and Gift Tax; (3) the Alternative Minimum Tax; and (4) certain middle class tax cuts provided in EGTRRA and JGTRRA. The criteria for determining whether legislation, or provisions of legislation, qualify for current policy adjustments are set forth in section 7.

1. In General: If the Chairman of either Budget Committee determines that legislation meets the criteria set forth in section 7 of this Act, that Chairman shall request that CBO adjust its estimate of budgetary effects. If OMB estimates the budgetary effects of legislation that meets the criteria of section 7 because Congress has not provided a valid estimate, then OMB shall adjust its estimate of budgetary effects.

2. Adjustments: For qualifying legislation or provisions of legislation, CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects no more than the amount of the budgetary effects of that legislation or provision as allowed in the applicable part of section 7. The amount that may be excluded is determined with reference to the amounts previously excluded pursuant to the same subsection of section 7. In other words, if the cost of a particular provision, when added to the costs or savings of all other provisions that previously qualified for an adjustment under that subsection of section 7 exceeds the maximum amount allowable for the subsection, the excess costs shall not be excluded from the estimate of budgetary effects. In implementing these adjustments, CBO shall use CBO's baseline estimates; this requirement is not intended to apply to estimates prepared by OMB. If CBO makes an adjustment, its estimate shall state the unadjusted and adjusted costs, and an updated total of all costs previously excluded under the same provisions of section 7.

3. Limitation on Availability of Excess Savings: The intent of the current policy adjustment is to give Congress flexibility to extend certain current policies with budgetary effects over specified periods of time. Savings from the extension of current policies with budgetary effects less than allowed under section 7—in other words extensions that generate savings in comparison with the extension of current policy—cannot be used to offset costs of other legislation. This paragraph establishes two rules that reinforce the prohibition on the fungibility of savings relative to the current policy extensions.

A. Excess savings cannot be used to offset the budgetary effects of PAYGO legislation that would not otherwise qualify for a current policy exemption under section 7. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset the cost of a new entitlement program.

B. Excess savings in one of the policy areas specified in section 7 cannot be used to offset the budgetary effects of a more expensive policy extension in another policy area. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset a reduction in the estate and gift tax that costs more than is otherwise provided in section 7. In other words, savings among the policies in sections 7(c), (d), (e), and (f), and among the subparagraphs of section 7(f)(1), are not fungible.

4. Further Guidance on Estimating Budgetary Effects: To determine adjustments for the budgetary effects for qualifying legislation, CBO or OMB, as applicable, shall use the conventions concerning the stacking order of estimates of the interactive effects of AMT relief and extension of the middle class tax cuts set forth section 7(h).

5. Inclusion of Statement: Any adjustments for current policy legislation shall be explained by the appropriate Chairman of the Budget Committee in the statement ''Budgetary Effects of PAYGO Legislation'' submitted for printing in the Congressional Record.

(d) OMB PAYGO Scorecards. The subsection outlines OMB's responsibilities under statutory PAYGO. OMB will maintain two ''PAYGO scorecards,'' available to the public, that maintain a running tally of the budgetary effects of enacted legislation subject to PAYGO. In making entries onto the scorecards, OMB will use the ''look-back'' and ''averaging'' rules discussed below.

OMB will use the Congressional estimate of the budgetary effects of a PAYGO Act if one was incorporated pursuant to section (4)(a). If not, OMB will enter its own estimates on the scorecards.

The scorekeeping and baseline rules for current policy adjustments are the same as those that apply to CBO and OMB for estimating all legislation subject to PAYGO. OMB estimates must be consistent with the scorekeeping approaches described in section 308 of the Congressional Budget Act, as amended by section 4(b) of this Act, and the current policy adjustments in section 7. In other words, OMB and CBO estimates should be made using the same rules and scorekeeping conventions. However, CBO will use the baseline as defined by section 257 of the Congressional Budget Act, while OMB will use the economic and technical assumptions included in the latest budget submitted by the President.

OMB will maintain two PAYGO scorecards, one covering a five-year period and the other covering a ten-year period beginning in the budget year.

OMB shall not include on either PAYGO scorecard any net savings generated by subsequently enacted legislation titled ''Community Living Assistance Services and Supports Act'' (CLASS Act). The CLASS Act was included in the Senate- and House-passed health care reform bills and would establish a federal insurance program for long-term care. OMB shall also not include any net savings generated by subsequent amendments to that Act, if enacted.

(e) Look-Back to Capture Current Year Effects. To take into account any budgetary effects of PAYGO legislation in the current year (i.e., the year of enactment if before October 1st), a ''look-back'' rule is included. The rule provides that budgetary effects in the current year are to be treated as if they were budgetary effects in the budget year (which is the year subsequent to the current year). This is why the averaging provision described below actually sums eleven years of costs (the current year, the budget year, and the nine outyears) and divides the sum by ten. This look-back provision similarly applies to the five-year scorecard.

(f) Averaging Used to Measure Compliance Over 5-Year and 10-Year Periods. For the

budget year and the applicable four or nine outyears, OMB is to enter the annual average budgetary effect associated with PAYGO legislation. For instance, a bill that pays for itself over ten years will have a total, and thus average, score of zero, so zero would be entered in each column of the ten-year PAYGO scorecard. If a bill enacted in FY10 costs a net of $10 billion over FY2010–FY2020, OMB would insert +$1 billion in each of the ten columns on the PAYGO ledger (FY11 through FY20). The same PAYGO legislation could well have different averages over five years and over ten. For example, if a bill enacted this session costs $2 billion through 2015 and $10 billion through 2020, the five-year scorecard would record entries of $0.4 billion for each of 2011 through 2015, while the ten-year scorecard would record entries of $1 billion for each of 2011 through 2020.

(g) Emergency Legislation. If legislation subject to PAYGO contains an emergency designation, the budgetary effects of provisions that are designated as emergencies shall not be placed on the PAYGO scorecards by OMB. The designation should refer to subsection (g)(1) of this Act. The procedure for challenging a statutory emergency designation for PAYGO enforcement reflects the current practices for challenging emergency designations under Congressional budget rules. In the Senate, an emergency designation is subject to a point of order that may be waived upon a vote of 3/5 of the members duly chosen and sworn. If the Senate does not waive this point of order, the emergency designation is struck from the legislation. Both this section of this Act and clause 10 of rule XXI of the Rules of the House of Representatives require the Chair to put the question of consideration with respect to a measure containing a provision expressly designated as an emergency for the purposes of pay-as-you-go requirements. As a result of this duplication of nearly identical requirements, the two should be interpreted to merge and thereby require the Chair to put just one question of consideration in satisfaction of both requirements.

Section 5—Annual Report and Sequestration Order: Section 5 defines the timing of the annual PAYGO report and, if one is needed, the sequestration order. OMB is to produce an annual PAYGO report, which shall include up-to-date PAYGO scorecards and a description of any sequestration if required. The report is to be released no more than 14 days (excluding weekends and legal holidays) after Congress adjourns to end a session.

If the annual report shows a debit (i.e., net budgetary cost) on either PAYGO scorecard for the budget year, the President is required to issue an order sequestering budgetary resources from non-exempt mandatory programs sufficient to fully pay off that debit. If it shows a debit on both the five-year and ten-year scorecards, the sequestration must pay off the larger debit. If the President issues this order, then the PAYGO annual report must contain its details, including such information as the outlay reductions that would occur in the budget year and the subsequent fiscal year for each affected account.

Because the PAYGO statute creates a permanent law, the two scorecards are permanent. In effect, they will record all PAYGO legislation enacted from the date the bill becomes law. The cost estimates of individual PAYGO bills, however, will eventually slide off the scorecards since only the five-year or ten-year costs are recorded on those scorecards. For example, a PAYGO bill enacted later this year will show cost or savings entries of the same size (the average amount through 2015) for each fiscal year 2011 through 2015 on the five-year scorecard. Next year, new PAYGO legislation will add entries to the five-year scorecard covering years 2012–2016. The entries made this year in the 2012–2015 columns of that scorecard will remain on that scorecard, however. If those entries are net savings, the savings will be available to cover costs in new legislation, but if they are net debits, avoiding a sequestration at the end of each of the next four sessions of Congress will require that the net debits be worked off by the enactment of new offsetting savings. The same approach applies to the ten-year scorecard.

Section 6—Calculating a Sequestration: Section 6 describes how sequestration is to be implemented if triggered. Many mandatory programs, such as Social Security, veterans' disability and other benefits, and major low-income entitlements, such as Supplemental Security Income and Medicaid, are totally exempt from sequestration. Only programs in the unified budget are subject to sequestration.

With the exception of Medicare, non-exempt mandatory programs would be cut by a uniform percent, such that the outlay savings produced in the budget year and the subsequent fiscal year would be sufficient to fully offset the budget-year debit on the PAYGO ledger. Medicare can be cut by no more than four percent. If a larger cut is needed to offset the debit on the PAYGO ledger, the uniform percentage cut to the other non-exempt mandatory programs would be increased so that the sequester of Medicare and the other non-exempt programs would together produce sufficient savings to offset the budget-year debit. Sequestrations are temporary, not permanent, and with a few exceptions occur only in the budget year.

For most non-exempt mandatory programs, the uniform sequestration percentage reduces budgetary resources by a specified percent over the course of the entire fiscal year. If a sequestration starts a month or more into the fiscal year because Congress adjourns in November or December, then the reduction during the remaining 9, 10, or 11 months of the fiscal year will be larger than the uniform percentage so that the average sequestration over the year equals the required uniform percentage.

In the case of Medicare, the sequestration lasts for a full 12 months even if it takes effect after the beginning of the fiscal year, in which case it will run into the start of the next fiscal year. This means the uniform percentage cut in payments to providers or insurance plans will not be higher at any time than the four-percent limit (or the calculated uniform percentage, if lower).

In the case of price support payments for crops, the sequestration for any given crop will start at the beginning of the next crop year. As a consequence, sequestrations for crops will not all be running concurrently, and some sequestrations may occur partly in the following fiscal year.

Section 7—Adjustments for Certain Current Policies:

(a) Purpose. Section 7 establishes a temporary rule to adjust the estimates of the budgetary effects of PAYGO legislation in four policy areas: Medicare physician payments, the estate tax, the Alternative Minimum Tax, and the 2001 and 2003 income tax cuts for the middle class. In each of these areas, current policies have either expired at the end of 2009 or will expire by the end of 2010. This section allows for an adjustment so that the cost of extending specified individual policies for a defined period (two years for estate tax and AMT, five years for Medicare physician payments, and permanently for the middle-class tax cuts) is not counted for statutory PAYGO purposes.

This scoring rule applies only for the purposes of statutory PAYGO. For other purposes, including the Congressional Budget Act and the congressional PAYGO rules, existing scoring rules and points of order apply.

General approach. The statute authorizes a maximum adjustment to the estimate of budgetary effects of PAYGO legislation in the four specified policy areas equal to the difference between:

The cost of continuing a specified policy under current law as of December 31, 2009, consistent with baseline calculations under section 257 of BBEDCA, which, for each of the four policy areas, would assume that the specified policy has expired (AMT and estate tax), or will expire by the end of 2010 (all other policies); and

The projected cost of the specified policy assuming the policy continues beyond its scheduled expiration date.

The cost of continuing these policies over the specified period is larger than the cost of letting them expire, as would happen under current law. The adjustment allows Congress to address these policies without having the cost added to the PAYGO scorecard. The difference between these two estimated costs is the maximum adjustment that may be used to offset the cost of legislation addressing each specified policy for the purposes of PAYGO enforcement. If the estimate of the legislation has a greater budgetary effect than the maximum amount of the adjustment, then the adjustment can be used to offset a portion of its cost. The additional cost would be counted for statutory PAYGO purposes. If a less costly policy is enacted, any remaining amount in the adjustment cannot be used to offset the cost of policies in other areas (as specified in Section 4(c)(3) of the PAYGO statute).

In addition, the adjustments in each policy area are further limited to prevent using the full amount of the available adjustment to offset the cost of a more generous policy for a shorter period. Under this limitation, the amount of the adjustment is estimated consistent with the time period covered by the eligible policy action.

Duration. This section expires on December 31, 2011, so any policies eligible for an adjustment must be enacted by that time in order to receive the adjustment.

(c)–(f) Policy areas eligible for adjustment. For statutory PAYGO purposes, legislation addressing four policy areas qualifies for a current policy adjustment to the estimate of that legislation's budgetary effects.

(c) Medicare Physician Payments. Under current law, the Sustainable Growth Rate (SGR) formula requires physician payments under Medicare part B to be cut automatically by over 21 percent after February 28, 2010. Section 7(c) provides a maximum adjustment equal to the difference between the cost of freezing through December 31, 2014, the Medicare Part B payment rates to physicians at the 2009 rate, and the cost of allowing the automatic cuts to occur after February 28, 2010. Legislation providing relief from the scheduled SGR cut—including legislation that reforms or supersedes the SGR formula—would only be scored for PAYGO purposes to the extent that it costs more than this five-year freeze at 2009 levels. If legislation to reform or supersede the SGR formula through or beyond 2014 is enacted that costs less than a five-year freeze in the years through 2014, any remaining amount in the adjustment could be used to offset costs of that policy after 2014, but the total adjustment cannot exceed the maximum adjustment amount of a five-year SGR freeze.

Estate and gift tax. Under EGTRRA, the estate tax exemption was gradually increased and the tax rate gradually lowered so that by 2009, the exemption level was $3.5 million for an individual, with amounts

above the exemption level taxed at a 45 percent rate. In 2010, the estate tax is repealed, replaced with a new tax on inherited assets with unrealized capital gains. In 2011, with the expiration of EGTRRA, the estate tax will return, with the pre–2001 law parameters of a $1 million exemption for an individual and a top rate of 55 percent.

The maximum adjustment in section 7(d) is equal to the difference between the revenues expected from continuing the 2009 estate tax policy, with the nominal exemption level indexed for inflation, through December 31, 2011, and the revenues expected under the 2010 repeal and 2011 return to pre–2001 law. In other words, legislation restoring the estate tax would be scored for PAYGO purposes only to the extent that it costs more than implementing the 2009 policy (indexed) in 2010 and 2011. Because the cost of estate tax policy through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

Alternative Minimum Tax. A ''patch'' for the AMT was provided in the Recovery Act, increasing the 2009 AMT exemption to $70,950 for couples and $46,700 for singles in order to prevent the number of taxpayers affected by the AMT from exploding from about four million to about 30 million. This patch expired at the end of 2009.

Section 7(e) provides a maximum adjustment equal to the difference between the revenues expected from adjusting the the AMT exemption levels through 2011 in order to hold the number of taxpayers affected by the AMT at 2008 levels (about 4.2 million), and the revenues expected assuming the expiration of the 2009 AMT patch. Because the cost of AMT relief through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

(f) 2001 and 2003 middle-class tax cuts. The 2001 and 2003 income tax reductions enacted under EGTRRA and JGTRRA, as subsequently amended through December 31, 2009, are scheduled to expire at the end of 2010. Section 7(f) provides 12 adjustments for policies benefiting the middle class as they are in effect in 2010. The specific middle-class policies are:

10 percent bracket;

Child Tax Credit, including the expansion in the Recovery Act;

Marriage penalty relief, including the relevant EITC expansion in the Recovery Act;

Adoption credit;

Dependent care credit;

Employer-provided child care credit;

Education tax benefits;

25 percent and 28 percent brackets;

33 percent bracket, but only for individuals with incomes of $200,000 or less, and couples with incomes of $250,000 or less;

Reduced rates on capital gains and dividends, but only for individuals with incomes of $200,000 or less, and couples with incomes of $250,000 or less;

Repeal of the personal exemption phase-out and the limitation on itemized deductions, but only for individuals with incomes of $200,000 or less, and couples with incomes of $250,000 or less; and

Section 179 expensing for small businesses, allowing up to $125,000 of qualified property to be expensed, phasing out for property over $500,000.

The maximum adjustment for the policies in section 7(f) is equal to the difference between the revenues expected if the specified policy were in place after 2010 and the revenues expected if the related provisions expired as scheduled.

(g) Indexing for Inflation. Amounts indexed for inflation are done in accordance with the cost-of-living adjustment rules in section 1(f)(3) of the Internal Revenue Code of 1986. That provision in the Code designates the Department of Labor's Consumer Price Index for all-urban consumers (usually expressed as CPI–U) as the measuring standard. Amounts indexed for inflation in this Act are the nominal exemption amount under the estate tax, as well as the income thresholds for income tax brackets, the rates for capital gains and dividends, the personal exemption phase-out, and the limitation on itemized deductions.

(h) Guidance on Estimates and Current Policy Adjustments. Estimates of budgetary effects of certain tax policies can vary depending on the order in which those policies are enacted into law. The PAYGO statute lays out three rules for addressing costs associated with the interaction of these various provisions.

I. For the interaction between AMT relief and the middle-class tax cuts, all interaction costs are scored as part of AMT relief. Specifically, estimates for determining the AMT adjustment must assume that all of the middle-class tax cuts eligible for a PAYGO adjustment have been enacted, even if these tax cuts have not yet been enacted.

II. Estimates for determining the adjustment for the middle-class tax cuts must assume that AMT relief follows current law as of the end of 2009—that is, they must assume that the 2009 AMT patch expired at the end of 2009, even if AMT relief beyond 2009 has already been enacted.

III. To address the interaction between individual middle-class tax provisions included in the same piece of legislation, provisions must be scored in the order in which they appear in the legislation.

Section 8—Application of BBEDCA: Section 8 specifies how various provisions of BBEDCA, including the special sequestration rules in section 256 of BBEDCA and the baseline rules in section 257 of BBEDCA, apply to this new PAYGO statute.

Section 9—Technical Corrections: Section 9 corrects typographical errors in the text of BBEDCA.

Section 10—Conforming Amendments: Section 10 makes conforming amendments to section 256 of BBEDCA. This section establishes special rules for sequestration for certain mandatory programs or updates the special rules to reflect programs as they now exist.

Section 11—Exempt Programs and Activities: Section 11 lists mandatory programs and activities that are exempt from sequestration. Exemptions under this Act are consistent with the exemption list that was first created in 1990.

That said, the exemption list has been updated to address accounts that have had their account names or numbers changed since 1990, or have been merged or divided. Further, new accounts (since 1990) have been treated the same way that analogous accounts were treated. For example, in the 1990 law the major low-income programs such as Medicaid were exempted from sequestration. The Children's Health Insurance Program (CHIP), new since 1990, is in the same category as Medicaid and also exempt.

The list has been expanded to clarify the treatment of certain transportation programs, notably federal-aid highways and grants-in-aid for airports. The budgetary treatment of these programs is split. They receive mandatory contract authority through authorization bills, but are treated as discretionary programs because their annual spending is controlled by obligation limitations in appropriations bills. These programs are exempt from sequestration to the extent they are controlled by obligation limitations. Remaining mandatory resources in these programs are subject to sequestration.

Finally, as noted in Section 6, non-exempt accounts are subject to a single, uniform percentage cut if a sequestration is required (except Medicare, where the cut is limited to four percent). Under the 1990 law, if a small sequestration was needed, four programs would have been the first ones sequestered: special milk, vocational rehabilitation state grants, student loans, and foster care/adoption assistance. Because this PAYGO statute eliminated this rule, the first three of those programs are treated as any non-exempt account would be treated. But the foster care account is included in the exempt list on the grounds that it is like other low-income programs that were exempted from sequestration in the 1990 law.

Section 12—Determinations and Points of Order: Section 12 affirms that nothing in this Act is intended to limit the authority of the Budget Committee Chairmen to make determinations and estimates of the costs or savings of legislation. In addition, the section authorizes CBO to consult with the Budget Committees to resolve any ambiguities in the interpretation of the Act.

Mr. CAMP. At this time, Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a distinguished member of the Ways and Means Committee.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, as Yogi Berra once said, It's déjà vu all over again. No way. It is déjà vu all over again.

Just a few months ago, the Democrats marched us down here to the House floor to raise the debt ceiling by over a quarter of a trillion dollars. But that wasn't enough. Here we are again, 90 days later, this time for a whopping $1.9 trillion debt limit increase.

For the uninitiated, a century ago Congress very wisely instituted a statutory cap on the amount that the Federal Government could borrow. Unfortunately, Congress being Congress, this body raised that cap dozens of times during the 20th century and has apparently carried that tradition into this new decade with spectacular new fashion.

As my colleagues on the other side of the aisle are no doubt clamoring over themselves to point out, both parties have done it in times of war and times of crisis, and more recently, this Democrat majority has made spending more of a priority than saving. In short, Madam Speaker, excuses don't make it right.

I wanted to mention PAYGO. I actually voted for PAYGO. I was one of 18 Republicans who, when the Democrats took over, I voted for PAYGO. Unfortunately, this Democrat leadership has waived it so often it has become very ineffective. They waive it more than they implement it.

So I ask my colleagues, don't be misled by so-called PAYGO language, because it simply isn't real.

Mr. BOYD. Madam Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

We're all entitled to our own opinions but not to our own facts, and it is a fact that the day President Obama put his hand on the Bible to be sworn in as President of the United States, he inherited a $1.3 trillion deficit, a record deficit in this country.

This is an opportunity for all of us to stop just talking about the deficit and debts and actually do something about it. For the first time since 2002, Congress will bring, as a matter of law, the commonsense proposition that the Federal Government should pay for what it buys. And the history of success on this is clear. When the Congress lived under the PAYGO rules in the 1990s, we did turn deficits into record surpluses. After PAYGO was abandoned, deficits skyrocketed, our national debt clearly doubled.

Much has been made by the other side of the aisle about the deficit in the first year of the Obama administration. The Congressional Budget Office analysis is pretty clear that the contributors to that were two wars, unpaid for; a record mandatory prescription drug bill, unpaid for; and, of course, two tax cuts that disproportionately benefited the wealthiest Americans, all on our national credit card, all running us deeper into the red.

This legislation says enough is enough, and it says that virtually any new policy that reduces revenue or increases mandatory spending will have to be offset elsewhere in the budget. That is just common sense to every American family. And it says that if for some reason we don't abide by that discipline, you're going to have an across-the-board enforcement mechanism that will sequester the funds.

It's time to do what every family has to do and pay as we go.

Mr. CAMP. Madam Speaker, I yield to the gentleman from North Carolina (Mr. COBLE) for purposes of a unanimous consent request.

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

Mr. COBLE. I thank the gentleman from Michigan, and I rise in opposition to this reckless spending proposal.

We simply cannot afford to continue on the same course.

Our current debt is $12.36 trillion. I have opposed past efforts to increase the debt limit, and again today I will vote against raising the limit.

The amount is staggering, $1.9 trillion.

It will raise the limit to $14.294 trillion—an incomprehensible figure.

Our economy is out of sync—currently we have no comprehensive plan for energy, the federal budget or making our manufacturing base competitive in the global market.

In addition Madame Speaker, I am mystified by the attempt today to force members to simultaneously vote on the debt limit increase and the proposed pay-go rules.

These types of shenanigans—particularly on something as significant as a $1.9 trillion debt ceiling increase—are exactly why Americans have lost faith in their government.

Now is not the time to increase our debt ceiling—vote "no" on H.J. Res. 45. It will force the government to focus on the economy and it will start restoring some faith in the Congress.

Mr. CAMP. I yield 2 minutes to the gentleman from the Ways and Means Committee from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. In this time of record debt, high unemployment, and uncertain economic conditions, a focus on fiscal responsibility is critical—real fiscal responsibility, not words like ''commonsense'' but applying it in a real policy.

For months, President Obama and the majority have talked about the importance of this responsibility, responsibility by tripling Federal spending and then saying we're going to have a freeze. The President has suggested a spending freeze, and we've heard a lot about bending the cost curve with health care reform. But, Madam Speaker, I think we all know that actions speak louder than words.

The fine print in this so-called PAYGO bill is a $2 trillion increase in the national debt. Just read the bill and you see the truth. It's very different from the rhetoric that we hear. Instead of being true to their word, the majority has increased spending by an unprecedented 66 percent over the last year and pushed the deficit to $1.4 trillion in 2009, an 800 percent increase over the last administration.

Instead of listening to the American people's pleas that Congress focus on the economy and jobs, they spent the last year pushing an unpopular, ineffective, and wildly expensive government takeover of health care. Instead of taking action on steps that would halt unsustainable spending in Washington, majority leaders are about to vote to increase our debt limit by $1.9 trillion, the largest one-time increase of the debt in the history of the United States of America.

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Madam Speaker, the American people are tired of tightening their budget and counting pennies while the Federal Government continues along a path of irresponsible spending, risky borrowing, and staggering debt.

Washington has a spending problem. It's time to end it. And these days, it seems more like an addiction. Instead of more broken promises to cut spending and reduce the deficit, it's past time for President Obama and Democratic leaders to respond to the American people to end this tyranny of runaway spending in Washington.

Mr. BOYD. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, you hear a lot about when the debt was incurred. I think it's important that we all understand that the policies that were put in place that caused that debt to be incurred started in 2001 with the economic package. Subsequently, we had the war, and then we had a recession. All that came from 2001 to 2007. That was under the policies of the previous administration and the previous Congress. So I want the Members to keep that in mind.

GENERAL LEAVE

Mr. BOYD. Madam 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 this motion.

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

There was no objection.

Mr. BOYD. Madam Speaker, I would like to yield 1 minute now to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I thank Mr. BOYD for yielding. Let me start by commending our leadership for calling this legislation to the floor to restore the same budget enforcement rules that lead to the record budget surpluses that we enjoyed in the 1990s.

While I commend the Senate for finally approving PAYGO, following our lead in passing it at the beginning of the last Congress, I am deeply disappointed that the Senate could not summon the support to add the national deficit reduction commission to this bill.

The fact that several Senate Republicans who cosponsored the deficit commission, including the minority leader, voted against their own legislation illustrates the deficit of trust mentioned by the President in his State of the Union and is yet another example of the corrosive forces that fuel growing public cynicism about our political process.

Following the Senate's inaction on this issue, I applaud the President's intent to issue by Executive Order a commission to attack the bipartisan deficit, and I am encouraged by reports that the Speaker of the House and the Senate majority leader will call the commission's recommendations to a vote.

Madam Speaker, only strong leadership will propel us to overcome the challenges we face. I urge my colleagues to support this legislation.

Mr. CAMP. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. Madam Speaker, I thank the gentleman.

The scene and the content of this debate is really like a bad movie in a lot of ways. You rewind the tape and we have ultimately had this conversation about a year ago when the Democratic majority, Madam Speaker, said to the American public, look, we want to borrow $1 trillion, and with that trillion, trust us, it's going to be great. Jobs are going to be created. The sun is going to come out. The tulips are going to be there, and it's all going to be fabulous.

It didn't work out that way. Eleven percent unemployment in the State of Illinois, the difference between the promise of the borrowing, 8 percent unemployment, has now eclipsed to 11 percent in Illinois. And in my home

State, Madam Speaker, that means 200,000 people have taken on debt and haven't been rescued. They weren't rescued in December when the majority said we're going to raise the debt limit again, and they're going to be rescued by this. This is a classic underperformance.

And the majority, with all due respect, hasn't recognized the failure of the stimulus. In fact, they don't even like to use the word ''stimulus,'' Madam Speaker.

So in this context, I say let's stop this madness. Let's get back to our first priorities. Our first priorities are to be a nation of disciplined spenders, and we ought not to empower folks to borrow and create more and more debt into the future.

Mr. BOYD. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH) who is also a cosponsor of the original PAYGO legislation.

Mr. WELCH. Two points. Number one, my question is, what is the other side afraid of? There are certain caricatures that they just want tax cuts, we just want spending. The bottom line is that whatever your intention, no matter how good and noble you think it is, you have to pay for it. The two wars, two tax cuts, and $2.3 trillion in deficits that we inherited and a $750 billion bailout of Wall Street requested by President George Bush and Henry Paulson have to be paid for. The stimulus that's being ridiculed is the only thing that conservative and liberal economists have acknowledged has diminished the decline in the economy.

Good intentions are not a substitute for fiscal responsibility. We are acknowledging that. We have different goals. We have to fight those out. But why, despite whether your goal is a tax cut or a spending program, won't you agree to pay for it? That's what this legislation is about.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Speaker, I rise today in strong opposition to this bill, a $2 trillion increase of our debt limit to more than $14 trillion. Over the past 3 years, it is the Democratic Party that has controlled both Houses of Congress, and we have seen the debt limit increased dramatically, six times, totaling $5.3 trillion, an increase of 60 percent in only 3 years.

In fiscal year 2007, the Federal Government spent approximately $2.7 trillion; in 2009, $3.5 trillion, and last week we were sent a new budget proposal by the President that would even break that record. We must take concrete action to get our spending under control and get our economy moving again.

I fear that unless we take such action, the government's bond rating will be reduced, an event that could have catastrophic results for our markets.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Indiana (Mr. HILL), a real leader on this issue for all of his years in Congress.

Mr. HILL. I thank my friend for yielding the time.

Madam Speaker, I rise in strong support of this legislation. This is legislation that we Blue Dogs have been fighting for for many, many years. And it's very satisfying that it is coming to fruition today.

I'm not here to play the blame game. There's a lot of blame to go around about our Nation's budget deficit. What we need is an instrument that gets us back on a pathway of fiscal responsibility. And we know that PAYGO works. It worked in the 1990s. And I should also say that it was a Republican President who proposed it. President Bush, Senior, was the one that thought this was a good idea. President Clinton thought it was a good idea. And it resulted in budget surpluses.

Now we've got problems with our Nation's budget deficit. There's no question about that. This is the instrument that gets us back on track to fiscal responsibility. And so I join my colleagues on this side of the aisle, and I would hope a few others on that side of the aisle, to get us back on that path.

This is the right thing to do, and after many years, it's finally a reality.

Mr. CAMP. At this time, Madam Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. It's time for a little bit of truth-telling about their side and about our side.

Truth-telling about our side is that back when we were in charge, we didn't do so well on controlling runaway Federal spending. My colleagues who know me well know that I many times found myself at cross purposes in fighting the President of my own party and some leadership in my own party in some of those big spending fights. But under the last administration, we doubled the national debt. I want to stipulate that.

But frankly, that's no excuse for what's happening today, Madam Speaker. Over the last 3 years, the Democratic majority has literally broken the ceiling on fiscal responsibility, and, as I just admitted, that ceiling was pretty high.

Since Democrats took control of Congress in January 2007, the national debt has increased by $3.96 trillion, a 42 percent increase in 3 years. To keep up with this spending binge, Congress has increased the debt limit five times over the last 3 years, three times since the current administration took office 1 year ago.

The statutory debt increase that comes before us today, $1.9 trillion, is the largest one-time debt increase in U.S. history. This is the fifth increase, as I mentioned, in the last 19 months. This one-time increase in the debt limit of $1.9 trillion is actually larger than the entire GDP of almost every country in the world. It's larger than the GDP of Canada, Russia, Spain or Brazil, and it's larger than the GDP of Australia and Poland combined.

The American people are looking at this extraordinary gusher of spending and debt, and they're asking the question, When will it stop? And the answer, as we look at the budget that the administration submitted earlier this week, is no time soon. I hasten to add the administration just this week announced plans for a budget, $3.8 trillion in scope with a $1.6 trillion deficit, $2 trillion in higher taxes.

And let me say with respect, the American people looking in ought not to be deceived by the promises of fiscal discipline known as PAYGO. The truth is the bill before us today is about 58 pages long, and 32 of those pages are all the programs that are exempted from the PAYGO requirements. Forty percent of Federal spending is exempted from the fiscal discipline fix that we are being told is encompassed in PAYGO. The truth is what ''PAYGO'' really means here in Washington is that you pay and they go on spending.

The fact is what we see here is a failure of leadership. President Obama, as a United States Senator, said in March of 2006 when he came out against raising the debt limit in a vote, The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government's recklessness. America has a debt problem and a failure of leadership.

So said then-Senator Barack Obama in March 2006.

Let me suggest he was right then, and his words are equally true today.

The American people long for us to put our fiscal house in order. They long for us to embrace true fiscal discipline and reform. They long for this administration and this Congress to lead us away from the brink of fiscal disaster. This PAYGO, this debt ceiling vote is no solution, and I urge its opposition.

Mr. BOYD. Madam Speaker, I yield myself 1 minute.

Madam Speaker, PAYGO, when it was put in place in the past in the 1990s, was put in place with bipartisan votes. It is my hope that the gentleman from Indiana will work with us in a bipartisan way.

The first thing we must do is understand exactly what PAYGO does. He said, for example, that PAYGO has a list of exemptions which wouldn't affect current spending programs. Well, PAYGO has nothing to do with current spending. It speaks to additional and new entitlement, mandatory spending programs and-or tax reductions, changes in law.

So the first thing we should do, Madam Speaker, is get a good understanding about exactly what PAYGO does do—stop digging the hole, and

then we can begin to fill in the hole and reach fiscal responsibility, reach a balanced budget like we did back in the 1990s.

Madam Speaker, with that, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, every day families across the country make sacrifices to stay within their household budgets. They know you can't spend what you haven't saved. But for the past decade, Congress has failed to grasp that simple premise. That failure has led to what the President has aptly described as a deficit of trust. It's hard to govern when you don't have the public trust, and it's hard to borrow when you have lost the trust of world markets.

During the 1990s, PAYGO forced Members to make hard decisions. However, PAYGO rules were waived in 2001 on the theory that we could pay for two wars with two tax cuts. Today, thanks to years of hard work by the Blue Dogs, we're taking the first step to win back the public trust.

Madam Speaker, today I am a Blue Dog.

Mr. CAMP. Madam Speaker, I yield the balance of my time to Mr. RYAN to control.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin will control the time.

There was no objection.

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. Thirty seconds were remaining, so you have 15 minutes and 30 seconds that you control.

□ 1445

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, the vote we are having here today is not a vote for PAYGO, or whatever we want to call it. It is a vote to raise the debt ceiling. It is a vote to raise the debt ceiling by $1.9 trillion. The majority might argue this isn't about the debt, but let's not be fooled. This is about a debt ceiling. Treasury has to raise it because we have had this incredible spending spree, and we are on an unsustainable trajectory of more debt.

Now, let's take a look at where we are right now. Right now, the burden of the debt on our economy is 60 percent. That is worse than what is required in Europe, because under this budget that is passing, it goes up to 77 percent of our economy by the end of the President's budget. Now, already, foreigners hold about half of our debt, and China lends us the most. The problem we have, Madam Speaker, is that the Chinese aren't going to keep lending us all their money.

Let me tell you a little bit about what will happen to America. The debt trajectory we are on will weaken America. The debt goes to catastrophic levels in this country which will destroy our economy—that is a tough word—and for sure give the next generation an inferior standard of living. These are facts. They are not opinions.

Now, one thing that I find interesting about PAYGO is the budget that we are living under right now doubles and triples our debt in 10 years, and it is all PAYGO compliant. The debt skyrockets under the current budget, and it all does so within PAYGO. And if you actually look at the President's budget, it says: with this PAYGO rule, not only will the debt triple in 10 years, but we will have another $473 billion under PAYGO to spend on top of that. That is what PAYGO does, Madam Speaker.

PAYGO has been in place before. We have seen it. It started in 2007 when the Democrats took over Congress. At that time, when PAYGO was put in place, we had a $161 billion deficit. We have a $1.6 trillion deficit now. Forty percent of the entire budget is exempt from PAYGO. It does not do a thing at all to reduce the deficits. In fact, what PAYGO does is it locks in the deficits at its current levels, and it doesn't address the spending crisis.

Not only is spending growing at an unsustainable rate, not only are entitlements growing themselves right into bankruptcy, not only are we looking at bankruptcy of Medicare, Society Security, and Medicaid right around the corner. PAYGO is ripe with loopholes. It exempts 40 percent of spending, as I mentioned. It exempts mandatory spending on appropriation bills. It exempts all spending designed as emergencies, and more than 160 programs are exempt from its enforcement.

The point is this, Madam Speaker: my greatest concern is that if we pass this illusion of fiscal control, that will replace any real fiscal spending control whatsoever. It is good talk. It sounds good. When you look at the details, it accomplishes nothing. And when it is ever applied, it is only to chase higher spending with higher taxes. We should reject this and start over.

I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, the American public must be baffled by the charges and countercharges going back and forth. I would just invite, Madam Speaker, those listening to make their own decision based on two facts.

First is that the gentleman from Kentucky said a few minutes ago that the present administration had tripled the Federal spending. I would invite people to go look at the record, which says that the 2008 budget was $2.9 trillion. The proposed budget for this year is $3.7 trillion. That is not tripling.

Second, in the years in which we have had the PAYGO rule in effect, we have accumulated 30 percent of the Federal debt. In the years we have not had it in effect, we have accumulated 70 percent of the Federal debt.

Choose based upon the record and I think people will see that voting ''yes'' on this commonsense legislation is the right path.

Mr. BOYD. Madam Speaker, may I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from Florida controls 12 minutes. The gentleman from Wisconsin controls 12½ minutes.

Mr. BOYD. I reserve the balance of my time.

Mr. RYAN of Wisconsin. At this time, I yield 2 minutes to the gentlewoman from Wyoming, a distinguished member of the Budget Committee, Mrs. LUMMIS.

Mrs. LUMMIS. Madam Speaker, two points I would like to make. One is this is not the same statutory pay-as-you-go as was in effect in the 1990s. During the years that President Clinton was working with a Republican Congress, they did balance the budget and they did create a surplus, but they did it using a statutory pay-as-you-go mechanism, or perhaps it was a nonstatutory pay-as-you-go mechanism, that actually didn't have as many exemptions as this one does. The fact that we are using a statutory pay-as-you-go terminology that really doesn't limit in any way spending to be paid for is simply disingenuous.

The other point I would like to make is about our debt limit. We don't have to raise the debt limit today, the debt ceiling. What we would have to do is put strict spending caps on ourselves, roll back the budget to fiscal year 2008 levels; we would have to pull in stimulus money, TARP money, and other expenditures that have either been returned to the government or not yet made. And we wouldn't even have to raise this debt ceiling.

So this is an issue of lacking fiscal responsibility. We are in a situation of borrow-as-you-go, not pay-as-you-go.

Mr. BOYD. Madam Speaker, I yield myself 15 seconds.

I would like to remind the gentlelady from Wyoming that we did borrow-as-you-go since 2001, and we want to do pay-as-you-go starting now.

It is my privilege to yield 1 minute to the gentlewoman from Pennsylvania, the vice chair of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Today, the House will take a major step in efforts to balance the Federal budget. Like American families and businesses, Congress must be fiscally responsible and pay for what we spend.

Our focus this year is twofold: restoring our economy and reducing the deficit. PAYGO legislation is an essential step in the process of cutting the deficit. Growing jobs and restoring fiscal discipline is not easy or quick, particularly given the financial situation we inherited.

In 2002, Republicans allowed PAYGO to expire and turned budget surpluses

into a deficit for 2009 of $1.3 trillion. How did this happen? They grew annual spending by over 8 percent. They passed the largest expansion of entitlements without paying for it. They started and didn't pay for two wars. And they gave and did not pay for tax cuts for the wealthiest 1 percent of Americans. Collectively, these actions added $8 trillion to the national debt.

We must agree, and we should, as Republicans and Democrats, agree to pay for what we spend as an important step in putting our Nation back on track towards fiscal discipline and responsible budgeting. I would say vote ''yes'' for PAYGO legislation.

Mr. RYAN of Wisconsin. Madam Speaker, at this time I yield 2½ minutes to the distinguished gentleman from Texas (Mr. HENSARLING), the vice ranking member of the Budget Committee.

Mr. HENSARLING. Madam Speaker, already in just 2 years, an 84 percent increase in enacted spending, 84 percent, a $1.2 trillion stimulus bill that has us mired in 10 percent unemployment, a $450 billion omnibus bill, another $400 billion omnibus bill. The explosion of spending is unprecedented in our Nation's history. And that leads us to the vote that is before us today. Increase the debt limit for the third time in 12 months; increase it another $1.9 trillion, our Democratic colleagues say, so that we can increase the burden per household $16,214. Where will it all end?

And now, just this week, we hear from the President of the United States: we haven't spent enough. Let's spend some more. Let's propose a budget that will simply triple—triple—the national debt over 10 years.

Madam Speaker, the American people are tired of the spending, tired of the debt, tired of the deficits, and certainly tired of the bailouts.

And don't take my word for it, Madam Speaker. Let's hear what CNBC had to say about the matter of the President's budget: ''part of a record $3.8 trillion budget that would boost the deficit beyond any in the Nation's history.''

The New York Times: ''The budget projects that the deficit will peak at nearly $1.6 trillion.'' It goes on to say: ''and remain at economically troublesome levels over the remainder of the decade.''

Wall Street Journal: ''All of this spending must be financed, and so deficits and taxes are both scheduled to rise to record levels.''

And so what do we hear? We hear from our Democratic friends, well, let's have PAYGO.

Well, what did we learn about PAYGO? Number one, they have already had a House rule for 2 years. And at least as practiced in the last fiscal year, 98 percent, Madam Speaker, 98 percent of all spending was either waived or it was exempt. PAYGO is a budget fig leaf.

Well, what does the President suggest? He says let's freeze spending. But what we discover when we run the numbers is that he doesn't turn on the freezer for a year. He turns it off quite soon after that. And when you plug in the numbers, it is a difference between growing government 49.27 percent versus 49.01. They are bankrupting America. Reject this vote and reject this debt limit.

Mr. BOYD. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, the elements of this bill are critically important. Pay-as-you-go is essential. It is critically essential at this point in the issues being dealt with by this country.

If you look back over the course of the last several years, you will see how this huge deficit has gone up over and over again.

Let me just give a couple of examples of the way in which the huge debt that we have now has increased under the leadership of the opposition on the other side of the aisle here, and the previous President.

One of those was the military invasion of Iraq, which was completely unjustified. There was no justification for it whatsoever. The price of that is approaching now $1 trillion.

Another issue that was dealt with in the context when they were in the majority was the tax cuts for the wealthiest people in America. Those tax cuts have now created the greatest concentration of wealth in the hands of the wealthiest 1 percent of Americans that this country has ever experienced since 1929, 1930. Now, we know what brought that about, and we know the same kind of circumstances that we are dealing with now.

Let me just give another example. They are not very much in favor of things like health care. Take, for example, what they tried to do with Medicare back in 2003 and how the price of that has gone up so much. They introduced prescription drug provisions in the Medicare program, but they would not allow for the negotiation of any price. They would just say that whatever the drug companies want to charge you, that is what you are going to have to pay. And that price is now going up to somewhere in the neighborhood of $700 billion.

All of that has created the huge deficit that we have; and if you look at the way in which that deficit has adversely affected this economy, you see it over and over again. In housing, for example: over the course of the last 1½ years, the housing situation in this country has gone desperate. All of these things need to be changed. This bill will deal with it constructively and effectively, and it should be passed unanimously.

Mr. RYAN of Wisconsin. Madam Speaker, at this time I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding, and I want to say the concept of PAYGO sounds great, but it is an absolute fig leaf when you look at the practicality of it only applying to 2 percent of the budget. It's just not a genuine proposal.

But I want to say this: I think it is good to have this discussion. But both parties have been spending too much money, and not just Congress, but the Federal Reserve. Just think about 2008. Bear Stearns bailout, $29 billion. A Bush stimulus bill in May of 2008, $168 billion. The Fannie Mae bailout, $200 billion. The AIG bailout, $85 billion, going now to $140 billion. And that was under the Democrat majority in the House, and President Bush signed it into law. So both parties have been in this mix.

And then comes President Obama. A $787 billion stimulus bill that brought our unemployment from 8 percent to 10 percent. An omnibus spending bill, $410 billion. A health care proposal that costs over $1 trillion. Cap-and-trade that will cost American households $1,500 per house. And another stimulus bill that the Democrats, under Speaker PELOSI, just passed in December of about $60 billion.

□ 1500

Ladies and gentlemen, both parties are guilty, but this is the essence of it. It is a tripling of the national debt. Therefore, we have a debt ceiling. The debt ceiling is a mechanism, an outside trigger to force Democrats and Republicans to come together and cut spending. But instead what do we do? We move the trigger. And the result is this. And guess who inherits it. The children. And Gen X and Gen Y, who will already not get Social Security because it is going broke, and Medicare that has $39 billion in unobligated debt right now. We are not facing what we need to do.

Instead of moving the debt ceiling, we need to be going back into our spending and cutting spending, not kicking the can down the road for another Congress, another election, and another generation. Vote ''no'' on this. Let's stay over the weekend and start coming together to cut the budget.

Mr. BOYD. Madam Speaker, I yield 1 minute to the gentleman from North Dakota, a fellow Blue Dog, Mr. POMEROY.

Mr. POMEROY. I thank the gentleman for yielding and commend him so much for the leadership he has shown on budget matters. Receiving fiscal lectures from this crowd is a little bit like getting investment advice from Bernie Madoff. You know, when George Bush took the Presidency, the debt was $5.6 trillion. And under majorities in the House and Senate, with a Republican President, the debt doubled. Part of the reason is the expiration of pay-as-you-go budgeting principles. Don't take my word for it. The record is clear.

When we adhered, on a bipartisan basis, with the Bush I agreement, the budget '97 agreement, and the Democrat-passed '93 agreement to pay-as-

you-go, we set the path towards surplus. When pay-as-you-go expired, Katy bar the door, and the deficits exploded.

Now, as we get our hands around this fiscal situation, my friend Mr. RYAN is in part right when he says that this is not a full measured response. You know, we have got a long journey. We have got to begin with a solid step. Restoring pay-as-you-go budget principles is that step.

Mr. RYAN of Wisconsin. I yield myself 2 minutes.

Madam Speaker, we need to step up to the plate. Look at what is happening with the current government right now. I have three children. They are 5 years old, 6 years old, and our oldest just turned 8. For the last 40 years, the size of our government has been remarkably consistent, about 20 percent of the economy. Meaning we have taken 20 cents out of every dollar made in America to go to the Federal Government. When my three children are my age, the current government we have right now, this is before you would even pass the President's budget, that current government goes to 40 percent of our economy. You will have to take 40 cents out of every dollar made in America just to keep the government we have now in place at that time, doubling the taxes on the next generation.

I asked the Congressional Budget Office what would the income tax rates have to be to support all of this when my kids are my age? The lowest tax bracket, which is now at 10 percent, they said that would have to go to 25 percent. The middle income tax brackets for middle income families go up to 66 percent. Top tax bracket on small businesses, 88 percent.

Madam Speaker, we know we are crashing our economy with this borrow-and-spend mentality. And all of that is PAYGO compliant. This is not budget discipline, it is an illusion. Let's come together and fix this problem.

With that, I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1½ minutes to the gentleman from Tennessee, a great leader on this issue for many, many, many years, leader of the Blue Dogs, Mr. TANNER.

Mr. TANNER. You know, if we accept that everything that everybody has said on both sides of the aisle is true, that is still not, in my view, a good financial reason to vote against this bill. It may be a good political reason, but it is not a good financial reason.

Yes, this bill is imperfect, but it is a first step. PAYGO only applies to those laws that are enacted that either demand by the law itself that Federal revenues be altered or that spending be changed. It does not affect discretionary spending and so forth. It is a first step. This bill is not perfect. But whatever your reason is is not a good reason, financially speaking, to vote against something that is good. Perfect? No. But the perfect is always the enemy of the good in a legislative body.

And so unless one wants to talk politics, if one wants to talk finances, I cannot think of a good financial reason to say, ''Well, let's just do this if this is all we can do.'' It is a good first step, and it ought to be taken.

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Wisconsin controls 5 minutes, and the gentleman from Florida controls 6½ minutes.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege now to recognize the Speaker of the House, and yield 1 minute to the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I thank him for his extraordinary leadership on this important issue, an issue of importance to our country, to our economic stability, to our fiscal soundness, and to our children and our grandchildren.

This is an issue, pay-as-you-go, who could oppose this great idea? It has a provenance in the Democratic Party that goes back over 30 years, but it has been in practice in a bipartisan way over time. To my progressive friends, I say that Congressman GEORGE MILLER of California introduced a resolution in 1982 at the Democratic convention, mid term convention in Philadelphia, calling for pay-as-you-go. It was passed and adopted as part of the Democratic platform, a measure for fiscal soundness, recognizing that even those of us who see a role in government, a limited role in government and investments in our children's future know that it must be paid for or else we are heaping debt onto our children. That was in '82.

It wasn't until later, with a Republican President, President Bush, and a Democratic Congress, that PAYGO was implemented. Then later, under a Democratic President, President Clinton, and a Republican Congress, PAYGO was implemented. All of those times it brought down the deficit and, in the case of President Clinton, it led to a path, a trajectory of $5.6 trillion in surplus.

It hit, I wouldn't say a bump in the road, I would say a giant mogul when President Bush came in with a Republican Congress and the Republican President abandoned PAYGO. And now for the past 8 years, up until 2009, January, we have had these growing deficits. Here we are again sweeping up behind to get rid of the trajectory that we are on of increasing the deficit.

So here it is. It is an historic day. I am so very happy. When I became Speaker of the House, the very first day we passed legislation that made PAYGO the rule of the House. Today we will make it the law of the land. I talked about the progressive provenance of this idea, but because of the extraordinary leadership of the Blue Dog coalition in the Congress, this pay-as-you-go is part of a blueprint for fiscal responsibility that has been their mantra and which they have made the mantra of the House Democrats, and I hope today in a bipartisan way of the House of Representatives.

I commend Mr. BOYD for his relentless leadership on this subject; BARON HILL, author of the legislation; JIM MATHESON, STEPHANIE HERSETH SANDLIN, the leadership of the Blue Dog coalition; and a person who has been a relentless and articulate spokesperson on this issue, JOHN TANNER, zwhom I had the honor of following in this debate. As I say, the Blue Dogs have made this a priority.

But it is out there also with subjecting spending to the harshest scrutiny. Every Federal dollar that is spent must be subjected to scrutiny to make sure the taxpayer gets his or her money's worth. Subject the spending to scrutiny. And that is what President Obama is proposing with his freeze and cuts.

Pay-as-you-go. This largely applies to the entitlements, which are the largest part, biggest increases in the deficit. And third, the commission to review the entitlements and how we can control cost. This is an obligation that we have to our children. It is an important part of the work that we do, to be able to make difficult, difficult choices on how we make investments, understanding that they must be paid for.

So the luxury of just heaping bills with projects or whatever, or in terms of new entitlements especially in terms of PAYGO, that day is over unless it is paid for. So how is it a reflection of the values of our country; how important it is to meeting the needs of the American people. Would we put it before something else? That is what this is about, about prioritizing so that we can get on a path of deficit reduction, reducing the national debt, reducing the debt service, hundreds of billions of dollars of interest on the debt, which gets us really nothing in return.

So the time is long overdue for this to be taken for granted that the Federal Government will pay as it goes, that we will be on a path of deficit reduction, and that every action that we take in any bill that we take will have to meet the test. Does this reduce the deficit? Does this create jobs? Does this grow our economy? Does this stabilize our economy well into the future? Central to all of that, and a very strong pillar of fiscal responsibility, is this PAYGO legislation that we have here today.

I couldn't be more thrilled for what this means about the fundamentals of how we govern, how we choose, and how we honor our responsibility to future generations to reduce the deficit. With all the respect and admiration and gratitude to our Blue Dog coalition for being so persistent in passing this, and my congratulations, if I may, to

the Senate for passing the bill. It has taken a while, but they are there, and now after this and it goes to the President, it will be the law of the land. I think this is cause for celebration.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I would like to yield 3 minutes to the distinguished minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Wisconsin, the ranking member, for yielding.

Madam Speaker, it would be recklessly naive to go about our business in Washington pretending there won't be severe consequences for the mountains of debt we are piling up. Yet today it is evident that this kind of willful ignorance is sweeping across Washington. We are set to lift our Nation's debt burden to $14 trillion.

Madam Speaker, I would ask my colleagues in this chamber if they know how many zeroes 14 trillion has. I would ask the American people if they know how many zeroes are in 14 trillion. It is 14 trillion. It is beyond comprehension to be talking about numbers this big. More precisely, the limit is 1, 4, 2, 9, 4, 0, 0, 0, 0, 0, 0, 0, 0, 0.

It is a travesty. The writing is on the wall. Congress needs to wake up and realize that the future of American prosperity is in dire straits, mortal danger. As Americans hunker down to weather the economic storm, Democrats in Congress boosted Federal spending by 12 percent. Madam Speaker, we have heard a lot about the majority's PAYGO scheme, but this will not affect any spending that has already happened.

□ 1515

In fact, it will perpetuate the problem by locking in that spending going forward. And the majority's solution to offset all of their spending is more tax increases, which will kill jobs at the time we need them most. Supporters of this legislation will pull the wool over the American people's eyes and claim the mantle of fiscal responsibility, but the American people aren't buying it. By voting in favor of this PAYGO bill, the majority will be increasing the debt burden on our children and grandchildren by $1.9 trillion. Strip away the sweet-sounding rhetoric, and that's what this bill is all about.

Madam Speaker, I just end with this rhetorical question: How effective can this so-called panacea really be when the debt has risen by $5.4 trillion since the majority imposed PAYGO in this very House over 3 years ago?

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, as a member of the Blue Dog Coalition, I'm proud to stand in support of statutory PAYGO. Pay-as-you-go legislation was a key factor, as we have heard, in delivering the budget surpluses of the 1990s. The Republican-controlled Congress allowed pay-as-you-go to expire in 2002, contributing to the dramatic turnaround from a projected surplus of $5.6 trillion when President Clinton left office to a projected deficit of more than $11 trillion at the end of the last administration.

Restoring statutory PAYGO will help bring our country out of the red and back into the black. As the saying goes, a journey begins with the first step. I'm proud to cast this vote as Washington takes the first step back to fiscal responsibility and sensible spending. Our path to fiscal responsibility starts today. Restoring PAYGO is the first step to enforcing fiscal discipline and removing the burden of Federal debt from the American people. It's my hope this will be the first of many steps that both Democrats and Republicans take to balance our budget and be good stewards of taxpayer funds.

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

Mr. BOYD. Madam Speaker, it is my privilege now to yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Madam Speaker, I rise in support of the statutory PAYGO act. This bill, which I'm proud to cosponsor, will help restore fiscal discipline by enacting into law the most basic principle of responsible accounting, that every dollar spent must be offset by a dollar earned or saved. This is the way that American families balance their finances, and this same principle should apply to the Federal budget.

This legislation is particularly important at a time when Congress also faces the troubling task of raising the statutory debt limit. I am truly dismayed by the need to raise the ceiling of our national debt, which already exceeds $12 trillion. We simply cannot keep borrowing our way to a better future. It is time that we take decisive action to reduce our Federal deficit while continuing to invest in our economy and combat unemployment.

In Rhode Island, the unemployment is now 12.9 percent, the third highest in the country. Put simply, Rhode Islanders are still looking for jobs, but they are also looking for a government they can trust to live within its fiscal means. This is going to require the will and cooperation of Democrats, Republicans, and Independents alike to solve our budgetary challenges. Today, it begins by passing the statutory pay-as-you-go act.

I urge my colleagues to support this measure and send a strong message to the American people that the days of fiscal irresponsibility are over.

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

The Speaker of the House came and just said something to the effect that this was a proud moment, a happy occasion, a bill she's really excited about. The bill we're about to vote on, Madam Speaker, raises the national debt ceiling by $1.9 trillion. Even if I were a supporter of this bill, I wouldn't be proud of it.

I'm taking a look at the President's budget. On page 172, table S–9, the President's PAYGO proposal says that at the end of the budget window we can spend another $473 billion. So we're saying all the debt that's going up, the tripling of the national debt that we're giving to our kids and grandkids, not only does that comply with PAYGO, we can go ahead and spend another $473 billion on top of it.

This, Madam Speaker, is a fiscal charade. Real people from both parties need to step up and solve this problem. I have thrown out a few ideas of my own. I hope other Republicans and Democrats do the same. Because, Madam Speaker, if we don't tackle this problem, it's going to tackle us.

Our constituents sent us here to be a part of a solution and not a part of the problem. We know irrefutably we're going to bequeath this mountain of deficit and debt onto the next generation. Both of our parties share the blame. No one party corners the virtue on fiscal responsibility. But we're going to, together, have to come down here and fix this problem once and for all. And doing this doesn't do it. Doing this is a cop-out. Doing this raises the debt limit $1.9 trillion and gives us a fiscal cop-out so we can go talk tough in the election about how we did this and that while we bequeath the next generation an inferior standard of living.

I didn't come here to make sure that my three kids are going to have a life that's worse off than ours. Nobody here wants that. So let's get this fixed, defeat this bill, come together, and do real fiscal discipline. The American people are under attack. We overspend.

Mr. BOYD. Madam Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman controls 3½ minutes.

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

Madam Speaker, it's been a good debate, and I join my colleague and friend Mr. RYAN of Wisconsin in a call for working together in a bipartisan way to solve these problems. Madam Speaker, that's the only way that we will solve this massive problem that we have. I don't think any of us take pleasure—I know Mr. RYAN doesn't and I don't—in being here and talking about having to raise the debt ceiling because of policies we have put in place in the past that have incurred a tremendous deficit and mounting debt in this country. I would be less pleased if I had voted for those policies, and I would be embarrassed.

I can give you an example: the economic package of 2001 that carried us down this trail; subsequently, 9/11; subsequently, Medicare prescription drug

programs unpaid for; wars that we continued to cut taxes while we were committing our troops overseas and hundreds of billions of dollars to prosecute those wars.

Madam Speaker, we have to stop this foolish policy of spending more than we take in. Congress has consistently shown that we don't have the will to discipline ourselves when it comes to spending the revenue. Pay-as-you-go legislation is a tool that will put us back on the right path to fiscal responsibility. It worked in the past, as others have said, put in place first by George W. Bush, Sr., along with the Democratic Congress, and then later on by President Clinton with the Republican Congress. We can do it again if we work in a bipartisan way. This is a great first step, though.

For those who criticize the legislation as having too many exemptions, I'm very pleased to hear Mr. RYAN and others say they've changed their tune about exemptions, because I've got some vote sheets here that show that they voted to enact spending programs or mandatory programs that we had paid for, but they voted against the bill when it's paid for and then voted for it when it's not paid for. So I assume that means that they have taken a different approach into how we're going to do business in the future. This pay-as-you-go legislation not only will encourage that, but will require it statutorily.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of this resolution. Not because it is good practice for us to continue increasing the national debt limit, but because for the first time since it expired under the previous administration, we are making PAYGO a statutory requirement.

In addition to other efforts by the Obama administration and Congress, PAYGO requirements will help us get our financial house back in order from the mess that was handed to us by the previous administration.

After two wars, and tax cuts that were not paid for, the $5.6 trillion dollar surplus we experienced in 2000 turned into a $1.3 trillion deficit.

In the 1990s, the Clinton administration turned the deficits accumulated in the two previous presidencies into record surpluses. One of the key tools in this transformation was the PAYGO rule, which required Congress to find savings for the dollars it spent.

Unfortunately, after President Clinton left office, the next administration and Congress regularly waived PAYGO rules and ultimately allow them to expire in 2002.

After waiving and allowing these rules to expire, we saw the surplus built by the Clinton administration vanish, and deficit spending resume—spending that will have to be repaid by our children and grandchildren.

A New York Times analysis attributes 90% of that deficit to the economic downturn, Bush administration policies, and the extension of those policies. According to that analysis, only 7% of the deficit is attributable to the Economic Recovery Act passed early last year, which economists largely agree was a necessary emergency response to this recession.

Madam Speaker, this is just good policy. For eight years, under the previous administration, we saw deficit spending spiral out of control. Now many of those responsible for that spending are criticizing the majority and the current administration for its spending policies, complaining that it is piling up debt for the next generation.

Today those individuals have a chance to vote for legislation that ensures any future programs are paid for, and reestablish the rules that led to control in government spending and budget surpluses in the 1990s.

I am an original cosponsor of the PAYGO legislation that passed the House last July, and I urge all my colleagues to join me in supporting this bill to set our nation back on a path to sustainable spending policies that will ensure we do not have to continue increasing the debt limit indefinitely.

Mr. LEVIN. Madam Speaker, I rise in strong support of the provisions in the bill before the House that restore the pay-as-you-go budget rules.

The PAYGO rules simply require that new entitlement spending and new tax cut proposals be fully paid for with offsetting savings. Failure to do so would result in mandatory spending cuts. These rules were instrumental to the successful effort to rein in soaring deficits in the 1990s and resulted in balanced budgets during the final years of the Clinton administration. Unfortunately, the pay-as-you-go rules expired in 2002 and the Bush administration and the then Republican majority in Congress refused to renew them. Our nation's fiscal health has paid a heavy price for that refusal.

Yesterday, the House Ways and Means Committee heard testimony from the Director of the Office of Management and Budget. Specifically, Dr. Orszag testified that the large deficits we confront today in large measure reflect the failure to pay for policies in the past. Dr. Orszag said, ''More than half of these deficits can be linked to the previous administration's failure to pay for the 2001/2003 tax cuts and the prescription drug bill. Over the next ten years, these two unpaid-for policies are slated to add $5.8 trillion to the deficit, including interest expense on the additional associated debt.''

Returning to the budget discipline of the pay-as-you-go rules is common sense and will help ensure that we don't repeat the reckless tax and spending mistakes of the past.

Mr. HOLT. Madam Speaker, I rise today to discuss our national debt.

Let's look at the facts of how we got here. Just 10 years ago, the National Debt clock was turned off and we were having serious conversations about what would happen after we paid down the debt. Our nation was running a budget surplus in 1998, starting a stretch of surpluses that lasted through 2001. Our nation's fiscal house was in order. How then, have we gone from surpluses to significant deficits?

Some would have us believe that the national debt suddenly appeared in the past year. If only it was that easy. The national debt level we see today is the result of 8 years of poor decisions. Earlier this decade, the Republican-controlled Congress voted to slash taxes for the wealthy and charge it to the national debt. The same party voted to create a prescription drug benefit and charge the entire cost to the national debt. I voted against both of these laws because they were fiscally irresponsible. The previous President decided to pursue two wars on borrowed money and charge it to the national debt. In contrast, the policies that we have adopted this Congress to pull our economy out of the recession are responsible for less than 16 percent of this and last years' deficit.

Because of the irresponsible decisions of the recent past, we entered this recession with our fiscal house not in order. With our economy nearing collapse, our government had a choice to make. Facing the worst economic crisis in 75 years, we could have done nothing. Yet, this was not a responsible option. During times of great hardship, our government cannot shrink away from helping our citizens and helping our economy recover. This required federal investment. Leading economists have made clear that these investments were vital and that the best way to reduce the deficit in the long-term is through a strong economy.

One major reason for the debt we see today is because President Bush and the Republican-controlled Congress allowed the ''pay-as-you-go'' law to expire. Every family understands this principle—you must pay for what buy. I am saddened that Congress forgot this simple lesson earlier this decade. This is only one tool, but it is a strong one to return our nation back to fiscal stability. It forces Congress to identify inefficient or ineffective programs whose funding can be cut to fund higher priorities, such as health care, education, and clean energy.

The bill we consider today restores this budgetary safeguard and makes the ''pay-as-you-go'' principle law. In the 1990s, the last time that ''pay-as-you-go'' was the law, we turned the massive deficits of the 1980s into record surpluses. In 2007, I was pleased that the House of Representatives restored this principle in the House rules when Democrats regained control of the House. While this rule was a good first step, today's legislation goes further by applying automatically to legislation and will cut spending if Congress does not do so.

In addition, this bill would require the Government Accountability Office, GAO, to review all programs and initiatives to find any duplicative or wasteful programs. The GAO would report what they find to Congress so that we can eliminate the wasteful programs and merge any duplicative ones.

I will continue to work to ensure taxpayer money is well spent. I helped write the Student Aid and Fiscal Responsibility Act, which will reduce our debt by $10 billion by eliminating wasteful subsidies for banks to offer student loans. I am pleased that many other major bills being considered, including health reform and climate legislation, have been paid for and would reduce the debt as well. I have fought every year to cut billions from the flawed missile defense program, which never produced a reliable technology; I have supported reducing agricultural subsidies that too often go to the wealthiest producers instead of small family farmers; and I have advocated for eliminating subsidies to private insurance companies for providing the same services that Medicare already provides to seniors. These are all common-sense steps to reduce wasteful government spending.

This legislation sends a message to the American people that the government is committed to putting the country back on stable economic footing. I will vote for this bill and

will work for our government to regain its fiscal discipline.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.J. Res. 45, the Statutory Pay-As-You-Go Act, PAYGO.

As a former small business owner, I know the importance of keeping your books balanced and your budget in order. The PAYGO Act's concept is simple, if you propose new spending or reduced revenues it must be paid for by reducing spending in other areas.

Today's vote in favor of Statutory PAYGO is one of the most important actions Congress has taken towards ensuring economic discipline and restoring a balanced federal budget. PAYGO does not solve all of our budget problems overnight, but it has a history of bipartisan support and proven results dating back to the 1990s. During my first term, PAYGO helped right the ship and put our nation on a path toward replacing deficits with surpluses.

PAYGO has a proven track record of success, turning deficits in record surpluses under President Clinton. As we work to address the deficits we have inherited from the last administration, PAYGO is a key part of our effort to restore balance.

As a member of the House Budget Committee, I support Statutory PAYGO, and I urge my colleagues to join me in voting for the passage of H.J. Res. 45.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1065, the previous question is ordered.

The question of adoption of the motion is divided. The first portion of the divided question is on concurring in the matter preceding title 1 of the Senate amendment.

Pursuant to House Resolution 1065, the first portion of the divided question is adopted.

The second portion of the divided question is: Will the House concur in the matter comprising titles 1 and 2 of the Senate amendment?

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

Mr. RYAN of Wisconsin. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the second portion of the divided question will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 960.

The vote was taken by electronic device, and there were—yeas 233, nays 187, not voting 14, as follows:

[Roll No. 48]

YEAS—233

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)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
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)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

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

NOT VOTING—14

Cassidy
Clay
Davis (TN)
Ehlers
Gutierrez
Linder
Meeks (NY)
Moore (WI)
Murtha
Radanovich
Stark
Stupak
Thompson (PA)
Young (FL)

□ 1549

Messrs. TAYLOR, SMITH of Nebraska and McINTYRE changed their vote from ''yea'' to ''nay.''

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''nay'' to ''yea.''

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 48, had I been present, I would have voted "yea."

Stated against:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 48, I was unavoidably detained. Had I been present, I would have voted "nay."

NATIONAL STALKING AWARENESS MONTH

The SPEAKER pro tempore (Mr. CARSON of Indiana). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 960.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 960.

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.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 2950.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2950.

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

A motion to reconsider was laid on the table.

ADJOURNMENT FROM FRIDAY, FEBRUARY 5, 2010, TO TUESDAY, FEBRUARY 9, 2010

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, February 5, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

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

There was no objection.

□ 1600

HAPPY BIRTHDAY, SECRETARY UDALL

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

Mr. LUJÁN. Last week, former Secretary of the Interior and Representative Stewart Udall celebrated his 90th birthday. The proud father of Senator TOM UDALL and uncle of Senator MARK UDALL, Secretary Udall now resides in my home State of New Mexico.

Stewart Udall's legacy is visible throughout our country from his time as Interior Secretary for Presidents Kennedy and Johnson. It is visible in the lands he protected and the laws he enacted, groundbreaking law that protected our water, air, and animals in their natural habitats. In his tenure, the United States enacted the Clear Air Act, the Wilderness Act, the Endangered Species Act, and many others.

When he left public office, he continued his work, taking up the cause of Navajos who suffered the effects of uranium mining. Secretary Udall advocated for the passage of early legislation to protect harmed uranium miners and their families while instigating cleanup efforts.

Secretary Udall let compassion and common sense guide his career in public service. He is a great American and a great New Mexican.

Happy birthday, Secretary Udall.

SHORT-SIGHTED DECISION ON F–22S

(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. Madam Speaker, on Friday, January 29, Russia's fifth-generation fighter jet, with stealth capabilities, successfully completed its first test flight. This is an ominous development indeed, as it comes on the heels of the Obama administration's decision to terminate production of our own fifth-generation air superiority fighter, the F–22A Raptor.

The administration's decision to end the F–22 program at 187 aircraft was clearly not driven by military requirements, as a longstanding Air Force requirement for the F–22, developed to meet the national military strategy, is 381. While President Obama and Secretary Gates were expending great capital in shorting the Air Force by nearly 200 F–22s, it should be clear to all of us what the Russians have been doing.

Air superiority is not something we should take for granted, Madam Speaker, for owning the skies is what enables us to own the battlefield. The President's shortsighted decision on the F–22 ignores the possibility that at some point in the future, we could find ourselves in conflict with a conventional military power that could challenge our air superiority, a possibility I don't think any of us would like to imagine.

EXECUTIVES, SMALL BUSINESS OWNERS, AND UNION MEMBERS SAY ''ENFORCE IMMIGRATION LAWS''

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

Mr. SMITH of Texas. Madam Speaker, according to a new Zogby poll, senior executives, business owners, and members of union households think the best way to deal with illegal immigration is to enforce the law. When asked to choose between enforcement or a pathway to citizenship with conditions, 59 percent of executives, 67 percent of small business owners, and 58 percent of union households chose enforcement. When asked whether more immigrants are needed to address our job needs or if there are enough Americans to fill them, 61 percent of executives, 65 percent of small business owners, and 72 percent of union households said there are plenty of Americans available to fill unskilled jobs.

These findings are no surprise. Citizens and legal immigrants should not be forced to compete with illegal immigrants for scarce jobs.

WHAT AMERICANS WANT FROM THE GOVERNMENT

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

Mr. MCHENRY. Madam Speaker, today Congress voted to raise the national debt limit to $14.3 trillion, or $121,000 per American family today. The vote is the third debt increase since the Democrats took control of Congress and they have passed a debt increase three times in the last 12 months. This is a burden to small businesses and communities, will hurt our economic growth and prosperity for years to come, will raise interest rates and hurt our ability for our communities to gain jobs.

This is irresponsible, and yet it's merely a symptom of the problem. The problem is that Washington cannot control its spending.

We need folks in Congress who will look at the budget line by line, as the President pledged in the last campaign, and look at how to root out waste, fraud, and abuse, and curb the growth of government and balance our budget. That is what the American people want, and that is what I am fighting for.

PAYGO PROTECTS THE AMERICAN PEOPLE

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

Ms. JACKSON LEE of Texas. Madam Speaker, many people might not be focused on the work that was done today and led by the Democratic Caucus, and I think it's important to reinforce what we did today. We protected the American people. We protected our veterans. We protected our seniors with Social Security and Medicare. We protected the most vulnerable, our children.

As everyone knows, our children have, many times, the least opportunity for health care reform except for the work that we did just a few months ago when we worked to enroll some 11 million more children in the Children's Health Insurance Program. But at the same time as we move forward, we know more and more children are uninsured.

The PAYGO work that we did and the work that we did addressing the question of this Nation's deficit was clearly not a selfish act; it was a selfless act. And that is to say to our seniors, We'll never forget you. We'll never abandon your Medicare and Social Security.

Our veterans have offered themselves on behalf of this Nation, and we will never, never forget our veterans and our soldiers. And we certainly will not forget the most vulnerable in our society who need food stamps and medical care.

We did the right thing today, and I am proud to have voted ''yes.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). 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 gentleman from Texas (Mr. POE) is recognized for 5 minutes.

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

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

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

LIVING WITHIN OUR MEANS

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

Mr. KAGEN. Madam Speaker, everywhere I go in Wisconsin, people are saying the same thing: Government must live within its means. I agree. After all, being fiscally responsible is the Wisconsin way.

People all across northeast Wisconsin pay their bills on time, and they're tired of seeing their money wasted on bailouts for Wall Street speculators. Everyone, and I mean everyone, is rightfully angry, and so am I. We simply don't believe in rewarding failure in Wisconsin, and that is why I voted against every single bailout that came along.

And never forget, never forget how we fell into this mess.

When I was elected in 2006, the people in power in Washington, D.C., were pursuing borrow-and-spend policies, policies that drove our economy into the ditch without paying a single dime for them. Without paying for a single dime, the previous administration spent money we did not have on two wars—two wars at the same time—two tax cuts for the rich, gigantic handouts to big drug companies on Wall Street, and a trillion-dollar bailout for their friends on Wall Street in the big banks, and asking, asking our children and grandchildren to pay for it all.

Well, enough is enough. We must live within our means. Our government must invest in our own people right here at home, not on Wall Street and not overseas. We must rebuild our own economy and grow the jobs. We need to work our way back into prosperity.

When voting for any legislation, I only have the best interests of my constituents in Wisconsin in mind. The pay-as-you-go rules which were enacted today will be successful, as they were in the 1990s, and this is exactly the medicine we need today to begin to turn today's enormous debts into future surpluses. That is why I strongly support the passage of pay-as-you-go rules, just as I have seven times previously during my public service.

It's really a simple, responsible thing to do. Washington must live within its means and pay its bills on time, just as we do around our own kitchen tables every month across Wisconsin.

Mandatory pay-as-you-go rules are critical to reducing our national debt. Over time, these responsible spending rules will contain Federal expenditures and balance our budgets, for when government attempts to spend money on one program, it must either raise revenues or cut spending on another program. It's just that simple. Live within our means.

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.)

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 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

DOES CONGRESS HAVE THE COURAGE TO CONFRONT THE ECONOMIC THREAT TO AMERICA'S FUTURE?

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

Mr. AKIN. Madam Chair, in the next hour we're going to be talking about a subject that has caught the attention of Americans. It's, generally speaking, a boring subject, but now it's not become boring anymore, and that is the problem with the Federal Government overspending, the problem with the budgets that have been proposed, the problem of the financial trajectory of our country and the threat that that trajectory poses.

I'd like to step back in time a little bit as a Republican to talk about the fact that over a 12-year period, Republicans had deficit spending in a number of years at about a hundred billion dollars or maybe a little more. If you put that all together over 12 years, you have over a trillion dollar amount of deficit spending.

But what we're looking at in 1 year now is over a trillion dollars. In other words, the Democrats are spending more in 1 year than we did in 12 years, or you could say that they're spending enough in 1 month to compensate for every year of the Republicans.

Now, the past President was criticized that he overspent; he spent too much money. His biggest deficit was in 2008 with the Pelosi Congress at about $450 billion of excessive spending.

Just the number of billion dollars, it's hard for us to recognize how does that relate to something. So let's put it in perspective and take a look at it as a percent of the gross domestic product of our country.

The $450 billion deficit with the Pelosi Congress and President Bush, that number would be about 3.1 percent of GDP. That is actually fairly average for many different years and different Presidents.

The 2008 deficit was followed by 2009, of course, and it was, again, the Pelosi Congress, but this time the Obama administration. And after all kinds of criticism of the Republicans for spending too much money, the budget was $1.4 trillion of deficit. That is three times worse than the worst year of President Bush.

□ 1615

Now we have heard all kinds of complaints that it was the Republicans' fault and all of these kinds of things. And yet the choice to spend that much deficit was still a choice, a choice made by our President and our current Congress under Speaker PELOSI, $1.4 trillion.

Now let's connect that, because $1 trillion is an awful lot of money, and it's very hard for us to understand. How does that connect to gross domestic product? Well, it turns out that 9.9 percent of our gross domestic product was in debt. That's almost 10 percent, just under 9. That's the highest level since World War II. That is an incredible level of deficit spending.

Now the question in people's minds becomes, okay, I'm not used to thinking in terms of billions and trillions of dollars. So how do we put this in perspective? And what does it mean to just the average citizen on the street? Well, one of the things it means is that we are really pushing the financial solvency of our country. We are getting to the point where we are spending money so rapidly, beyond our means, that we are driving ourselves into a condition of bankruptcy which could cause a massive collapse of our entire economic system. Nobody knows exactly when or what could trigger that kind of event.

These are very serious questions we are going to be discussing in the next hour. And I'm thankful to see Congressman WOLF, a very highly respected Congressman from this area. He is also going to share with us something about the situation with this budget and what it means.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. WOLF) is recognized for 54 minutes as the designee of the minority leader.

Mr. WOLF. Madam Speaker, Dietrich Bonhoeffer, a Lutheran pastor executed for his efforts in the Nazi resistance during World War II, once said, ''the ultimate test of a moral society is the kind of world that it leaves to its children.'' These are timeless words that resonate deeply today as our Nation struggles to confront our growing national debt.

The release this week of President Obama's fiscal year 2011 budget projects a deficit of nearly $1.6 trillion, equivalent to 10.6 percent of economic output. I am convinced that addressing ballooning debt is not only an economic issue, but there is also a moral component to this issue that goes to the heart of who we are as Americans. Yet I wonder if we in Congress, America's political leaders, have lost the will to make the tough decisions necessary, decisions that could well require sacrifice.

The generation of Americans who came of age during the era of Dietrich Bonhoeffer has been affectionately called the Greatest Generation. Many of them have made unimaginable sacrifices, including their lives, for their children and their children's children. If we remember the legacy that we've inherited, the giants on whose shoulders we stand, I believe we, too, can be moved to do our duty. It will not be easy, but that which is worth doing rarely is.

However, should the 111th Congress fail to address the financial tsunami approaching our shores, it will be judged by history as a dysfunctional, fundamentally broken institution that neglected its responsibilities not only to its constituents we came here to serve, but to those future generations of Americans.

We are on that precipice.

It has been almost 4 years since I first came to the floor of the House proposing an independent bipartisan commission to address unsustainable Federal spending. The SAFE Commission, short for Securing America's Future Economy, would operate in an authentic and transparent way, holding a series of public meetings across the country to hear from the American people. It would put everything on the table, entitlements and all other spending and tax policy. Its recommendations would not be made in a vacuum or over a weekend locked up at Andrews Air Force Base.

At the time of introduction, and still today, it is the only debt reduction commission legislation in play that mandates public engagement on this scale. It also would force Congress to vote up or down on the legislative package born from the commission's work. There would be no avoiding of hard choices.

When I first introduced the bill in the spring of 2006, I discussed the looming financial crisis facing our country and said that the longer we put off fixing the problem, the more bitter the medicine required to fix it would be. I also sought to address the objections of some who said the problem was too big to fix, too risky, particularly in a congressional election year, and an abdication of congressional responsibility.

At face value, there may be some merits to some of those objections, but these arguments ring hollow for the future that we face. They paralyze the Congress from moving forward. They allow the Congress to blindly continue to spend. They provide an excuse for the status quo. They allow us to stick our heads in the sand, all to the detriment of the country.

Consider that from 2011 to 2020, the Congressional Budget Office projects staggering cumulative deficits of $6 trillion. Our Nation is broke. The national debt is now over $12 trillion and growing at rates that haven't been matched since World War II. Amazingly, the House earlier today followed the Senate action to increase the Federal debt limit to a staggering $14.294 trillion.

Significantly, these deficits are not first and foremost wartime deficits. Rather, we have amassed enormous unfunded obligations to ensure future entitlement benefits that, when added with liabilities like the debt, total nearly $57 trillion. That means every man, woman, and child owes $184,000.

Legitimate credit rating agencies have threatened in recent weeks to downgrade the United States from its current Triple A bond rating. The latest warning came just this week from Moody's, a top Wall Street credit agency, reacting to the President's budget. Moody issued a report saying ''unless further measures are taken to reduce the budget deficit further or the economy rebounds more vigorously than expected, the Federal financial picture as presented in President Obama's February 1 budget will at some point put pressure on AAA government bond rating.''

This news comes on the heels of Spain, Greece, and Dubai all seeing their credit ratings downgraded. Losing this ''gold standard'' would make it even more difficult to borrow money, would shake confidence in the dollar, and could lead to a situation where the dollar is no longer the primary international reserve currency. If that were to happen, prices for everything traded internationally, including food and oil, would go up.

Just this week, The Washington Post featured a piece by Allan Sloan, Fortune magazine's senior editor-at-large. He focused on a recent report from the Congressional Budget Office that shows that for the first time in 25 years, Social Security is taking in less in taxes than it is spending on benefits. Sloan writes, ''Instead of helping to finance the rest of the government, as it has done for decades, our Nation's biggest social program needs help from the Treasury to keep benefit checks from bouncing—in other words, a taxpayer bailout.'' He concludes, ''this year's Social Security cash shortfall is a watershed event. Until this year, Social Security was a problem for the future. Now it's a problem for the present.''

Social Security and Medicare are amassing huge deficits and are ill-prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today.

The American people understand the depth of the country's spending problems and are leaps and bounds ahead of Congress in acknowledging the need to deal with this issue. A national survey taken in November revealed that 70 percent of those polled said a bipartisan commission is the best way to tackle the growing budget deficits and national debt. Seventy percent is a pretty convincing number.

Every Member of Congress knows how serious the Federal Government's spending is. But where are those willing to deal with it? The lyrics in Simon and Garfunkel's song ''The Boxer''—

''man hears what he wants to hear and disregards the rest''—aptly describe the mood on Capitol Hill when it comes to addressing Federal spending.

Every day that passes without action is a day that entitlement spending continues to diminish vital discretionary dollars currently being used for domestic and foreign priorities.

But where will the money to meet the needs of the American people come from if these dollars continue to shrink because mandatory spending is taking a growing piece of that pie? If we do not begin to rein in spending, every penny of the Federal budget will go to interest on the debt and entitlement spending by 2028. The implications are staggering. The New York Times ran an article on the front page the day after the President's budget was submitted to Congress which captured this approaching reality. It said, ''unless miraculous growth, or miraculous political compromises, creates some unforeseen change over the next decade, there is virtually no room for new domestic initiatives for Mr. Obama or his successors.''

What does that mean in real terms?

Do you care about national defense and homeland security in a post-9/11 world? There will not be any money left. Do you care about improving our Nation's crumbling transportation infrastructure? There won't be any money left. Do you care about returning a man to the Moon? There will not be any money left. Do you care about this country leading the way in scientific innovation and technological advancement? There will not be any money left. Do you care about finding a cure for cancer, Alzheimer's, autism and Lyme disease? There will not be any money left.

Do you care about helping the vulnerable populations around the world, the orphan, the widow, the HIV/AIDS patient? There will not be any money left. Do you care about sending aid to countries devastated by natural disasters like Haiti after the earthquake? There will not be any money left. No money. Zero. Every penny of the Federal budget will go to interest on the debt and entitlement spending.

The sheer size of the Federal deficit and national debt are astounding. But the narrative that will accompany these numbers if Congress continues to do nothing will be even more devastating. Its implications are not just economic but also encompass our national security.

Wall Street Journal columnist Gerald Seib made just this point last week. He wrote, ''the Federal budget deficit has long since graduated from nuisance to headache to pressing national concern. Now, however, it has become so large and persistent that it is time to start thinking of it as something else entirely: A national security threat.''

Foreign lenders already own nearly 40 percent of our domestic economy. Our biggest ''bankers'' are China, Japan and oil-exporting countries like Saudi Arabia. Saudi Arabia was home to the 9/11 terrorists. Saudi Arabia's Wahhabi brand of Islam is taught in some of the most radical mosques and madrassas around the world, including along the Pakistan-Afghanistan border. Saudi Arabia continues to view floggings and beheadings with a sword as legitimate means of punishment. They have repressed women. They persecute Christians and those of the Jewish faith. Their textbooks are filled with hateful messages about minority faiths. Is this a country that we want to be beholden to?

What about communist China, which routinely violates the basic human rights and religious freedom of its own people, where Catholic bishops, Protestant pastors and Tibetan monks are jailed for practicing their faith? I've seen how they plundered Tibet with my own eyes.

The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations. According to the FBI, Chinese intelligence services ''pose a significant threat both to the national security and to the compromise of U.S. critical national assets.'' Weapons that entities of the People's Republic of China supplied to Iran were ''found to have been transferred to terrorist organizations in Iraq and Afghanistan.''

China is a major arms supplier and source of economic strength to the regime in Sudan. They have been the major obstacle to ending the genocide in Darfur. Our efforts to exert diplomatic pressure against Iran's nuclear weapons program have been thwarted by China's opposition to the U.N. Security Council sanctions against Iran. Do we really want China to be our banker?

These foreign countries, with vastly different aims than our own, could end up negatively influencing U.S. foreign policy by threatening to dump our currency in the world market. Such actions would not be a historical anomaly. Recall 1956 in the Suez Canal crisis, which some believed signaled the end of Britain and France as world powers. Egypt announced that it was going to nationalize the canal, which outraged the British and French, who then devised a plan to use military force to keep control. The U.S. wanted to avert conflict at any cost. And President Eisenhower threatened to sell the U.S. reserves of the British pound, which would essentially result in the collapse of the British currency. The British changed course.

Is it conceivable to imagine the Saudis threatening to dump our currency if we don't withdraw from the region? Is it conceivable to imagine China threatening to dump our currency if we don't stop pressing nuclear-armed North Korea?

Simply put, we are presently borrowing hundreds of billions of dollars from countries which pursue aims that are at odds with our national interest and values, both directly and indirectly.

□ 1630

How did America reach this unsustainable spending level? There is plenty of blame to go around for lack of action from both political parties. It has been an equal opportunity spending society.

I tried to get the Bush administration on board from July 2006 to April 2008. I then wrote Treasury Secretary Paulson more than a dozen letters imploring him to embrace the bipartisan SAFE process. Two months before then, President-elect Obama took the oath of office. I wrote to ask him to support the SAFE Commission initiative, which Congressman JIM COOPER and I were advocating as the best way forward to rein in America's debt.

Last week, after years of effort, the commission finally got its day of debate on the Senate floor, and we came as close as we have gotten to creating this bipartisan panel legislatively. The Senate considered a measure put forward by Senators CONRAD and GREGG, in many ways companion legislation to the SAFE Commission. During the debate, Senator CONRAD pointed to a recent Newsweek cover story, ''How Great Powers Fall: Steep Debt, Slow Growth, and High Spending Kills Empires—and America Could Be Next.''

He quoted from the article that ''this is how empires decline. It begins with a debt explosion. It ends with inexorable reduction in the resources available for the Army, the Navy, and the Air Force. If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next 5 to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.'' Sobering words, but hardly alarmist.

Senator GREGG in his floor speech also described before us in stark terms. He said, ''We are on an intolerable path, a path of unsustainability, a path which leads us down the road to a Nation which is less prosperous and has a lower standard of living than what we received from our parents.''

Similar to the remarks of Senators CONRAD and GREGG, underscoring the crisis we face, The New York Times story referenced earlier also reports candidly about this same issue and cites historical precedent.

The Times reported: ''The United States could begin to suffer the same disease that has afflicted Japan over the past decade. As debt grows more rapidly than income, the country's influence around the world erodes.''

Charles Krauthammer in October also described the prospect of America's decline but laid it squarely in our laps to choose. He said, ''For America today, decline is not a condition. Decline is a choice. Two decades into the unipolar world that came about with the fall of the Soviet Union, America is in the position of deciding whether to abdicate or retain its dominance. Decline, or continued ascendancy, is in our hands.''

Last year, the well-respected Center for the Study of the Presidency and

Congress, published a report titled, ''Saving America's Future: A Challenge to the American People.'' It paints a stark and troubling picture of our Nation's challenges. One of its recommendations was to create a bipartisan commission to deal with the looming financial crisis.

At the press conference unveiling the report, the study panel's cochairman, Norm Augustine, the former chairman and CEO of Lockheed Martin, voiced a similar warning. He said, ''In the technology-driven economy in which we live, Americans have come to accept leadership as the natural and enduring state of affairs. But leadership is highly perishable. It must be constantly re-earned.

''In the 16th century, the citizens of Spain no doubt thought they would remain the world leader. In the 17th century, it was France. In the 19th century, Great Britain. And in the 20th century, it was the United States.

''Unless we do something dramatically different, including strengthening our investments in research and education, the 21st century will belong to China and India.''

George Will's column in The Washington Post today echoes these themes of China's ascent. He cites Robert Fogel, a Nobel Prize-winning economist, who predicts that ''by 2040, China's GDP will be $123 trillion, or three times the entire world's economic output in 2000. China's 40 percent share of the global GDP will be almost triple that of the United States' 14 percent.''

Despite these alarm bells these statements set off, the Senate failed to approve the Conrad-Gregg amendment. The vote was close. A majority was on board, but the final tally came up seven votes short: 53–46. I salute Senators CONRAD and GREGG, as well as the other 44 Senators who voted for the commission, for the profiles in courage they showed.

In the aftermath of that defeat, the President, who only at the 11th hour had endorsed Conrad-Gregg, proposed in his State of the Union address the creation of a fiscal commission by executive order. His budget document reflected that proposal, though only in broad terms without any formal language or timeline.

When I first heard that he was considering such a plan, I came to the House floor to voice my skepticism about an executive commission without congressional approval. Those concerns are undiminished as more details have emerged.

One of the most authentic provisions of the SAFE Commission is its mandate for an up-or-down vote in the Congress. The establishment of fiscal commission by executive order that does not require Congress to vote on its findings is what could be called ''big hat, but no cattle,'' a big hat used for political cover for elected officials who aren't willing to make tough choices in an election year.

Simply put, a commission established through executive order will make it look like Washington is finally doing something to address runaway spending, but without the teeth to require action. It will amount to nothing more than another report collecting dust on the bookshelf. It will not make a difference. A real commission must be authentic, accountable, and transparent. It must involve the American people. It must require legislative action.

A commission through executive order fails on all those counts. It will be viewed by the America people as cover for the billions of dollars added to the deficit in recent spending legislation, such as the $787 billion in economic stimulus that has failed to move the unemployment rate below 10 percent, or the nearly $1 trillion in health care reform being negotiated behind closed doors, or other huge budget breakers widely unpopular in the eyes of the American people.

And if by some miracle Congress were forced to vote on the recommendations of such a fiscal commission, it would be after November with a lame duck Congress filled with Members who are retiring and may have already secured new jobs as lobbyists, or those who were defeated. Where would the accountability to the constituents be that they represent?

Just this week, the President submitted a budget that includes unprecedented spending and borrowing: some $1.4 trillion in new taxes, $8.5 trillion in additional deficits, $3.8 trillion in government spending this year alone, and $100 billion proposed for another dubious stimulus package, and all submitted with the claim that the administration's fiscal commission will put the country on a fiscally sustainable path. Where is the credibility?

There has been much analysis of Senator-elect SCOTT BROWN's upset victory in Massachusetts. For the record, SCOTT BROWN, too, has voiced his support for the bipartisan commission and said if he had been seated before the vote on Conrad-Gregg, he would have voted for the amendment.

One thing that the pundits and politicians in Washington ought to take away from his election is that the American people lack trust in their elected officials and have grown weary of the status quo. The American people want their voices to be heard. The American people are deeply concerned about record spending. The American people expect more from their elected leaders. We have to prove to them that we are listening.

I am among those who believe that Republicans can and will regain a majority in the House; and when we do, I am hopeful that we will have the courage to prove to the American people that we are listening. We must take the bold action necessary to address runaway spending, something that we failed to emphasize in recent years.

To Members of my own party who prefer to bide their time in the hope that we are successful in November, I respectfully submit we cannot wait to deal with this growing threat to our economy and standard of living. In fact, I have been deeply disappointed that many with whom I typically find common cause, Americans for Tax Reform and The Wall Street Journal, among them, have been some of the most vocal in their opposition to the commission idea, stating their fear that it would ultimately prove to be a vehicle for tax increases.

Interesting, they have found themselves keeping company with MoveOn.org, the service employees union SEIU, and AFL–CIO, and NOW, all of whom have come out opposed to our legislation. Those organizations' reason, of course, is entirely opposite, with the fear the commission would cut their closely guarded spending programs.

Yes, MoveOn.org, which maliciously and unnecessarily launched personal attacks on respected Army General David Petraeus. Remember the General Betray Us ads? And the same Service Employees International Union, whose president Andy Stern was the most frequent visitor to President Obama's White House in the first months of his Presidency and turned out more than 100,000 volunteers to fund his campaign. And the same AFL–CIO which is pushing organized labor's agenda and legislation that would strip workers of their right to a secret-ballot election when it comes to union representation.

During the Senate consideration of the Conrad-Gregg measure, Senator VOINOVICH, an early champion of the commission, aptly described the political landscape: ''Since the possible passage of this commission has become a reality, special interest groups on both sides of the aisle have assailed it as terrible. The taxpayer organizations on the right warn that the commission will increase taxes. The liberal groups on the left warn it will result in cuts to Social Security, Medicare, and other government programs. If the left and the right is so unhappy,'' Senator VOINOVICH said, ''with this, this has to be good legislation.''

I want to be absolutely clear: I am a fiscal conservative. I worked with senior staff at the Heritage Foundation, a bastion of conservativism, among others, in drafting the SAFE Commission legislation. I believe that the economy grows when people keep more of their hard-earned money, and my voting record reflects this belief. I do not favor tax increases.

In fact, I would support a short-term moratorium on Social Security payroll taxes as the ultimate economic stimulus to put more of taxpayers' hard-earned money back into their hands so they can invest in the economy. This would cost less than a so-called stimulus and would create jobs.

As sometimes happens around here, positions are staked out before the actual bill text is ever read. So I encourage my colleagues, especially on my side of the aisle, to actually read the

SAFE Commission bill. It is a bipartisan process.

The legislation text protects the minority by requiring a supermajority, 12 of 16 of the commission's members, to be in agreement before any legislative recommendations are sent to Congress for an up-or-down vote. I do not believe that minority Members are likely to be appointed to this type of commission by the Republican leadership. PAUL RYAN, ranking member on the House Budget Committee, and DAVE CAMP, ranking member of the House Ways and Means Committee, they would not waiver in their opposition to tax increases. To say that this would bring about tax increases, it is wrong.

Senator GREGG underscored this point during consideration of the Conrad-Gregg amendment. Senator GREGG said, ''One presumes that whoever goes on this task force, if chosen by the leaders of their party in the Senate, whether Senator REID or Senator MCCONNELL, or leaders of the party in the House, Ms. PELOSI or Mr. BOEHNER, is going to reflect fairly aggressively the viewpoints and philosophies of the different parts. It will be a bipartisan report, or it will not be a report at all. Then it comes to the Congress, and has to be voted up or down by a supermajority. Once again, it basically moots the ability to game it. One side can't game the other. The proposal must be bipartisan and fair.''

In short, without Republican support, any attempt to raise taxes would never see the light of day on the House floor. The SAFE bill was carefully crafted to ensure a bipartisan process and to protect the rights of the minority party.

Given the enormity of the challenge, the commission needs to be able to look at every component of our fiscal policy to fairly assess where we stand and how we can best move toward a sound financial future. In looking at revenues, the legislative language is clear that any changes in the Tax Code must help simplify the system and stimulate increased economic growth and, thereby, tax revenue. But what no one is saying is that by opposing the commission concept altogether, and failing to put forward any viable alternative, those who most adamantly oppose tax increases essentially ensure they will happen down the road.

The issue is that if we don't do something now about the deficit, the debts that continue to mount at record levels will guarantee tax increases in the future. The longer it takes to address this issue, the more draconian the options will be when Congress is forced, which they will most surely be, to change course.

I have repeatedly challenged colleagues on both sides of the aisle who question the SAFE Commission to come up with another solution to the deficit and debt crisis that can pass Congress.

Without a special process like the SAFE Commission, which is based on the successful Federal base-closing process, I am convinced Congress will never put a mechanism in place to control government spending.

Quite frankly, both parties have failed to face up to the entitlement challenges in recent years. Given the enormity of the country's financial turmoil, I remain convinced that the bold steps needed to control deficit spending will never be taken through regular order in a Congress that is so politically controlled by special interests. Our entire political system is now so polarized that many only think in terms of red or blue ideology at the expense of a shared national interest.

Time is growing short. If lawmakers are serious about the debt and the deficit, issues that Americans are increasingly worried about, Congress will halt the budget gimmicks, the slick talking points, and muster the political will to have an honest conversation with the American people about where we are, where we are headed, and what changes need to be made to get us back on track.

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That is what the SAFE Commission-like process is all about, a national conversation. The people of this country deserve an honest assessment about their Federal Government's future government savings account and checkbook, a discussion driven not by politics but by statesmanship. The American people deserve a discussion which elevates the Nation's sights.

The consequences of inaction are simply too great to put this issue on hold and rely on a fake commission. We need a process that will produce measurable results, a process that will foster a renaissance in the country, will allow us to honestly tell our children that the foundation of America that they are inheriting is just as strong and just as promising as the America that our parents left us. I long to be able to tell my five children and my 15 grandchildren that that is the case.

Abraham Lincoln, one of our Nation's most admired and greatest Presidents once said, ''You cannot escape the responsibility of tomorrow by evading it today.'' Yet that is exactly what Congress is poised to do if it fails to act.

In closing, Madam Speaker, nearly 4 years ago I visited the site of George Washington's crossing the Delaware River in anticipation of the Battle of Trenton. The iconic scene is depicted in the painting which hangs in the west wing of the White House. Washington was down to only 3,000 soldiers, and the cause of liberty looked to be headed for defeat. Yet with great courage and sacrifice, Washington and his forces were successful in changing the direction of the American Revolution, and therefore the course of history.

Their legacy is a rich one, and it is ours. If we are mindful of this legacy, of the sacrifices of so many previous generations of Americans, I believe we will move to take action. I believe that we will rise in our midst, profiles in courage. I believe we will make the sacrifices necessary for the betterment of this country.

I close with the words of Washington himself, the cautionary words from his 1796 farewell address. He said, ''We should avoid ungenerously throwing upon posterity the burden of what we ourselves ought to bear.'' Indeed, this is our burden to bear. I ask my colleagues, will we falter under its weight or rise above it as befitting this great Nation?

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Mr. HOYER) for today and February 3 on account of personal business.

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. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, February 11.

Mr. JONES, for 5 minutes, February 11.

Mr. MCCLINTOCK, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. WOLF. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Friday, February 5, 2010, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6006. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-8053] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6007. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Rule Regarding Principal Trades with Certain Advisory Clients [Release No. IA-2965; File No. S7-23-07] (RIN: 3235-AJ96) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6008. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles [FNS-2008-0033] (RIN: 0584-AD65) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6009. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Methyl Esters of Conjugated Linoieic Acid (Cis-9, Trans-11 and Trans-10, Cis-12-Octadecadienoic Acids) [Docket No.: FDA-2003-F-0398] (Formerly Docket No. 2003F-0048) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6010. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standard; Air Brake Systems [Docket No.: NHTSA-2009-0038] (RIN: 2127-AK44) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6011. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No.: NHTSA-2007-28322; Notice 3] (RIN: 2127-AK66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6012. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Italy (Transmittal No. 0C-09), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

6013. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Australia (Transmittal No. 06-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6014. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of United Arab Emirates (Transmittal No. 08-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 136-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6016. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 158-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6017. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 152-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6018. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 138-09 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6019. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the heading ''Loan Guarantees to Israel'' in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on Foreign Affairs.

6020. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's final rule — Extending Period of Optional Practical Training By 17 Months For F-1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students With Pending H-1B Petitions [DHS No.: ICEB-2008-0002; ICE No. 2124-08] (RIN: 1653-AA56) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 727 Airplanes [Docket No.: FAA-2009-1104; Directorate Identifier 2009-NM-167-AD; Amendment 39-16121; AD 2008-04-10 R1] (RIN: 2120-AA64) Recevied January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters [Docket No.: FAA-2009-1008; Directorate Identifier 2008-SW-62-AD; Amendment 39-16063; AD 2009-22-10] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135K, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2007-0083; Directorate Identifier 2006-NM-266-AD; Amendment 39-16137; AD 2009-26-02] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes [Docket No.: FAA-2009-1162; Directorate Identifier 2009-CE-066-AD; Amendment 39-16136; AD 2009-26-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters [Docket No.: FAA-2009-1124; Directorate Identifier 2009-SW-35-AD; Amendment 39-16128; AD 2009-25-09] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30700; Amdt. No. 3351] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No.: FAA-2009-1118; Directorate Identifier 2008-SW-60-AD; Amendment 39-16126; AD 2009-25-07] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimum and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30699 Amdt. No. 3350] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6029. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalities [Docket No.: PHMSA-2009-0411] (RIN: 2137-AE48) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC225LP Helicopters [Docket No.: FAA-2009-1089; Directorate Identifier 2009-SW-16-AD; Amendment 39-16101; AD 2009-09-51] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 and Model 427 Helicopters [Docket No.: FAA-2009-1123; Directorate Identifier 2009-SW-03-AD; Amendment 39-16127; AD 2009-25-08] (RIN: 2120-A64) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243 Airplanes and Model A330-341, -342, and -343 Airplanes [Docket No.: FAA-2009-1109; Directorate Identifier 2009-NM-068-AD; Amendment 39-16123; AD 2009-25-04] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0682; Directorate Identifier 2008-NM-200-AD; Amendment 39-16131; AD 2009-25-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600

Series Airplanes [Docket No.: FAA-2009-1112; Directorate Identifier 2009-NM-237-AD; Amendment 39-16132; AD 2009-25-12] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Area Navigation (RNAV) Route Q-108; Florida [Docket No.: FAA-2009-0885; Airspace Docket No. 09-ASO-17] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2009-1113; Directorate Identifier 2009-NM-238-AD; Amendment 39-16133; AD 2009-25-13] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Colored Federal Airways; Alaska [Docket No.: FAA-2009-0824; Airspace Docket No. 09-AAL-11] (RIN: 2120-AA66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Jet Route J-20; Florida [Docket No.: FAA-2009-0888; Airspace Docket No. 09-ASO-23] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Manokotak, AK [Docket No.: FAA-2009-0694; Airspace Docket No. 09-AAL-15] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clarks Point, AK [Docket No.: FAA-2009-0197; Airspace Docket No. 09-AAL-4] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Elim, AK [Docket No.: FAA-2009-0200; Airspace Docket No. 09-AAL-5] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Point (Pt.) Thompson, AK [Docket No.: FAA-2009-0457; Airspace Docket No. 09-AAL-10] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No.: 071106659-8716-02] (RIN: 0693-AB59) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6044. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — FY 2010 Measurement, Science and Engineering Research Grants Programs; Availability of Funds [Docket No.: 0911121401-91402-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6045. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 0911121400-91403-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. POE of Texas, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. JACKSON LEE of Texas, Ms. WOOLSEY, Ms. WATSON, Mr. HARE, Mr. WELCH, Mr. PAYNE, Mr. ELLISON, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. POLIS of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. RUSH, Mr. GRIJALVA, Mr. FILNER, Mr. MOORE of Kansas, Mr. BERMAN, Mr. MAFFEI, and Ms. MCCOLLUM):

H.R. 4594. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. WOLF):

H.R. 4595. A bill to establish the Internet Freedom Foundation, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself, Mr. KLEIN of Florida, Mr. PENCE, Mr. GARAMENDI, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. MEEK of Florida, Mrs. BLACKBURN, and Mr. KIRK):

H.R. 4596. A bill to allow for enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. HALL of New York, Ms. KAPTUR, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. WELCH, and Mr. YARMUTH):

H.R. 4597. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER (for herself, Ms. BEAN, Mr. POMEROY, Mr. WELCH, Mr. ALTMIRE, Ms. KOSMAS, Mr. RYAN of Ohio, Mr. SCHRADER, Mr. BRIGHT, Ms. SCHWARTZ, Mr. DRIEHAUS, Mr. PETERS, Ms. RICHARDSON, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. GRAYSON, Mr. MCMAHON, Mr. DONNELLY of Indiana, and Mr. SHUSTER):

H.R. 4598. A bill to amend the Small Business Act to improve the Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Mr. WALZ, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. DOGGETT, Mr. PASCRELL, and Mr. POMEROY):

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to provide an elective payment for specified energy property; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. MCKEON, Mr. SMITH of Texas, Mr. KING of New York, Mr. HOEKSTRA, Mr. LEWIS of California, Ms. GRANGER, and Mr. PENCE):

H.R. 4600. A bill to prohibit the use of funds to transfer or release an individual detained at Guantanamo Bay Naval Base to the custody of another country; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER:

H.R. 4601. A bill to amend the Public Health Service Act to establish the Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. BOCCIERI:

H.R. 4602. A bill to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HOEKSTRA:

H.R. 4603. A bill to require the Secretary of Homeland Security to expand the humanitarian parole policy announced on January 18, 2010, to children legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti prior to the earthquake on January 12, 2010, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.R. 4604. A bill to direct the Secretary of the Army to prevent the spread of Asian carp in the Great Lakes and the tributaries of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 4605. A bill to amend the Internal Revenue Code of 1986 to require that certain entities exempt from taxation (including business leagues and chambers of commerce) disclose sources and amounts of contributions; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 4606. A bill to amend the Internal Revenue Code of 1986 to expand the purposes for which Build America Bonds may be issued; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 4607. A bill to amend the Richard B. Russell National School Lunch Act to improve the purchase and processing of healthful commodities for use in school meal programs; to the Committee on Education and Labor.

By Mr. MAFFEI:

H.R. 4608. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow multiemployer plans to amortize losses from certain fraudulent investment schemes over a 40-year period; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 4609. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business.

By Mr. PASCRELL (for himself and Ms. JENKINS):

H.R. 4610. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 4611. A bill to provide dollars to the classroom; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 4612. A bill to amend title 39, United States Code, to provide that the procedures governing the closure or consolidation of postal branches and stations shall be the same as those applicable in the case of post offices; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 4613. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Natural Resources.

By Mr. TEAGUE (for himself and Mr. SCHIFF):

H.R. 4614. A bill to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Ms. WATSON (for herself, Mr. STARK, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Ms. BORDALLO, Ms. CHU, Mr. HONDA, Mr. FALEOMAVAEGA, and Mr. PAYNE):

H.R. 4615. A bill to amend the Federal Food, Drug, and Cosmetic Act to require dentists to provide patients with a fact sheet before performing any dental restoration work, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H. Con. Res. 234. Concurrent resolution expressing the sense of Congress that there should be a freeze on new discretionary nondefense, non-homeland security, non-intelligence spending whenever there is a Federal budget deficit; to the Committee on the Budget.

By Mr. AKIN:

H. Res. 1071. A resolution amending the Rules of the House of Representatives to require a three-fifths vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

By Mr. CASSIDY:

H. Res. 1072. A resolution recognizing Louisiana State University for 150 years of service and excellence in higher education; to the Committee on Education and Labor.

By Mr. DONNELLY of Indiana (for himself and Mr. SOUDER):

H. Res. 1073. A resolution supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. ACKERMAN, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. CONYERS, Mr. WOLF, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. ENGEL, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. ROHRABACHER, Mr. NADLER of New York, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. HARMAN, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Mr. SNYDER, Ms. LEE of California, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BACA, Mr. ISRAEL, Mr. MATHESON, Mr. MILLER of Florida, Mr. SIRES, Ms. WATSON, Mr. MICHAUD, Mr. GRIJALVA, Mr. CLEAVER, Mr. LIPINSKI, Mr. COHEN, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. HODES, Mr. SHULER, Mr. HALL of New York, Ms. FUDGE, Mr. NYE, Ms. BORDALLO, Mr. POLIS of Colorado, Mr. CAO, Mr. KLEIN of Florida, Ms. SCHWARTZ, Mr. PETERS, Mr. CONNOLLY of Virginia, Ms. MARKEY of Colorado, and Ms. ROYBAL-ALLARD):

H. Res. 1074. A resolution honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations; to the Committee on Foreign Affairs.

By Mr. LUETKEMEYER (for himself, Mr. BLUNT, Mr. CLEAVER, Mr. GRAVES, Mr. SKELTON, Mr. AKIN, Mrs. EMERSON, Mr. CLAY, Mr. CARNAHAN, Ms. JENKINS, Mr. SULLIVAN, Mr. TIAHRT, Mr. MASSA, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. PENCE, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, Mr. LUCAS, Mr. FOSTER, Mr. KISSELL, Mr. MCCOTTER, Mr. SMITH of Washington, and Ms. FALLIN):

H. Res. 1075. A resolution commending the members of the Agri-business Development Teams of the National Guard for their efforts, together with personnel of the Department of Agriculture and the United States Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. OBERSTAR, Mr. MICA, and Mr. NYE):

H. Res. 1076. A resolution expressing gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System of the Federal Emergency Management Agency for their unyielding determination and work as first responders to victims of disasters and other incidents, including the victims of the recent earthquake in Haiti, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ENGEL, Ms. RICHARDSON, Ms. LEE of California, Mr. GARAMENDI, and Mr. WU.

H.R. 240: Mr. LUETKEMEYER, Mr. CHAFFETZ, and Mr. KINGSTON.

H.R. 390: Mrs. LUMMIS.

H.R. 391: Mr. WITTMAN.

H.R. 463: Mr. GUTIERREZ.

H.R. 470: Mr. GRAVES.

H.R. 504: Mr. HOLT.

H.R. 510: Ms. TITUS.

H.R. 690: Ms. MOORE of Wisconsin.

H.R. 994: Mr. SMITH of Texas.

H.R. 1067: Mr. TOWNS and Mr. WEINER.

H.R. 1074: Mr. JOHNSON of Illinois and Ms. GRANGER.

H.R. 1079: Mr. GONZALEZ, Mr. MATHESON, Mr. SHIMKUS, Mr. SMITH of Washington, Mr. TIM MURPHY of Pennsylvania, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. REYES, Mr. WEINER, Ms. MATSUI, Mr. TAYLOR, Mr. INSLEE, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, Ms. ESHOO, Mr. STUPAK, Mr. DOYLE, Mr. BUTTERFIELD, Mr. MELANCON, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. HALL of Texas, Mr. UPTON, Mrs. BONO MACK, Mr. MACK, Mrs. EMERSON, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. CONYERS, Mr. TONKO, Mr. BRADY of Texas, Mr. THOMPSON of Mississippi, Ms. TSONGAS, and Mr. HODES.

H.R. 1161: Ms. NORTON.

H.R. 1175: Mr. MILLER of Florida.

H.R. 1194: Mr. ROGERS of Michigan, Ms. MATSUI, Ms. ROYBAL-ALLARD, Mr. COOPER, Mrs. MALONEY, and Mr. AL GREEN of Texas.

H.R. 1228: Mr. MARSHALL.

H.R. 1240: Mr. LYNCH.

H.R. 1304: Mr. ROYCE.

H.R. 1378: Mr. BURGESS, Ms. MATSUI, and Mr. DOYLE.

H.R. 1490: Ms. LEE of California.

H.R. 1507: Ms. MCCOLLUM.

H.R. 1552: Mrs. DAHLKEMPER and Mr. CASTLE.

H.R. 1585: Mr. HALL of Texas.

H.R. 1706: Ms. KILROY.

H.R. 1744: Mr. PERRIELLO, Mr. BACHUS, Mr. DAVIS of Tennessee, and Mr. WILSON of South Carolina.

H.R. 1799: Mr. BERRY and Mr. YOUNG of Alaska.

H.R. 1800: Mr. MORAN of Virginia and Mr. ELLISON.

H.R. 1874: Mr. ELLISON.

H.R. 1894: Mr. WEINER.

H.R. 1964: Mr. SCOTT of Georgia.

H.R. 1987: Mr. MCCAUL.

H.R. 2006: Mr. ROTHMAN of New Jersey.

H.R. 2064: Mr. ROYCE.

H.R. 2067: Ms. CHU.

H.R. 2109: Mr. MEEK of Florida, Mr. FILNER, and Mr. WEINER.

H.R. 2110: Mr. THOMPSON of Mississippi.

H.R. 2156: Mr. BROWN of South Carolina.

H.R. 2255: Mr. DUNCAN.

H.R. 2256: Mr. MCDERMOTT and Mr. THOMPSON of Mississippi.

H.R. 2291: Mrs. MCCARTHY of New York.

H.R. 2296: Mr. JOHNSON of Illinois.

H.R. 2305: Mr. WALDEN.

H.R. 2377: Mr. LOEBSACK.

H.R. 2406: Mr. GRIFFITH and Mr. TURNER.

H.R. 2421: Mr. COOPER, Mr. DELAHUNT, Ms. HERSETH SANDLIN, Mr. PERLMUTTER, and Ms. WATERS.

H.R. 2546: Mr. FRANK of Massachusetts.

H.R. 2556: Mr. NEUGEBAUER, Mr. CULBERSON, and Mr. BURTON of Indiana.

H.R. 2565: Mrs. DAHLKEMPER and Mr. BOREN.

H.R. 2692: Mr. LATHAM.

H.R. 2699: Mr. BISHOP of New York.

H.R. 2724: Mr. LANGEVIN and Ms. SLAUGHTER.

H.R. 2730: Ms. MOORE of Wisconsin.

H.R. 2733: Ms. SCHWARTZ and Mr. GERLACH.

H.R. 2764: Ms. NORTON.

H.R. 2799: Mr. MICHAUD.

H.R. 2882: Mr. THOMPSON of Mississippi and Mrs. NAPOLITANO.

H.R. 2937: Ms. KILROY, Mr. SESTAK, and Mr. KILDEE.

H.R. 2941: Mr. THOMPSON of Mississippi, Mr. CONYERS, and Mr. LATHAM.

H.R. 2999: Ms. MARKEY of Colorado.

H.R. 3047: Ms. SUTTON.

H.R. 3212: Mr. HOLT.
H.R. 3238: Mr. HINCHEY.
H.R. 3245: Mr. KISSELL.
H.R. 3257: Mr. MILLER of Florida.
H.R. 3286: Mr. NEAL of Massachusetts and Mr. SNYDER.
H.R. 3355: Mr. INSLEE.
H.R. 3486: Mr. DUNCAN, Mr. WITTMAN, and Mr. PITTS.
H.R. 3510: Mr. ETHERIDGE, Mr. HINCHEY, Mr. CONYERS, and Mr. AL GREEN of Texas.
H.R. 3519: Mr. BARROW.
H.R. 3526: Mr. ELLISON and Ms. EDWARDS of Maryland.
H.R. 3560: Mr. POLIS of Colorado.
H.R. 3578: Mr. MORAN of Kansas, Mr. BOUCHER, and Mr. HODES.
H.R. 3592: Mr. LARSON of Connecticut.
H.R. 3668: Mr. RAHALL, Mr. FORBES, Mrs. BIGGERT, Mr. MARCHANT, Ms. TSONGAS, Mr. COSTELLO, Ms. SLAUGHTER, Mr. OWENS, Mr. CONNOLLY of Virginia, Mr. PAULSEN, Mr. EHLERS, and Mr. JOHNSON of Illinois.
H.R. 3705: Mr. GONZALEZ, Ms. RICHARDSON, Ms. ZOE LOFGREN of California, Mr. BRADY of Pennsylvania, and Mr. OLVER.
H.R. 3712: Ms. NORTON and Mr. MILLER of Florida.
H.R. 3715: Mr. BRALEY of Iowa and Mr. KANJORSKI.
H.R. 3745: Mr. SERRANO.
H.R. 3758: Mr. BOREN.
H.R. 3786: Mr. ISRAEL.
H.R. 3952: Mr. DUNCAN.
H.R. 4051: Mrs. EMERSON.
H.R. 4099: Mr. PERLMUTTER.
H.R. 4104: Mrs. CHRISTENSEN.
H.R. 4106: Mr. PERLMUTTER.
H.R. 4112: Mr. GUTHRIE.
H.R. 4115: Ms. PINGREE of Maine.
H.R. 4116: Mr. CASTLE.
H.R. 4123: Mr. POLIS of Colorado.
H.R. 4140: Ms. NORTON and Mr. POLIS of Colorado.
H.R. 4196: Mr. THOMPSON of Mississippi, Mr. CAO, and Mr. SCOTT of Virginia.
H.R. 4224: Mr. MEEKS of New York.
H.R. 4226: Mr. CHANDLER, Mr. LANCE, and Mr. GERLACH.
H.R. 4230: Mr. POLIS of Colorado.
H.R. 4233: Mr. BOREN.
H.R. 4241: Mr. HELLER and Mr. DUNCAN.
H.R. 4247: Mrs. NAPOLITANO.
H.R. 4248: Mr. JONES.
H.R. 4255: Mr. JONES and Mr. LATHAM.
H.R. 4262: Mr. GRIFFITH.
H.R. 4268: Mr. JOHNSON of Georgia.
H.R. 4287: Mr. ROTHMAN of New Jersey.
H.R. 4296: Mr. SCHOCK.
H.R. 4324: Ms. BERKLEY, Mr. HELLER, and Mr. TEAGUE.
H.R. 4353: Mr. BRADY of Pennsylvania and Mr. NADLER of New York.
H.R. 4360: Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. WOOLSEY, Mr BECERRA, Ms. LEE of California, Mr. BILBRAY, Mr. HONDA, Ms. WATERS, Ms. MATSUI, Mr. GARY G. MILLER of California, and Ms. ESHOO.
H.R. 4386: Ms. WOOLSEY, Mr. HONDA, Ms. SUTTON, and Mr. GUTIERREZ.
H.R. 4391: Mrs. MCCARTHY of New York.
H.R. 4403: Mr. OWENS.
H.R. 4415: Mrs. MYRICK and Mr. BOEHNER.
H.R. 4427: Mr. OLSON.
H.R. 4429: Ms. BERKLEY, Mr. ROTHMAN of New Jersey, and Mr. MASSA.
H.R. 4437: Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Ms. WOOLSEY, Mr. KISSELL, Mr. LOEBSACK, and Mr. CHANDLER.
H.R. 4442: Mr. ROGERS of Alabama.
H.R. 4453: Mr. WITTMAN.
H.R. 4459: Mrs. MYRICK.
H.R. 4472: Mr. PETERS and Mr. LATTA.
H.R. 4490: Mr. MACK.
H.R. 4503: Mr. BURTON of Indiana.
H.R. 4504: Mr. WU.
H.R. 4522: Mr. BOCCIERI.
H.R. 4527: Mr. BOCCIERI.
H.R. 4529: Mrs. LUMMIS and Mrs. MYRICK.
H.R. 4530: Mr. NYE.
H.R. 4533: Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. TOWNS, Mr. OBERSTAR, Mr. FARR, Mr. FILNER, Mr. HASTINGS of Florida, and Mr. ELLISON.
H.R. 4541: Mr. PASTOR of Arizona, Ms. ROS-LEHTINEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. AL GREEN of Texas, and Mr. PETERSON.
H.R. 4542: Mr. SAM JOHNSON of Texas and Mr. DUNCAN.
H.R. 4544: Mr. HODES.
H.R. 4552: Mr. STARK and Ms. SUTTON.
H.R. 4554: Mr. BUTTERFIELD, Mr. TIERNEY, and Mr. PERRIELLO.
H.R. 4556: Mr. CHAFFETZ, Mr. PENCE, Mr. COBLE, Mr. FORBES, Mr. OLSON, Mr. FRANKS of Arizona, Mr. TERRY, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. GERLACH, and Mr. UPTON.
H.R. 4564: Ms. LINDA T. SÁNCHEZ of California and Ms. SUTTON.
H.R. 4568: Mr. CONYERS.
H.R. 4571: Mr. BISHOP of New York.
H.R. 4573: Mr. BACHUS, Ms. KILROY, and Mr. GRIFFITH.
H.J. Res. 66: Mr. MARSHALL.
H. Res. 111: Mr. CULBERSON.
H. Res. 173: Mr. LUETKEMEYER.
H. Res. 213: Mr. FILNER, Mr. POLIS of Colorado, Mrs. CAPPS, Mr. HARE, Mr. GUTIERREZ, and Ms. LORETTA SANCHEZ of California.
H. Res. 267: Mr. ROYCE.
H. Res. 526: Mr. RAHALL, Mr. CONYERS, Ms. CASTOR of Florida, Mr. CARSON of Indiana, Mr. PLATTS, Mr. SHULER, Ms. DEGETTE, Mr. CLYBURN, Mr. GEORGE MILLER of California, and Mr. HASTINGS of Florida.
H. Res. 577: Mr. MILLER of Florida, Mr. SCHIFF, Mr. DRIEHAUS, Mr. MAFFEI, Mr. BISHOP of Utah, and Mr. STEARNS.
H. Res. 771: Mr. DRIEHAUS and Mr. ROTHMAN of New Jersey.
H. Res. 904: Ms. KOSMAS, Mr. PETERSON, Ms. SUTTON, and Mr. MURPHY of New York.
H. Res. 925: Mr. LOBIONDO, Mr. BISHOP of Utah, Mrs. MCMORRIS RODGERS, Mr. SHUSTER, Mr. BARTLETT, Mr. PAUL, and Mr. HALL of New York.
H. Res. 927: Mr. MCCAUL.
H. Res. 929: Mr. SESTAK.
H. Res. 935: Mr. HIGGINS and Mr. FARR.
H. Res. 975: Ms. FUDGE.
H. Res. 997: Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1006: Mr. BOOZMAN, Mr. WAMP, Mr. HUNTER, and Mr. MCCARTHY of California.
H. Res. 1026: Mr. GINGREY of Georgia, Mr. PITTS, Mr. BARTLETT, Mr. AKIN, Mr. LAMBORN, and Mrs. BACHMANN.
H. Res. 1032: Mrs. NAPOLITANO.
H. Res. 1034: Mr. SCALISE.
H. Res. 1036: Mr. CARTER, Mr. REHBERG, Mr. PENCE, Mr. TAYLOR, Mr. LUCAS, Mr. PASTOR of Arizona, Mr. AUSTRIA, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLSON, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BURGESS, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. GERLACH, Ms. FOXX, Mr. COBLE, Mrs. CAPITO, Mr. KING of New York, Mr. EDWARDS of Texas, Mr. POE of Texas, Ms. FALLIN, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, Mr. CAPUANO, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. MEEK of Florida, Ms. BORDALLO, Mr. POMEROY, Ms. ROS-LEHTINEN, and Mr. BROWN of South Carolina.
H. Res. 1039: Mr. PAUL, Mr. OLSON, Mr. HIGGINS, Mr. DREIER, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. ROSKAM, Mr. CASTLE, Mr. LANCE, Mr. ALEXANDER, Mr. TERRY, Mr. YARMUTH, Mr. ROONEY, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. MCHENRY, Mr. BOCCIERI, Mr. JORDAN of Ohio, Mr. LUETKEMEYER, Mr. MILLER of Florida, Mr. SMITH of Nebraska, Ms. ROS-LEHTINEN, Mr. MCMAHON, Mr. DRIEHAUS, Mr. GARAMENDI, Mr. GRIFFITH, Mr. ADLER of New Jersey, Mr. KRATOVIL, Mr. WAMP, Mr. DENT, Mr. CAMP, Mr. SCHOCK, Ms. JENKINS, Mr. KING of New York, Mr. NEUGEBAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, and Mr. BUCHANAN.
H. Res. 1040: Mr. SARBANES.
H. Res. 1046: Mr. FILNER, Ms. KILROY, Mr. CARSON of Indiana, Ms. WATSON, Ms. BERKLEY, Mr. DRIEHAUS, Mr. MORAN of Virginia, Mr. POLIS, Mr. MEEK of Florida, Mr. ENGEL, Ms. CHU, and Mr. ELLISON.
H. Res. 1048: Mr. KIRK, Mrs. MALONEY, Mr. MASSA, Mr. TAYLOR, Mr. SARBANES, Mr. TEAGUE, Ms. KILROY, Mr. CASSIDY, Mr. CAO, Mr. KILDEE, Mr. CARNEY, Mr. HUNTER, Mr. SHUSTER, Mr. LEE of New York, Mr. LOBIONDO, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MCMORRIS RODGERS, Mr. ROONEY, Mr. BOREN, Mr. ARCURI, Mrs. CAPITO, Ms. HERSETH SANDLIN, Mr. PENCE, Mr. LOEBSACK, Mr. BARTLETT, Mr. MACK, Mr. BAIRD, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. FRANKS of Arizona, Mr. ALEXANDER, Mr. KLINE of Minnesota, Mr. JONES, Mr. COBLE, Mr. SHIMKUS, Mr. CARTER, Mr. THORNBERRY, Ms. FOXX, Mr. MARCHANT, Mr. FLEMING, Mr. BONNER, Mr. TERRY, Mr. SMITH of Washington, Mr. BURGESS, Mr. NYE, Mr. MURPHY of New York, Mr. CARNAHAN, Mr. CLEAVER, Mr. SERRANO, Ms. NORTON, Mr. HINCHEY, Mr. BROUN of Georgia, Mr. LANCE, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. GRIFFITH, Mr. PUTNAM, Mr. HELLER, Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. DINGELL, Mr. MELANCON, Mr. COOPER, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. WALZ, Mr. ISRAEL, Mr. PERLMUTTER, Mr. TONKO, Ms. BEAN, Mr. PIERLUISI, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. DENT, Mr. GERLACH, Ms. JENKINS, Mr. INGLIS, Mr. BACHUS, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. SHADEGG, Mr. LEWIS of California, Mr. GALLEGLY, Mr. FORBES, Mr. REICHERT, Mr. AKIN, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. GINGREY of Georgia, Mr. SENSENBRENNER, Mr. BLUNT, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Kansas, Mrs. SCHMIDT, Mr. KING of Iowa, Mr. GRAVES, Mr. SMITH of New Jersey, and Mr. RUPPERSBERGER.
H. Res. 1053: Mr. GRIJALVA and Mr. MCGOVERN.
H. Res. 1063: Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. BOEHNER, Mr. TIAHRT, and Mr. GOODLATTE.
H. Res. 1067: Mr. NYE, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. HEINRICH, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. PASTOR of Arizona, Mr. HONDA, Mr. BECERRA, Mr. FARR, Mr. SPRATT, Mr. GRIJALVA, Mr. FILNER, Mr. MEEKS of New York, Ms. GRANGER, Mr. CUELLAR, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. STARK, Mr. BOSWELL, Mr. ROSS, Mr. ELLSWORTH, Mr. DOGGETT, Mr. ABERCROMBIE, Mr. THORNBERRY, Mr. OLSON, Mr. NEUGEBAUER, Mr. TAYLOR, Mr. DICKS, Mr. ETHERIDGE, Mr. SALAZAR, Mr. JONES, and Mr. POE of Texas.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, FEBRUARY 4, 2010 No. 17

Senate

The Senate met at 12 noon and was called to order by the Honorable KAY R. HAGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, in whom we live and move and have our being, we invoke Your divine presence among us. Draw our Senators nearer to You and to one another as You give them the gift of Your peace that is beyond all human understanding. Lord, give them also courage, fortitude, and stability that will keep them firm and steadfast in the face of difficulties. May they serve with fidelity the cause of our Nation and of our common humanity. Help them to build alliances with others who seek to bring sense and system to our disordered world. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KAY R. HAGAN 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, February 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY R. HAGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. HAGAN 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. Madam President, following leader remarks, there will be 20 minutes for debate prior to a vote on confirmation of the nomination of Patricia Smith to be Solicitor for the Department of Labor.

Upon disposition of that nomination, there will be 2 hours for debate prior to a vote on invoking cloture on the nomination of Marcia Johnson to be Administrator of General Services. Under a previous order, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to a vote on her confirmation.

For the information of Senators, Senator KIRK will give his farewell speech at 3:45 p.m. or thereabouts today. Senator-elect BROWN will be sworn in at 5 p.m. today.

I say publicly for Senator KIRK that I am not sure I will be able to be here. The President has called something at the White House and I have to be there. I will do my utmost to be back by 5 for the swearing in of Senator BROWN.

CONFIRMATION OF PRESIDENTIAL NOMINEES

Mr. REID. Madam President, since I last asked unanimous consent to have confirmed three important nominations—one, the top intelligence official at the Department of Homeland Security, the other a top intelligence official at the State Department, and the third the highest ranking member of the entire Pentagon—I said three and there are actually four I asked unanimous consent on, and the fourth is an individual who would be the U.S. Representative to the Conference on Disarmament. All these positions are dealing with these programs the United States should be involved in, but we had an objection from the Republicans.

There are people out there, evil people, trying to do damage to our country every day, every week, every month, every hour. It is hard for me to comprehend that people with impeccable records, such as Philip Goldberg, an appointee of President Bush to be Ambassador to Bolivia, who has an outstanding record of doing things for our country, is being objected to as being the person assigned by the White House and Secretary Clinton to be in charge of intelligence at the State Department.

Caryn Wagner, who is eminently qualified, I have never heard anything suggested that there is anything wrong with her background or qualifications. Yet there is objection to her being the person who deals with the safety of our homeland.

Laura Kennedy is the woman nominated to be the U.S. Representative to the Conference on Disarmament. We are a nuclear power, and the United States doesn't have anybody at these conferences.

Finally, GEN Clifford Stanley to be Under Secretary of Defense. This man would be the third highest ranking person at the Pentagon. One of the things he is responsible for is making sure all our troops around the world have everything they need. He is responsible for making sure the 30,000 people who are headed for Afghanistan can go to Afghanistan when deemed ready to go by the Pentagon. That is his job. There is no one to do that. I can't imagine anybody objecting to that, but they have done so.

There isn't enough time in the world—the Senate world, at least—to move cloture on every one of these. We have spent all this week on two people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Today is Thursday. I know we were interrupted yesterday because of the retreat, but we have spent all day on Monday, Tuesday, and now Thursday on two nominees, one to be the Solicitor at the Department of Labor—that is the lawyer for the entire Department of Labor—and the one we are working on today is to have someone run the General Services Administration. The Federal Government is the largest real estate holder in the world, and the General Services Administration manages that. Yet we have no one to run that.

So we have had to file cloture. Everyone within the sound of my voice understands it takes a long time to do that. We have to lay it down, file cloture, 2 days, 30 hours. It is not right, and I hope we can get more cooperation.

I have been someone who has tried hard not to have the President do recess appointments, but what alternative do we have? What alternative do we have? We have on the calendar dozens of people who are being held up—dozens—and I have only picked out a few; these very sensitive people, dealing with the safety and security of our country. I think it is without explanation why this is happening.

Again, I ask unanimous consent that the Senate consider the following nominations, en bloc, and we proceed to executive session, Calendar No. 561, GEN Clifford Stanley to be Under Secretary of Defense; Calendar No. 603, Laura Kennedy to be U.S. Representative to the Conference on Disarmament; Calendar No. 614, Philip Goldberg to be Assistant Secretary of State for Intelligence and Research; Calendar No. 615, Caryn Wagner to be Under Secretary for Intelligence and Analysis at the Department of Homeland Security; that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations appearing at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I am going to have to do that, I wish to indicate Senator SHELBY has been in discussions with the administration over an issue with which I am not terribly familiar, and I believe that is the genesis of his objection. He is not able to be here at the moment to state his position. Maybe in discussions with him, we can make some progress on these, sooner rather than later, but for the moment I am constrained to object on his behalf.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I understand the objection of the Senator, the Republican leader, but I don't know what my friend, Senator SHELBY—and I say that because he is my friend—I don't know what problems he has. Whatever it is, I would almost bet a lot it is nothing that would be comparable to holding up these extremely sensitive positions keeping our country safe. I think it is outlandish, and I can't imagine this is the right thing to do.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING SENATOR BROWN OF MASSACHUSETTS

Mr. MCCONNELL. Madam President, a little earlier today the Massachusetts Secretary of State formally certified the election of SCOTT BROWN as the new Senator and the newest Member of this body. He will come to Washington and be sworn in on the Senate floor, as is customary, later today. We all look forward to welcoming him. The people of Massachusetts are eager to have Senator BROWN working on their behalf, and Republicans look forward to having him join our conference. This was certainly a high-profile election, but now it is time to get to work.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate, equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Wyoming, Mr. ENZI, or their designees.

Who yields time?

The Senator from Wyoming.

Mr. ENZI. Madam President, I rise, again, in opposition to the nomination of Patricia Smith to serve as the Solicitor of the Labor Department. As I noted on Monday, the Framers crafted a system of checks and balances to ensure that each government branch has a means to review the actions of other branches. In the Senate, one of those checks is our constitutional duty to provide advice and consent on executive branch nominations.

The leader earlier talked about the amount of time it takes for cloture on people. It does take quite a while, but it is part of the process. I can tell you, when there is a hearing on a person, if there are 270 questions to start with and the other people in a similar position have a couple dozen questions, you know there is a little bit of a problem that could develop with that one person, depending on how they answer or don't answer the questions.

This isn't something new. This isn't something that happened just this year. I was chairman of the HELP Committee for 2 years and then ranking member for 2 years. During that time, President Bush had an appointment as the FDA Commissioner that was stopped. We never even got him to the floor. We had an MSHA Director—I think it was the first MSHA Director—who worked in a mine. That was the mining safety person. We had a Surgeon General and others. Then the schedule was set up so there were no recesses so there couldn't be recess appointments. So this is an ongoing matter and both sides should take note of that and ask the person making the nominations to come up with reasonable nominations, not people who have an agenda already set out that will result in the kind of conflicts we have had on some of these nominations.

This advice and consent is a responsibility I take seriously. Nominees before the Senate must be qualified and present their credentials to us completely and honestly. Senators have an obligation to confirm nominees who possess the strength of character and experience required for a position of public trust. I rarely oppose Presidential nominees and to date have supported over 50 nominees reviewed in the HELP Committee since the President was inaugurated. I believe the President is ultimately responsible for the conduct of his administration, so he has a right to select his team, up to a point.

New York commissioner of labor Patricia Smith's long record of public service—which my colleagues in the majority have discussed in detail—would ordinarily have made her a bipartisan choice to lead one of the most important offices in the U.S. Labor Department. Unfortunately, her misleading testimony to the HELP Committee has caused me to lose confidence in her nomination.

I spoke on Monday about the specific factual inconsistencies, and on Tuesday I discussed a number of other concerns about Ms. Smith's agency and a program she created and implemented in New York. I have also posted a 41-page report detailing my concerns with Ms. Smith's nomination on the HELP Committee Web site.

The report found that Ms. Smith misled the HELP Committee over the course of several months.

That report may be found at http://help.senate.gov/imo/media/doc/2010__02__011.pdf.

The majority acknowledges that there are factual inconsistencies between what Ms. Smith said before the HELP Committee and official documents from the State of New York. The suggestion that the rationale for these inconsistencies lies in the fact that Ms. Smith was busy running a large agency and cannot really be held accountable for this small program is simply not supported by the facts. Official documents show the following: Ms. Smith named the program. She personally met with the union organizer and community organizing advocates developing it with her subordinates in November 2008. She personally met with the five trade associations concerned about the program. She personally promoted the program in speeches, internally to her staff and to the media.

Ms. Smith was involved in close to 100 communications about the program, either being referenced or as a sender or recipient. Moreover, she admits her program was the topic of numerous personal discussions she had with the New York Governor's Office:

> Beginning in the late fall of 2008, I also discussed the pilot on numerous occasions with Jeff Mans, the Deputy Secretary to the Governor for Labor and Financial Regulation. I have no written notes from the conversations and can not tell you on what days the discussions took place as I speak with Mr. Mans at least three times a week and there was never a conversation specifically devoted to the pilot. The purpose of the conversations was to apprise him of the Labor Department's ideas for the pilot and to get the approval of the Governor's office. . . . I had a telephone conversation with the Assistant Counsel David Weinstein of the Governor's counsel's office, and Deputy Secretary Mans, on February 4th. I answered questions about how the program operated.

I have heard the suggestion from the other side of the aisle that because the program does not appear illegal or immoral, Ms. Smith should get a pass for her factual inconsistencies. However, the question of whether Wage and Hour Watch was ethical or legal is irrelevant to whether Ms. Smith's testimony was inaccurate or misleading.

The majority also argues there was a possible breakdown between Ms. Smith and her deputy that caused the misleading testimony. Ms. Smith, however, has worked with her deputy for more than five years. Moreover, if confirmed, Ms. Smith would be in charge of legal compliance for a Department whose budget projects spending ten times what she oversees in New York—$104.5 billion in 2010. Leaving aside the extensive documentation showing she was heavily involved in this program, I ask my colleagues: why would we consider expanding her responsibility tenfold when she has been unable to oversee her subordinates effectively in New York?

In August, I noted my concerns to President Obama, and offered my assistance in ensuring a qualified replacement would be confirmed quickly. I also joined nine Republican HELP Committee members in urging Chairman HARKIN to refrain from approving this nominee in committee and made the same offer of assistance in ensuring a qualified replacement is given a swift review and confirmation. I was forced to insist on a full debate on her nomination, which advanced on a party-line vote this past Monday.

It is clear that Ms. Smith's statements misled the committee. It is also apparent that each inconsistent statement in effect downplayed concerns held by Republican members. Most disturbing, however, is that her written committee responses suggest Ms. Smith knew her testimony was misleading as early as July 2009 but did not correct the problem until contacted by a. majority staff in September—more than 2 months later.

I strongly believe that confirming someone as a head legal officer for a Cabinet agency under these circumstances sends the wrong message to the American people and the career staff she will oversee. I am also particularly disappointed that such a controversial nominee is being forced through before newly elected Senator SCOTT BROWN is sworn in. These sorts of actions may be part of the reason public confidence in Congress and the government is so low.

I urge my colleagues to oppose this nomination.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I have listened again to my friend, and he is my friend. We worked together on a lot of issues, and we will continue to work together on issues. I have listened to Senator ENZI's comments, and I was thinking, is there anything new here? We have heard all this before, on and on and again. No matter how many times you repeat it, it just doesn't seem to hold much water.

I grant Ms. Smith made two mistakes in her testimony, two mistakes when she appeared before the committee—which she corrected. One of those had to do with the origins of the program. When she was asked about this, she thought at that time that the program really had kind of originated among her staff. What she found out was that some of her staff had been talking to outside groups about this. The idea seemed to come from just a meeting of different people, but both within her agency and outside, so Ms. Smith corrected that. That is hardly a cause for her not assuming this position. Again, why would she want to mislead the committee on that when there was nothing wrong with it? So the idea came from an outside group—so what? It doesn't make any difference. She was just trying to answer honestly where she thought the idea had originated within her agency. So, again, she corrected that, as we let people do.

The second one had to do with the expansion of the program. I read the testimony, I read the record more than once on that. She has answered that in writing back. It was a question by Senator BURR about whether she had plans for expansion, something like that. She said no to that.

What she meant to say—and when she reread it, she answered in writing—she had not authorized an expansion of the program. Yes, she had discussions with her staff and maybe others about, if the pilot program actually worked and was successful, yes, they would plan to expand it. But they had to get the pilot program through first to see what went wrong, what went right, does it need to be changed, does it need to be modified before there can be an expansion. So, again, she corrected the record on that, saying she had not authorized an expansion of the program at that point.

Again, there were two minor mistakes corrected in writing. That is hardly a cause for denying her this position. As I pointed out yesterday, we correct the RECORD all the time around here when we speak on the Senate floor because maybe I made a mistake in what I really wanted to say, I didn't say it correctly. I probably should not say this, but sometimes reporters don't kind of get the nuance of what we wanted to say, perhaps, and how we wanted say it. So we correct the RECORD all the time. It is done all the time around here between what you say and what you read in the CONGRESSIONAL RECORD because human beings make mistakes. So, again, hardly a cause for denying Patricia Smith this position.

Again, I daresay I have not heard anyone question her qualifications. She is eminently well qualified for this position. As I said the day before yesterday—and I put in the RECORD a number of letters from business groups in New York supporting her, saying she was fair and judicious, worked with them. She has run the department of labor in New York—I think an $11 billion agency with about 4,000 employees. No one has ever questioned her ability to run that agency.

We have heard: Well, if she didn't know what was going on with this little $4,000 pilot project, then she can't run an agency. You know, again, we always delegate to staff—especially if you have large stuff and you are running big things—about little things like that that they can do.

Again, I heard my friend say she knew about this program. Of course she knew about the program, she knew about the pilot program. Frankly, I think she was kind of excited about the program to see whether it would work and if it was a legitimate, good program that would work to help inform people of their rights under the law. Surely, my friend is not saying that is something that should not be done—help people, inform them of their rights, or to report violations of the law. Surely, no one is saying no one, if they see a violation of the law, should

not report it. But that is what this Wage Watch was supposed to do.

She made it clear in her statement of January 2009—in her statement, not staff's statement but her statement and her e-mail to her subordinates—that this was not an investigative arm, they were not replacing staff, this was merely an informational group, and also to see if there were any violations of law, to report it. Surely, no one can say that is not a legitimate function of volunteer groups.

Again, we are here to vote on final passage of the nomination of Patricia Smith for Solicitor of the Department of Labor. I am glad we can finally bring this to a close. It has gone on too long. We have been considering it on the floor since Monday, postcloture. In all that time, there has been very little by way of debate. We have only had two Republican Members come to this floor to speak and explain why they oppose this critical nomination.

There is nothing new about Patricia Smith that we have learned since Monday. Indeed, nothing has emerged that we didn't know when we voted her out of committee back in September. We know she is well qualified, extremely. Everyone acknowledges this. She has an impressive record of accomplishments at the New York Department of Labor. She is strongly supported by local leaders and even the local business community. Again, this, too, is undisputed. And as I said, she corrected in writing these two errors she made when she testified before the HELP Committee last year.

In the 4 months that have passed since the Republicans first threatened to filibuster her nomination, we have not learned one new piece of information that can change anyone's mind about whether she is a qualified candidate to serve as Solicitor of Labor. All the last 4 months of delay has achieved is to keep her out her job and hamper the Department of Labor's ability to perform its important function.

That is not what this process is supposed to be about. This government cannot function if we, as Senators entrusted with the important power to advise and consent on Presidential nominations, abuse that power—I repeat, abuse that power by using extraordinary procedural tactics to block the nominations of qualified people. The filibuster, as I understand it, was supposed to be reserved for extreme cases when there are critical public policy issues at stake, where the country may be divided on them. It is not supposed to be a routine delay tactic for every nominee the minority party disagrees with or that one person—not the entire group but one person—disagrees with.

The American people are getting fed up, and they should be. We cannot even get routine business conducted around here anymore. American families are sitting around the kitchen table worried about a lot of things—about their health care, about their kids' education, and more than anything, about their jobs—if they don't have one, about when they are going to get one, and if they have one, can they keep it. How they are going to pay their bills if they become unemployed? We can't help them, we can't help the families of America by spending day after day of time here in quorum calls, with the lights on, the electricity running, people here, and we do nothing, we just sit here because the Republican side has engaged in a filibuster. Playing these procedural games does not advance our country one bit.

We can, however, help our families by attacking the jobs problem with every weapon in our arsenal, and that includes a fully staffed and strong Department of Labor. While I am sorry it has come to this, this long filibuster and all these days wasted, I am glad this process has come to an end. It is time to vote so we can let Patricia Smith get to work, so we can get back to the business here of helping our families across America.

I yield the floor.

Mr. ENZI. Madam President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has 2 minutes 40 seconds. The Senator from Iowa has 34 seconds.

Mr. ENZI. Madam President, this argument about using the filibuster—I have to say that both sides have used the same cloture techniques. I think if you check with the Bush nominees, we usually withdrew those and put someone else in. Of course, that had something to do with the relative size of the majorities.

But the problem here is with how the program was run. We keep talking about whether it was legal. It probably was legal, but there are some things done there that I don't think the average person wants done to them. The Wage and Hour program was to recruit and train union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of the wage and hour law. It was expanded to include OSHA.

The State of New York gives participants materials to disseminate and official cards identifying them and their group as part of a program for when they enter businesses and speak with the employers and employees. As part of this process, union and community organizers were directed to gather personal telephone numbers, vehicle license plates and home addresses of business owners, as well as details about the employees working there. Labor organizers and community activists were allowed to use this information for their own organizing activities. State identification cards were provided to the individuals, but the State conducted no background check on those they trained and provided identification cards. Is that the kind of program we would expect Ms. Smith to federalize if she became a Solicitor?

A deep concern to me is how Ms. Smith described the decision not to conduct vetting or background checks for the Wage and Hour Watch participants who could collect this personal information. When questioned about it, she explained there is no formal vetting process for the New York State Department of Labor to partner with an entity. They did not consider the possibility of background checks on the groups, but ultimately rejected the idea after inquiring as to why the Neighborhood Watch groups were subjected to background checks. The department was informed that the groups participating in this more sensitive crime prevention partnership are not subject to a check. But there is a major difference in the way they work. The National Sheriff's Association Neighborhood Watch Program, unlike the Wage and Hour, is purely an observe and report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information.

So for these reasons, and the ones I have given on previous occasions, and that Senator ISAKSON has given and members of the committee have expressed, I urge my colleagues to oppose the nomination.

I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Let me put one thing to rest here. No one on Wage Watch was authorized to enter any business unless the business owner agreed to that. The only exception is if the public was allowed. Sure, they could go into a department store or a restaurant or someplace such as that where the general public went. But they could not go into any business without the business owner's permission, and they could do nothing other than what the general public can do right now.

We need more people doing what these volunteers were doing and making sure that people's rights are respected.

Mr. LEAHY. Madam President, today, the Senate will finally have an up-or-down vote on the nomination of Patricia Smith to be Solicitor General for the Department of Labor. Earlier this week the Senate voted to invoke cloture and end the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up or down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even noncontroversial nominees.

Every single Republican Senator who voted on Monday voted against cloture and to keep filibustering this well-qualified nominee. Every single Republican voted to obstruct the Senate from doing the business of the American

people. Wasn't it just a few years ago that Republicans were demanding up or down votes for nominees, and contending that filibusters of nominations were unconstitutional? Not a single Republican voted for cloture and to stop the filibuster of this nomination.

The obstruction and delay does not stop there. Since 60 Members of the Senate voted to invoke cloture and bring the debate to a close, Republican Senators have insisted on delaying the vote for several additional days. This afternoon, that up-or-down vote finally takes place.

After the Senate is finally able to consider the Smith nomination, we will then have the opportunity to end the filibuster of another nomination, that of Martha Johnson to head the General Services Administration, GSA. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar, many being held up for purely political purposes.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

> Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.
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> On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.
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> * * * * *
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> Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republicans in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican practice of making supermajorities the new standard to proceed to consider many noncontroversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect. Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in the first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all year, all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. The Senate could have considered and confirmed another 10 judicial nominees that had all been reported by the Senate Judiciary Committee. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year, less than half of what we achieved during the second half of President Bush's first tumultuous year.

We have confirmed only two more judicial nominees so far this year. Republicans have objected to consideration of the nomination of Joseph Greenaway of New Jersey to the Third Circuit, a nomination reported unanimously from the Senate Judiciary Committee last October. His would be the next judicial nomination to consider and confirm, but Senate Republicans object.

Even after years of Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominees, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations compared to only 14 during President Obama's first two years. In the second year of President Bush's first term, the Democratic majority proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

We continued to be fair and continued working to reduce judicial vacancies even during President Bush's last year in office. With Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in nine of the 13 Federal circuits.

The Republican Senate minority has resumed its strategy to put partisan politics ahead of the needs of the American people for courts that can provide justice. Last year was worse than the 1996 session when they allowed confirmation of only 17 judicial nominees. The years of demands from Republican Senators for up-or-down votes for every nominee apparently only applied to those nominated by a Republican president.

As matters stand today, judicial vacancies have spiked again as they did due to Republican obstruction in the 1990s, and are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges. The rule of law demands more. The American people deserve better.

Among the nominees ready for Senate approval are nine Federal judicial nominees reported by the Senate Judiciary Committee. Two would fill vacancies on the Third Circuit, three would fill vacancies on the Fourth Circuit, and there are nominees to fill vacancies on the First, Second and Sixth Circuits, as well as a district court nominee to Wisconsin. The delay in considering them is also part of this effort to delay and obstruct. Judge Greenaway, about whom Senators LAUTENBERG and MENENDEZ spoke again this week, was reported by unanimous consent back in October, four months ago. Nobody has come forward to explain why his nomination is being stalled. He is a good judge. Senator SESSIONS praised him at his confirmation hearing. Judge Greenaway is one

of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should have been confirmed last year and would have but for Republican objection. When considered, they will be confirmed but not before being needlessly delayed for months.

They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. For at least 2 additional months, Judge Beverly Martin's nomination was stalled because Republicans would not agree to consider it before January 20. Judge Martin had the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary. Still, Republicans delayed her consideration.

None of the nine Federal circuit and district court nominations pending as of this morning on the Senate Executive Calendar should be controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. One had 1 negative vote, one had 3 negatives votes and the nominee from Tennessee supported by Senator ALEXANDER had 4 negatives votes but 15 in favor, including three Republicans. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered. That obstruction and delay continues.

The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts. President Obama has reached across the aisle and worked with Republican Senators, including Senators LUGAR, MARTINEZ, SHELBY, SESSIONS, THUNE, ALEXANDER, BURR, CHAMBLISS and ISAKSON. I wish Senator Republicans and the Senate Republican leadership would reconsider their tactics of obstruction and delay and work with us and with the President.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor?

Mr. HARKIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Utah (Mr. BENNETT).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—3

Bennett	Hutchison	Voinovich

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate prior to a vote on the motion to invoke cloture on the Johnson nomination, with the time equally divided and controlled between the leaders or their designees.

The clerk will report the nomination.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to urge my colleagues in the strongest terms to vote for cloture on the nomination of Martha Johnson to be Administrator of the General Services Administration. The point of cloture is to allow this critical agency to finally have a permanent leader. It would be the first time in nearly 2 years and could potentially save America's taxpayers billions of dollars in the bargain.

Let me give a few examples of what is at stake, which is to say what the General Services Administration can do for us. Last year, Federal agencies bought $53 billion worth of goods and services, and they did so through contracts negotiated by the General Services Administration, the GSA. Having GSA negotiate these procurements lets the individual agencies focus on their core missions, doing what we or previous Congresses created them to do. It also allows the Federal Government to leverage our buying power because if the buying is occurring from one central agency, we can get, in conventional terms, volume discounts, leading to lower costs and, therefore, savings to the taxpayers.

We need strong leadership at GSA to ensure these savings are a reality. For example, in 2007, GSA awarded the NETWORX contracts to provide telephone network and information technology services to all Federal agencies. That is a program estimated to be valued at, at least, $68 billion in the course of its 10-year lifetime. These contracts will allow agencies to take full advantage of the new technologies their colleagues in the private sector use every day to increase efficiency and lower costs. But without a permanent Administrator at GSA, agencies have been slow to move to the NETWORX services, costing taxpayers more than $150 million to date and an additional $18 million every month.

Given GSA's wide responsibilities in providing information technology and telecommunications services, I am concerned that we lack a confirmed Administrator at a time when we are also trying, of course, to strengthen our cyber-defenses. Government Web sites, such as private Web sites, are constantly under attack. GSA needs to play and can play a very important role in ensuring that our Federal IT systems are resistant to those cyber-attacks. Furthermore, because of the government's buying power, GSA's purchases will have a natural positive spillover effect in the private sector.

In other words, GSA, by its own requirements associated with purchases, can drive technologies that then become more available to the general public, and I am thinking here specifically of technologies that can defend

against cyber-attack on private companies as well as on public Web sites.

Here is another example about another function of the GSA. GSA is effectively the government's landlord, with 8,600 buildings and assets under its control that are valued at more than $500 billion. It is one of the largest, if not the largest, property management organizations in the world.

Another of GSA's roles is to help other agencies dispose of buildings and property they no longer need. Across the government, these numbers are both stunning and unsettling. There are different agencies that own thousands of buildings worth about $18 billion that are not being used.

Every day I hear Members come to the floor saying we need to work hard to trim the fat from the Federal budget so we can cut the deficit. I agree. Yet the GSA—the very agency established to help make government operations more cost efficient—has been languishing without a leader for over half a year and I think in that sense is losing some opportunities to save some money.

What is frustrating is that a hold has been placed on this nominee for reasons that have nothing to do with her qualifications or her personal history. That is why I am glad Senator REID filed a cloture motion and we have forced this nomination to the floor. It is important, in a totally nonpartisan way, that we get a full-time Administrator in here at GSA.

Martha Johnson's nomination received the unanimous support of the Homeland Security and Governmental Affairs Committee in June of last year—more than half a year ago. So that says she had total bipartisan support in our committee based on her experience and qualifications, and I am confident she has wide bipartisan support in the full Senate as well. I hope and trust we will see that when the vote occurs on cloture and final confirmation at around 3 o'clock.

I hope this nomination is a call to action and common sense—and not only bipartisan cooperation but the cooperation of every Member here who has the right to hold up nominations but ought to think about the public interest and the national interest when they do this—that we cannot continue the practice of holding nominees ''hostage,'' as President Obama said yesterday, for reasons that are parochial and unrelated to the nominee's ability to do the job they have been nominated for. I think these kinds of actions damage the Senate as an institution and further reduce the public's respect for how we do our business.

I wish to remind my colleagues at this point how well qualified this nominee is. To begin with, Ms. Johnson is a former Chief of Staff of the GSA. So she already knows the agency inside and out and will be ready to roll up her sleeves and get to work on day one—no on-the-job training needed. This is crucial both to the efficiency and morale of an agency that has not had a permanent Administrator since April of 2008—almost 2 years. April 2008 was the time when the former Director was asked to resign by the previous administration. GSA has since been run by five acting Administrators who could not act with the same authority as a Presidentially appointed, Senate-confirmed person in that top job.

But both before and after her government service, Martha Johnson's career shows a quite extraordinary mix of work in the public, private, and academic sectors that we should want in government service. Ms. Johnson holds a BA in economics and history from Oberlin College and an MBA from Yale Business School. She also taught some classes during this time.

After graduating from Yale, Ms. Johnson began her career in the private sector as a manager at Cummins Engines Company. She then had a series of other management positions in the private sector and was asked by President Clinton to become Associate Deputy Secretary of Commerce, and then Chief of Staff of GSA from 1996 to 2001.

Since leaving government service in 2001, Ms. Johnson has served as a vice president for the Council for Excellence in Government—a nonpartisan, nonprofit organization dedicated to increasing the effectiveness of government at all levels—and, most recently, she served as a vice president for Computer Sciences Corporation.

This is an extraordinarily experienced and qualified nominee, and that is why I think she deserves—and I think will receive—broad bipartisan support when this matter comes to a vote at around 3 o'clock.

It is past time for GSA to finally have a permanent Administrator, and we happen to have a nominee here who is remarkably well suited for the job. I urge my colleagues in the Senate to vote ''yes'' on cloture, and then we can have a final vote and get this able person on the job working for the American people and I think help us not only manage the Federal Government's activities better but to save billions—literally billions—of dollars for the American taxpayers.

I thank the Chair and yield the floor.

I would yield, if I might, to my friend and colleague from Louisiana whatever time she needs to speak at this time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Chair and thank the Senator from Connecticut for yielding the remainder of his time. I understand he has an hour under his control, and I intend to take the full measure of the hour that is left, first speaking in favor of the nominee who he has so eloquently described in terms of her background and experience and the arguments he is making about trying to bring more civility and bipartisanship to this body and the importance of getting some of these very important Federal officials appointed so government can work better and more efficiently.

It has been my pleasure to serve with the chairman now for several years on the Homeland Security Committee, and I am familiar with the work he and his ranking member, SUSAN COLLINS, the Senator from Maine, have done together. They have shown a real example of bipartisanship, and I would hope his calls for this nominee to move forward without delay and not be held up would be heeded.

LOUISIANA FMAP FORMULA

Mr. President, I am on the floor to speak about a different subject, one that is very important to the State of Louisiana and the people of our State—an issue that has been mischaracterized for months now in all sorts of venues—and I thought taking an opportunity today, for a couple of hours, to go through the request by the State of Louisiana for a change or realignment of our FMAP formula, the formula that funds our Medicaid system, would be good to do.

It is good to do for several reasons, the most important of which is not to bring up this subject again for further review to try to clear anything that people have said about me. I have been in public office now for 30 years. People have said all sorts of things about me as a public official. I would venture to say every Member of this body has been called some very choice names. That is actually not why I am here, to defend myself. The RECORD will do that.

What I am here to do is to defend the people of Louisiana and to express clearly and strongly why and how our delegation came forward, united in a very public way, to press our case here in Washington—the only place this can be fixed—why we felt as a delegation, strongly united Democrats and Republicans, to press this case to the Federal Government to get some immediate and necessary and urgent relief for the people of our State.

I make no apologies for leading this effort. I do not back up an inch from the yearlong effort we have undertaken. I am here today because I actually do not have any idea at the moment what will happen to the health care bill we have worked on for the better part of a year. I do not know if we are going to have a bill. I do not know if it is going to be the Senate version or the House version. I do not know if it is going to be a bill passed by 60-plus people or more on the Senate side and a wide majority in the House. I do not know if there is going to be reconciliation that is used. Those discussions are happening actually right now above my pay grade.

But what is in my pay grade, what I actually do get paid to do here, is to represent the people of Louisiana, and I intend to do that for the better part of this hour and for the rest of the day because there has been some great misunderstanding about this in the national media—not much in the mainstream media but on the fringes; but

sometimes those fringes can be quite loud, and I would like to try my best to silence them a little bit at this point. The mainstream media has been, for the most part, taking their time to understand, and I appreciate it.

I most certainly appreciate the newspapers in my State that actually know more about this than any media outlets. They would because they have covered it longer, have editorialized generally in my favor and the favor of our delegation that has stood strong, except two members who have folded on this issue.

So I want to start to try to take everyone through chronologically the timeframe. First of all, I have been, and the State of Louisiana has been, criticized for a ''secret'' deal, for something that happened at the very end of the process that people did not know about.

I wish to call everyone's attention to a Times-Picayune headline—this is the newspaper in New Orleans—a Times-Picayune headline, dated January 11, 2009. We are in February of 2010, so this was a year ago. This was a year ago. I also would call to the attention of my critics that this date is actually almost 2 weeks before President Obama was ever sworn into office, just to remind people.

This meeting, called by my Governor, who is a Republican Governor, happened in a public place, in the Governor's mansion in Baton Rouge and five members of our delegation were there, and the entire delegation was represented. It was reported at length in several papers. In the Times-Picayune, this is the headline: ''Jindal reviews wish list with LA delegation; aid for recovery, health care stressed.'' This is the other headline: ''Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.'' Let me repeat that: ''Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.'' Not special FMAP rate, not FMAP rate problems that every State is fixing, but faulty FMAP. I will explain why we think it is faulty in a minute.

''The Advocate,'' August 29. This was in July. These meetings continued through the year: Jindal, Republican Governor; LANDRIEU, Democratic Senator, Pushed for Federal Funding Fix.

So I wish to put my critics on notice. I am going to submit letters and documents and these articles. Nothing about this effort was secret. Nothing. If there is one Member of this body, either the junior Senator from Louisiana, or the great Senator from Arizona, or any other Senator who would like to come and talk to me about this ''secret'' effort, I would look forward to hearing their comments on the floor of this Senate sometime today because I am staying here today until 6 or 7 o'clock, until we go out of session tonight. I thought it would be good to spend the better part of the day.

If anyone, if any Senator, wants to come down and say they thought this was some kind of secret arrangement, I think the editors of our newspapers would be very interested since they have been reporting on it since the first meeting on January 11, 2009.

Secondly, I wish to show a letter signed by our entire delegation to make another point. My critics have said: Oh, there she goes again, Senator LANDRIEU, just running off on her own making all sorts of terrible things and making the State of Louisiana look bad.

I have spent 30 years of my life trying to represent the people of my State and make them look good. Even when they were wrong, I have defended them. When they were right, I praised them. When I was wrong, I apologized; and when I was right, I was very proud of my work. Never—never—in my life have I ever or will ever throw the people of my State under a bus to save my reputation or my job.

I know who I am inside. I don't need anyone to remind me of the goodness I have inside. My parents do that. My husband does that. My children do that for me every day. I most certainly don't need anyone—and I don't need this job badly enough; maybe some people do, I don't—to throw the people of my State under a bus to protect myself politically.

I wish to show everyone a letter dated May 4, and I am going to read every single signature because I am actually proud to lead this delegation. I only have one Democrat besides myself, but other than about one member of this delegation, we have some pretty extraordinary leaders. I am proud of them. Some are very conservative and some are very liberal and some are in the middle. We have a very diverse delegation.

I signed this letter; RODNEY ALEXANDER signed this letter, a member of the Appropriations Committee; CHARLIE MELANCON signed this letter, a Member of Congress; BILL CASSIDY is a Member from Baton Rouge; DAVID VITTER, the Senator; CHARLES BOUSTANY from Lafayette; STEVE SCALISE from Jefferson Parish; and JOHN FLEMING from Shreveport and JOSEPH CAO, a Vietnamese-American Member of Congress from the New Orleans area signed this letter.

This was made public. Actually, some Members put out their own press releases. The letter is to Secretary Sebelius, who was finally sworn in after being held up for months:

> We write to you today to follow up on an April 9 letter your office received from Louisiana Secretary Alan Levine.

That is our Secretary.

> While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique.

We believe Louisiana's case is unique.

> As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the health care system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but they were only temporary and do not accurately reflect the increases to incomes in industries not related to the hurricane recovery.
>
> Since the FMAP formula per capita to calculate how much each state will receive, we are greatly concerned that the post hurricane per capita income increase would significantly impact our State's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that our state is facing.

This is an example of one letter—I have many others—signed by our entire delegation asking the officials here, from the White House to Kathleen Sebelius to other powerful Members, to please look at Louisiana's situation because ours alone among the 50 States was unique, and I will explain why in a minute.

So the fact that this was a secret is a lie. The fact that it wasn't supported by our delegation is a lie.

Now I wish to explain what our problem is, and this map explains it—or chart—better than I can. As anyone knows how this Federal formula works for Medicaid, Medicaid is a voluntary program to a certain extent that States can enter into to cover their very poor. The Federal Government says: If you want to do that, if you are a wealthy State, we will pick up 50 percent of your effort. If you are a moderately wealthy State, we will pick up 60 percent of your effort. And if you are one of the poorest States in the Union—not that Louisiana isn't an extraordinary State, but we have high poverty relative to other States, just like Mississippi and Alabama, West Virginia. We know who our cohorts are. We have been at this a long time.

For us, the Federal Government says: If you try to cover your poor, we will pick up 70 percent for you, which is the right thing to do. The Federal Government should help the poorest States a little bit more than the wealthier States. It is actually what is taught in the Bible. I wish we would follow it a little bit more around here.

So for years, this is what has occurred. In 1999, the Federal Government paid 70 cents of every dollar. You can see, basically, that it is done by an income calculation. Because our income—we have gotten a little bit richer here, you can see, a little bit richer, a little bit poorer, a little bit richer. But all of a sudden, because of a unique set of circumstances that happened because of Katrina and Rita and Ike and Gustav—not because of any politics here but because of hurricanes and levee breaks and a catastrophic flood and an influx of Federal dollars that came to help, which we are grateful for—our calculations were terribly distorted and skewed when the new calculation was made. As a result, the Federal Government's portion would have fallen to 63 percent. So from an average of about 70, we would have fallen to 63 percent. That doesn't sound

like a lot, but it would have meant about a $400 million to $600 million—very roughly, $400 million to $600 million difference.

Either the people of my State would have had to cut $400 million to $600 million out of programs today or they would have had to raise $400 million to $600 million in taxes. That is a lot of money even in Washington where we throw around $1 billion and $1 trillion like it is nothing.

I can promise you, there are people sitting around their kitchen tables in Louisiana way down in Tibido and way up in Mansfield, LA, thinking: Where are we going to come up with $500 million? This is terrible, Senator. We didn't do anything. We are not that much richer. We are actually still struggling from the recovery. Does anyone in Washington understand that we did not get—we are not 40 percent richer than we were 2 years ago? Does anybody know up there that we are still struggling with this recovery?

I assured them I knew, and our delegation knew, and that I knew some people who might be understanding. I mentioned to them actually that I would bring this to HARRY REID, I said, because he is a good man. He has a good heart. I thought if I explained this to him and to Kathleen Sebelius, who is a very good Secretary, and got their staffs to look at it, perhaps they would agree with us that we needed some special assistance. I thought there might be one person—one person with a heart on the other side of the aisle. I still think there may be. But, I said, let's just try.

So our delegation went to work and, lo and behold, then we have a health care bill coming along. It is a bill that some people like and some people don't, but it is most certainly germane to my subject. It is most certainly germane to my subject.

So I say: This is nice. I know we are going to be on health care. Let's see what we can do to get this in this health care bill. I don't know what the bill is going to look like. I don't know if I can vote for it when it finally comes. I don't even know if I am going to be for it. But it is a health care bill. This is a health care amendment.

Some people have actually criticized me and said: You know, the Senator put it on the wrong bill. The Senator discussed this at the wrong time. The Senator has ruined the efforts of the State to get help because she asked for this amendment.

Was I supposed to ask for it on a transportation bill? Was I supposed to ask for a Medicaid fix on a jobs bill? Was I supposed to ask for it on a lands bill? Forgive me for asking for a health care amendment on a health care bill.

So I did. We pursued it openly, we pursued it bipartisanly, and we pursued it intelligently and smartly on the health care bill. And I assured my Republicans privately and publicly: I know you are not for the bill. You don't have to vote for the bill. I may not vote for the bill. I didn't know I was going to vote for the bill until the very end. I am going to talk about why I decided to vote for the bill.

I said: But no matter how we vote on this bill, let's really make a case as strong as we can that this should be fixed. We basically agreed to do that, and the record will show that.

So at some point later, as the debate moved over to the Senate, I was asked to present, on any number of occasions, just as every Senator was asked, what are the things that I think are the most important in this health care bill as we begin the debate. I wasn't on the HELP Committee. I am not on Finance. So those of us not on HELP and not on the Finance Committee submitted our documents, which I am going to release today to the leader, and said: These are the things that we think are most important.

This was always on that list. I am proud it was on the list, but what I want people to realize is it wasn't the only thing on the list. It wasn't the first thing on the list. It wasn't on the list in any letter or correspondence that said if this doesn't get on, I am not voting for the bill. In every correspondence, in every public meeting, and in every private meeting, I pressed for this issue, but never did I say at any time that if this wasn't in the bill, I wouldn't vote for it, or if it was in the bill that I would vote for it because I don't believe in that.

As strongly as I feel about this provision and the merits of it, I would never have asked my colleagues—I did ask my colleagues to understand a few other things, and they can tell you that I said this in any number of meetings and, unfortunately, some of them were locked up with me for days. So they actually got to hear this over and over again.

I said: I cannot vote for this bill unless it drives down costs. I cannot vote for this bill if there is a government-run, public delivery system. I will not vote for this bill if there is an employer mandate. I can only vote for this bill if it extends coverage to people who don't have it in a way they can afford it where they have choices in the private sector.

I said that speech 100 times in my State. I was on the radio. I was on this floor. My colleagues have heard it any number of times. I said to my colleagues: If you are going to cover children who can stay on their parents' insurance—if the underlying bill, whether it comes from the Senate or the House, is going to cover children up to 26 years old, which is a very good reform—something I think the American people support, and most certainly the people in my State would love to be able to do until they are 26—I said I would be hard-pressed to vote for bills if you left out children who don't have parents. Since I am the cochair of the adoption caucus and cochair of the foster care caucus, with Chairman GRASSLEY, I felt very empowered to speak those words to the leaders here. Part of my job that I have taken on myself is to try to represent children in foster care. I don't do a very good job every day, and sometimes I don't do the job I should do for them. I try my best. When we are in those meetings, when they have no one speaking for them—they most certainly don't have any money to hire a lobbyist. They most certainly have no parents here advocating for them. But I said if you are going to put that in the bill so every child in America gets to stay on their parents' health insurance until they are 26—do you all realize we have 22,000 children who graduate or come out of our foster care system who don't have any parents? I said: What are we going to do for them? They said: We don't know. We think we will leave them out. I said: If you want my support for this bill, that has to be in there.

I said that on the floor and in meetings. This was not in that conversation. This was. We need it. We believe we have a $400 million to $600 million fix. We would love you to fix it all. We would love the full $600 million, but we would appreciate whatever you can do to help us. Frankly, the reason we should fix it is not only will it be good for Louisiana, but by chance if any other State—when the earthquake hits Memphis, and it will some day, or when it hits California, and it will some day—do you know what. If this is in the law, they will not have to pay double for their Medicaid 3 years after that disaster because there will be this adjustment that says, if your rates are arbitrarily or artificially distorted by the fact that you have an increase in public assistance coming into your State, we will not count you as having a 40-percent increase in income. It will help. Contrary to what the Senator from Arizona says, it doesn't just affect Louisiana. For the time being, it does, but in the future it would affect a lot of other States. That is the right thing to do.

Nobody should be punished for having a disaster. Why would you punish that? This money—this $400 million is to protect the poorest children in my State—children who lost their parents in floods, lost grandparents in floods, children who lost siblings in the floods, children who are still not back in their houses. Why would we punish these children, these disabled people, the poor people on Medicaid because the Federal Government's levees broke? Why would we do that? I don't think we want to.

I am not going to stand by silently while the people of Louisiana are criticized for asking for something in a public way, describing our situation, expressing that we are unique among the States in this, and asking for assistance. I think the White House understands this. I know that Kathleen Sebelius understands this. I am most certainly confident the leadership on the Democratic side understands it. I

am very interested in what the Republican leadership has to say about this. They have been very quiet.

If this isn't the place to ask for it, where is the place? I would like to go there. If this isn't the time to ask for it, what is the time? This budget is being crafted right now by my legislators—not 2 years from now but right now. They are either going to know they have $350 million to work with or they are not. They are either going to raise $350 million on the backs of my people who can hardly pay the taxes they are paying now or they are going to cut off more from the elderly, the poor or the disabled who rely on Medicaid. So if this isn't the time, when would I come?

To close, because I have a few more minutes, I am going to leave with the one statement my Governor made publicly on this for the record. Being in public office takes more than being intelligent, more than a fancy resume—it takes guts. Some people have more of those than others. This is what my Governor said on November 20 to CNN:

> The bill is awful, but it is unfair to criticize Senator Landrieu or the rest of our delegation for fighting to correct this injustice to Louisiana. Our entire delegation is working together across party lines to correct this flawed formula.

This is the one statement he made. I see my colleague from Missouri here to speak about other matters. I am going to rest for a moment. I will be on this floor until 6 o'clock today. I am not leaving. If any Senator from the Democratic side or the Republican side wants to debate me on any aspect of this, I kindly ask them to let's get this over with today. I look forward to seeing them. I will be here until 6 o'clock. If they don't come, then I hope they will keep their mouths shut about something they know nothing about.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to shed some light on the situation going on at the General Services Administration, the GSA, a tangled mess of bureaucracy I have been fighting for the last 5 years. In the past, I worked very cooperatively with GSA, but for some reason, somehow, they have gotten themselves and us into a situation that is untenable.

Yesterday, the President accused me of holding hostage the nominee to be Administrator, Martha Johnson. I feel no joy in holding up this nominee, but the hostage I am concerned about is not the one looking for this distinguished position in Washington. Instead, the hostages I am worried about are the 1,000 people working in a Federal office building dump in Kansas City at the mercy of an agency that refuses to act to remedy a problem they acknowledge exists. Again, the hostage, with due respect, is not Martha Johnson; the hostages are the 1,000 Kansas City workers at the Bannister Federal Complex.

As Senators, we have a few tools at our disposal to carry out our responsibilities. One of these important responsibilities is oversight of the Federal Government. One of those tools is to force the Senate to debate and actually vote on an issue rather than be just a rubberstamp to the administration.

While he has criticized me for using this oversight tool, the President wielded it himself when he was a Senator in this very Chamber.

Senator REID, our distinguished leader, shares some responsibility in delaying Martha Johnson's confirmation. You see, the Johnson nomination actually passed out of committee in May. Was she ever called up for a vote? No, because until July—when I formally placed a hold on the nominee—the Senator from Nevada, according to Congress Daily, delayed her confirmation to ensure that taxpayer dollars were still being used to send Federal employees to Las Vegas.

Senator REID has his priorities regarding the delay on this nomination, and I have mine. He wants more Federal employees able to come to Las Vegas, and I certainly understand his reason; it is very important for his State. I want Federal employees in Kansas City to work in a building with a roof that doesn't leak and doesn't have other risks of contamination.

Some are complaining about the delay of this nominee. The truth is, the majority leader could have confirmed Martha Johnson in May, June or July. In addition, he waited until Thursday to file cloture, and he could have picked any date in the last 7 months to do so, but he waited until last Thursday. We had thought we made progress, and every time we thought we made progress, somebody in the administration pulled back that small step of progress.

There are many reasons why a Senator might wish to place a hold on a nominee that are related to our oversight responsibilities. I think it is important to have debates such as this not only when the qualifications of the nominee are at stake but when a Federal bureaucracy stops being responsive and serving of the people in the communities in which they work. That is the real issue.

Martha Johnson's qualifications are not in doubt. But as you will hear, the GSA is not being responsible to the people of Kansas City and, most specifically, to the Federal workers there.

The history goes back about 5 years. It is part of a larger plan to move all tenants out of the dilapidated Bannister Federal Complex. GSA initiated a plan to construct a new building in downtown Kansas City in order to move the jobs out of the complex. That was a long time ago, and at the time they were looking for a lease-to-own process.

The community of Kansas City—the leadership, elected officials, the employees, and Kansas City's financial community—had worked with the GSA to get a building—a new building to replace the Bannister Federal Complex.

The existing building, by any stretch of the imagination, is extremely expensive to operate, will be sparsely occupied, is not conducive as a good workplace, and must be replaced.

After 3 years, the plan brought together, with GSA's participation, the leadership of the Kansas City community at all levels, from the mayor to the council, to the business community, the Finance Committee that was going to put up the money. They came together, and they got a commitment that financing would be available to construct on a lease-construction basis.

What happened? With no warning, GSA called up the Environment and Public Works Committee the week of the markup, when it was supposed to be approved, and effectively put their own hold on the project they developed and approved, citing GSA's shift away from proceeding on a lease-construction basis.

For anyone following the project, this latest move by GSA was very difficult to understand. After all, 3 months earlier, in June of 2008, GSA was holding roundtables with real estate developers on the value of lease-construction plans and telling them how they could seek and pursue such projects.

In scrapping their own plan, GSA ensured that after all other tenants vacated the inefficient, 5.2-million-square-foot complex, more than 1,000 Federal employees would be stuck working there.

That is about 5,000 square feet per employee. This nonsensical plan would cost taxpayers $13 million to $15 million annually just to mothball unused space and operate shared heating and cooling equipment. That is $13,000 to $15,000 a year per employee for the unused space.

GSA was so convinced this was the best path forward that for 9 months, they even went so far as to conduct an analysis to justify the continued use of the Bannister Complex. But then, in a 60-day analysis, ''GSA concludes that the Bannister Complex should be a mid-term hold (approximately 15 years).'' This translates into nearly 10 years of continuing to run a complex at 20-percent capacity. Does that make sense? I cannot figure any building manager, any responsible party in the private sector or in government who thinks that works out. It does not take a mathematician to figure out the numbers. They are not good for the taxpayers. Put pencil to paper on that. Pencil it out. Anybody can do that. However, yet again, GSA decided to change its mind in September of 2009. This time, GSA agreed to their original position that a new building in Kansas City was GSA's ''preferred option.''

Bear with me. I know this is getting confusing because we have been confused.

Imagine how the Kansas City community feels after being jerked around for 5 years, where we sat down and worked with the staff, and a very helpful staff decided—laid out the path forward. That sounds like a good idea. Everybody at home was on board. The Kansas City community was on board, the officials, and we said, fine. Then somebody in the administration, whether GSA or above, put a halt to every one of those steps forward—every single one of them. Every time they laid out something, nothing happened. We are beginning, quite honestly, to feel like Charlie Brown. Every time we get ready to kick the football, somebody in the administration moves it.

Where are we now, now that the GSA went back to their original objective that they earlier rejected? Unfortunately, we are not one step closer to a new building for these workers. GSA has still taken no action, still has put nothing on paper, has made no commitments.

Is there a way forward? What is their way forward? Let the people of Kansas City know what you are going to do, how you are going to do it, and when you are going to do it. We cannot even find that out from them. There is no official plan out of GSA. GSA clearly agrees that the new Federal building is needed, so it should not be asking too much for somebody who represents them and the community to be told their plan. Yet they have stubbornly refused to produce one.

I met with Ms. Martha Johnson. I have worked with the PBS Commissioner. They are fine people, wonderful people. I think they are very qualified. But I have asked repeatedly that GSA come up with an official plan to move Kansas City forward. They refused. Bureaucracy has broken its word once again, and I want a chance to tell my colleagues what they have done.

My bottom line, the reason I am on the floor today opposing this nomination is quite simple: As Missouri's senior Senator, my job is to fight on behalf of the people who sent me here. My job is to make sure bureaucrats in Washington do their job and serve the people across the Nation and in Kansas City.

GSA continues to ignore the Kansas City community. My efforts have always been about keeping 1,000 jobs in Kansas City, not blocking one position in Washington.

But my colleagues should be aware that there is more bad news at this very same Bannister Federal Complex. At the same time GSA has been unwilling to move forward on a new building, they have also apparently been unresponsive to the ongoing health concerns of their employees and tenants at the Bannister Federal Complex. In the next day or so, tests will come back on the levels of trichloroethylene, or TCE, a dangerous carcinogen, at the Bannister Complex. These tests were called for after a local TV station reported unexplained illnesses afflicting Bannister workers and a possible link to toxins, such as TCE and beryllium, at the complex. While the pending results of these tests are of great concern—they are of great concern to the employees and their families, but most of all, we are hearing from parents whose children were in a daycare center at the complex. They want to know to what their children might have been exposed.

These scares and reports are coming more and more frequently to us from the Bannister Complex. It is alarming that I learned about this information not from GSA but from the media. Based on media reports, the implications for the health of these workers could be very serious, so I have called for an investigation. I even asked the inspector general of GSA to get to the bottom of these alarming health allegations.

I will work with the proper authorities on all levels of government—the Environmental Protection Agency, the Missouri Department of Natural Resources, the Missouri Department of Health, the Agency for Toxic Substances and Disease Registry—to uncover any additional information. It goes without saying that I will demand more transparent and comprehensive testing throughout the Bannister Complex. For the safety of the workers, we need to know what is going on, what is happening at Bannister, what has gone on in the past, who knew about it, why they did nothing about it, and how to move immediately to protect those potentially at risk.

The bottom line is that these workers deserve answers. The situation at GSA tells the American people that all they can expect out of Washington right now is business as usual, keep going forward, don't listen to the people we are supposed to serve, a government that is out of touch with their concerns and slow to act. I do not support business as usual. For these reasons, I will vote against the nomination and ask my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

DEPARTMENT OF DEFENSE NOMINATIONS

Mr. LEVIN. Mr. President, I wish to take a few minutes to express my frustration and my dismay at the roadblocks which have been placed in the way of Senate nominations for key positions at the Department of Defense. These obstructions take place at a time when these nominees—there are four of them—are critically needed by the Department of Defense. We are a nation at war. Our national security interests require us to end these obstruction tactics and immediately fill these four positions with highly qualified patriots.

Each of these nominees has been favorably reported to the Senate by unanimous vote from the Committee on Armed Services. They responded to extensive advance policy questions. They appeared at a hearing of our committee. Nobody has informed me of any concern about the qualifications of any one of these four nominees. Yet there is an objection here on the floor of the Senate every time these nominations are considered for confirmation. If any Senator has a concern about any of these four Defense Department nominees, I wish they would let me know about those concerns so we can address those concerns. We have heard from nobody. We have unanimous approval by the Armed Services Committee of four Defense nominees. They have been sitting on our calendar since December 2—over 2 months—while these positions go unfilled and we are in the middle of two wars.

One of these nominees is retired Marine Major General Clifford Stanley. He was nominated to be Under Secretary of Defense for Personnel and Readiness. This position is critically important. It is responsible for our military readiness. It is responsible for our total force management. It is responsible for military and civilian personnel requirements that need to be filled. This position is responsible for pay and benefits. Let me repeat this. The pay and benefits of our military personnel is the responsibility of the person who has been nominated for this position, and he has been sitting waiting for confirmation for 2 months. What kind of a message is this to the men and women who put on the uniform of this country? Military and civilian personnel training is the responsibility of this office, military and civilian family matters, exchange, commissary, nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve personnel matters, and health care for the military and their families.

General Stanley was the first African-American regimental commander in the Marine Corps. He has served with honor and distinction. He is now retired. We are lucky we can get someone such as General Stanley to come back into public service to fill this position. Yet there has been a hold on his nomination since December 2.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff have both made personal appeals to me and to other Members, including, I think, the leadership of this body, to confirm General Stanley so he can perform those essential duties which I have outlined. His nomination, again, was unanimously supported by our committee. Our distinguished Presiding Officer is a wonderful member of our committee. No one, again, has brought any problem with this nomination to my attention. No one has said he is not qualified. I think there is unanimous consensus that he is extraordinarily well qualified.

While we have servicemembers, who have volunteered to serve, and their families under great stress, they are fighting for our interests in two wars, we have a critically important person

who is awaiting confirmation for a position which affects every one of their lives. It is unconscionable that these roadblocks were placed in the way of these nominees.

Another critical nomination is that of Frank Kendall III, who was nominated to be Deputy Under Secretary of Defense for Acquisition and Technology. The individual confirmed to this position is responsible for assisting the Under Secretary of Defense for Acquisition Technology and Logistics in supervising Department of Defense acquisition, establishing policies for acquisition, including the procurement of goods and services, research and development, developmental testing, and contract administration.

We have all these problems with contracts, with testing, with development, with cost overruns. We reformed our law now so that we have much better acquisition rules in place to try to see if we can't get rid of some of these cost overruns.

We have a nominee to fill the position of Deputy Under Secretary of Defense for Acquisition and Technology, and our friends on the other side of the aisle—someone over there—have a hold on his nomination for, I know, no reason related to his qualifications. There has been no issue about his qualifications, about any of the four of these nominees. Again, we have a critical position. As I indicated, particularly we have acquisition reform which we just adopted. It is so essential to control the cost of our national defense. Mr. Kendall's nomination, like General Stanley's nomination, has been before this Senate since December 2, over 2 months.

Another nomination is that of Erin Conaton to be the Under Secretary of the Air Force. We all know her. She is on the staff of the House Armed Services Committee. Nobody has raised an issue about her. We are lucky to have her. Yet there is a hold from the other side of the aisle for some unspecified reason, nothing to do with her. But here she is in a position which is so important to the Air Force.

If designated by the Secretary, the Under Secretary of the Air Force serves as the Department of Defense Executive Agent for Space. She also serves as the chief management officer of the Air Force—we have all these problems, and our Presiding Officer knows about the problems of auditing and knows about the management and the business problems we have in our defense units. He knows it from experience in the Senate. He knows from his own personal life experience how important this is. And we cannot get the woman—who probably is as knowledgeable about this subject as anyone, based on all of her years over at the House Armed Services Committee—we cannot get her off the Senate calendar.

Terry Yonkers has been nominated to be Assistant Secretary of the Air Force for Installations and Environment. This Assistant Secretary is responsible for overall supervision for all matters relating to Air Force installations, environment, and logistics, including planning, acquisition, sustainment and disposal of Air Force real property and natural resources, environmental program compliance, energy management, safety and occupational health of Air Force personnel.

These are important, vital positions to the well-being of our men and women in uniform. It is unconscionable that one or more people on the other side of the aisle continue to put holds on these nominations. They cannot find any problem with their qualifications because there is none. It is just endless holds, endless filibuster threats, endless roadblocks that stop these and so many other nominations. But these are Defense Department nominations in the middle of two wars, and these roadblocks have to be removed.

I hope we will take up all four of these nominations immediately. We have servicemembers volunteering to risk their lives in defense of the Nation. The least we can do—the least we can do—as a Senate is to confirm nominees for the critical positions to lead the Department of Defense.

Again, finally—and I know my great friend from Illinois is sitting 3 feet away from me and has made the same suggestion, as he has pressed so hard to get these roadblocks removed—if anybody has a problem with these nominees, would they please come to the floor and tell us. They can tell us, hopefully, publicly, but they could tell us privately. We have heard nothing. These nominees—all four of them—were unanimously approved in the Armed Services Committee. So we don't know of any problem. We know their qualifications, and they are extraordinary in every one of their cases.

This filibustering that is going on around here and the threat of filibustering and the constant roadblocks that are thrown up in front of these nominees is unconscionable. It goes beyond anything I have ever seen around here in 32 years. We all know there are people who object to nominees, but, hopefully, usually because they have an objection against something the nominee has done or said. In this case, there is nothing like that. This is some unrelated matter, apparently, which has caused somebody to hold them hostage while they try to extract some concession out of somebody.

It seems to me, as a body, we simply have to find a way where we can get our nominations back on a reasonably decent track. I say that, with greater emphasis, when in the middle of two wars we have four essential nominees.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEVIN. Yes.

Mr. DURBIN. I would tell the Senator I am not 100 percent pure. I have held up a nomination in the past, but I always state my purpose. The two I can recall immediately were to get agencies to do things they said they would have done long before and, in fact, they did them and I released my hold immediately. It was issuing a report. It wasn't a matter of filling a job or a project or something such as that. So it has been done. But I think if it is done with transparency and in a timely way, we can live with it. In this situation, we are seeing our Executive Calendar stacked with nominations.

There was one in particular, which I spoke about the other morning, that struck me—Dr. Stanley, who is trying to take a position with, if I am not mistaken, manpower and readiness.

Mr. LEVIN. In charge of it; right.

Mr. DURBIN. For the Department of Defense. If I remember correctly, this gentleman has served 33 years in the U.S. Marine Corps, was a major general, and he was the first African-American regimental commander in the history of the U.S. Marine Corps. It is clear he is qualified. There is no question about his patriotism and love of this country. The fact he would go through this process—let them go through every aspect of every corner of his life to prepare him for this nomination—and then be held up on the floor by the Senator from Alabama, I would ask the Senator: When he was considered before your committee, did anyone question this man's ability or his service to our Nation?

Mr. LEVIN. Quite the opposite. His references were superb. Not only was there no objection raised, it was quite the opposite. We were delighted he was willing to come out of retirement and serve. This is a real find. These nominees are performing a real public service, in many cases taking a lot less money in pay than they could get in the private sector.

I agree with my good friend from Illinois too. Many of us—I will not say all of us—including myself, have placed holds on nominations. That is not unusual. But usually there is some reason you have that you are willing to disclose and you want to take up with the nominee or you want some report that has not been filed that was promised. You want something that relates to the nominee. The objections here, the roadblocks here have nothing to do with these nominees. There is no objection to these nominees.

I see my good friend from Vermont has come to the floor. He has to live with this a lot more than I have to with this. This is probably 20 percent of my time. He has roadblocks in front of the Judiciary Committee nominees that take up probably more than half Senator LEAHY's time.

Mr. LEAHY. If my two friends will yield on that point, it has gone way beyond anything I have seen in my 35 years in the Senate, by either Democrats or Republicans. It is ridiculous.

I will give one example—not my committee, but I mentioned it the other day. During the height of the H1N1 flu, every morning you could pick up the

paper or hear of children—little children—dying while there was an anonymous hold by the Republicans on the Surgeon General. You would think, particularly at a time such as that, you would want to have everybody you could have there. This was blocked for months and months and months. Finally, the hold was lifted and she was confirmed unanimously.

We have had judges supported by both parties, and the nominations have come out of the committee. The distinguished deputy majority leader is a member of the committee, and he knows they have come out unanimously. Yet they are held up for months. We finally vote cloture, waste 3 days of the public's time—at a cost of tens of thousands, hundreds of thousands of dollars—only to then have a vote and it be virtually unanimous.

I mean, this is being childish. It goes beyond misusing a parliamentary procedure. It becomes childish.

I thank my two colleagues for letting me speak to this.

Mr. LEVIN. I yield my time.

Mr. DURBIN. Mr. President, I know my colleague from Vermont is going to take the floor, but I would ask for his indulgence.

I ask unanimous consent to be recognized for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO SENATOR KIRK

Mr. DURBIN. Mr. President, in my era in politics, one of the most frightening things you could ever hear when you were about to go into an event was when the host of that event called you to the side and said: You will be speaking following Ted Kennedy. That was the worst news you could receive. No one in the world wanted to follow Ted Kennedy. He was that good and well loved and a man who had given his life to public service and to the State of Massachusetts.

Well, our friend, PAUL KIRK, who is seeing his tenure in the Senate come to an end either today or this week had the unfortunate responsibility to follow that great man. But if there was ever a person who could stand and take the job, it was PAUL KIRK. He came to the Senate not just as a former staffer of Senator Ted Kennedy after Senator Kennedy passed away but as truly a very close friend of Senator Kennedy.

On the day he was sworn in, Senator PAUL KIRK of Massachusetts said he assumed his duties feeling ''the profound absence of a friend'' but a ''full understanding of his devotion and understanding of public service.''

PAUL KIRK promised to be a voice and a vote for the causes which Senator Kennedy believed in, and for 4 months and 10 days he has honored that promise to his old friend and to the people of Massachusetts.

I will tell you that PAUL KIRK, in his short time here, has served with dignity and integrity. We thank him and his wife Gail, who made a personal sacrifice to let her husband come and take up this responsibility for this important chapter in his life and this important chapter in the history of the Senate.

I think it is fair to say PAUL KIRK never dreamed he would be a Senator. He graduated from Harvard Law School in 1964. He worked as an assistant district attorney in Massachusetts. He came to Washington in 1968 and worked on Senator Robert Kennedy's Presidential campaign. He considered quitting politics, as many people did, after Robert Kennedy's political assassination. But Ted Kennedy convinced him to pick up the fallen standard and carry on Bobby's work.

For the next 8 years, PAUL KIRK worked in this Senate as one of Ted Kennedy's closest aides. He was with Senator Kennedy in 1980, when the last of the Kennedy brothers ran for President. I remember that so well as the downstate coordinator of the Ted Kennedy for President campaign in Illinois.

In 1985, PAUL KIRK took on the challenge of chairing the Democratic National Committee in the middle of the Reagan era—quite a political challenge for any Democrat. He served as cochairman of the Commission on Presidential Debates, and he has been chairman of the John F. Kennedy Library Foundation since 1992.

PAUL KIRK is a good fellow, with a great sense of humor. I can tell you what has been said about him. He has never been known for excitement. One friend said of Paul Kirk several years ago: Behind that quiet exterior is a quiet interior. He is that sort of person—soft spoken but effective. He may not speak in a lion's roar, as Ted Kennedy did, but his reverence for America and his belief in this great Nation and his sense of justice is just as strong. On the Saturday before Thanksgiving, during the historic effort to break the filibuster on health care reform, Senator PAUL KIRK came to the floor and told the story of a young woman from Somerville, MA, who had finished college, prepared for graduate school, and who suffered organ failure. In many States, that woman might have quickly found herself in a critical state and in medical debt and surely she wouldn't have been able to find insurance.

But because of Massachusetts's first in the Nation, near universal health care program, PAUL KIRK told us that young woman could still obtain affordable health care, even though she now has what is characterized as a preexisting condition that will require her to be on medication for the rest of her life.

Senator Kennedy was proud of what Massachusetts, his home State, had achieved in health care. Ensuring that Americans in every State had decent, affordable health care, PAUL KIRK said, was the ''cause of his life.'' It has been Senator KIRK's consuming goal in the Senate, and I hope it will soon become a reality. We are too close to a solution on health care—and the need is too great—for us to stop now.

In 1968, when Ted Kennedy became majority whip—the position I now hold in the Senate—then-majority leader Mike Mansfield welcomed him to the leadership by saying: ''Of all the Kennedys, the Senator is the only one who was and is a real Senate man.'' Part of what made Ted Kennedy a real Senate man was his personality and his inexhaustible patience and optimism. Part of it was his knowledge of how the Senate works and part was his great staff.

The Kennedy staff has always been known as the A-Team in the Senate. They are smart, they are talented, they are dedicated, and after they leave Ted Kennedy, they go places unimaginable for most staffers because they are so highly regarded. Some have been with Senator Kennedy for decades and continue with Senator KIRK, including the legendary Carey Parker, the Senator's chief speech writer; Michael Myers, whom I know well from his activities on the floor, the Senator's staff director on the HELP Committee, who worked so hard on health care reform. He has been amazing.

I wish to thank all the staffers for Senator KIRK, and previously for Senator Kennedy, for carrying on that standard of justice and fairness. I thank them as a group for their service to Massachusetts and to America. It is because of them, and countless others whom Senator Kennedy touched, myself included, we have been enlisted in the Kennedy causes and the Kirk causes with a great deal of pride.

A special thank-you to the Kennedy family—especially Vicki, Kara, Ted, and Patrick, Caroline and Curran—for sharing so much of the man they loved with the Nation he loved.

Finally, I wish to welcome to the Senate—and in a short time he will come to be sworn in—Senator SCOTT BROWN. As Senator Kennedy would have said, if he were here: failte. He was always eager to reach across the aisle and find solutions to the problems we face. I look forward to an opportunity to do the same with Senator BROWN in the Senate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend from Wyoming on the floor, and he has been recognized, but I ask unanimous consent that when he finishes, I be recognized for 10 minutes to speak about Vermonters who have been in Haiti helping with the devastation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I yield myself 10 minutes of Senator BOND's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW CLIMATE CHANGE ALLEGATIONS

Mr. BARRASSO. Mr. President, there has been significant attention given to efforts by the United Nations to establish a global climate change agreement. The effort has been based, in

large part, on information contained in reports prepared by the United Nations Intergovernmental Panel on Climate Change.

Supporters repeatedly cite figures and conclusions in the U.N. reports to justify a complete overhaul of the world economy. Supporters have been steadfast in claiming the report is conclusive, in claiming the scientific data is solid, and in claiming the integrity of the findings are above reproach. Any mistakes identified and pointed out are minimized and ignored.

They have been singing this song for years. The U.N.'s top climate official is Dr. R.K. Pachauri, and the chorus of defenders of the U.N. reports have grown louder in recent months as the house of cards they have built is falling apart.

There have been disclosures of e-mails that show scientists manipulated the sciences; there have been nonscientific materials utilized to reach scientific conclusions; there has been scientific conclusions that are not properly peer reviewed. Each week, the list of errors grows. The excuses from Dr. Pachauri, the man in charge of the U.N. climate change reports, well, they have been wearing thin.

I come to the floor as a Senator who serves on both the Energy Committee and the Environment and Public Works Committee. I come to the floor to tell you and our Nation the United Nations' scientists are manipulating data to further political goals—political goals of passing a climate change accord that will cost the world billions.

This is not my accusation. The person making the charge is the person who verified the false conclusion.

It is better to hear it in the person's own words:

His name is Dr. Murari Lal. Dr. Lal is a retired Indian academic, now a consultant. He was one of the four lead authors of the Asia chapter of the U.N. report.

He is also behind the bogus claim in United Nations climate change reports that Himalayan glaciers will have melted by 2035.

He admitted that this scientific ''fact'' as climate change supporters like to state, was included in the report ''purely to put political pressure on world leaders.''

Let me repeat—he said this so called ''fact'' was included in the United Nations report ''purely to put political pressure on world leaders.''

According to Dr. Lal, ''It related to several countries in this region and their water sources.''

''We thought that if we can highlight it, it will impact policy makers and politicians and encourage them to take some concrete action.''

The so called ''fact'' in the report is just not true.

On January 21, the Economist stated that when informed about the error the United Nations ''did nothing'' and the claims were ''airily dismissed by Rajendra Pachauri.''

The Times of the U.K. reports a second factually inaccurate conclusion. It reports that the United Nations wrongly linked global warming to natural disasters.

In an article written by Jonathan Leake, he stated that: The United Nations climate panel faces new controversy for wrongly linking global warming to an increase in the number and severity of natural disasters such as hurricanes and floods.

The original link between climate change and natural disasters was based on an unpublished report. According to the Times the report ''had not been subjected to routine scientific scrutiny''—and ignored warnings from scientific advisers that the evidence supporting the link was ''too weak.''

Despite the warnings once again, the United Nations Intergovernmental Panel on Climate Change included the fiction in its report.

Today the claim by the U.N. that global warming is already affecting the severity and frequency of natural disasters is a large part of the political debate across this country.

How many politicians made the claim that Hurricane Katrina was the result of climate change? Well now they know the inconvenient truth.

According to the Times of the U.K., the actual authors of the claim on natural disasters withdrew the claim—but the United Nations did not.

Every day new scandals emerge about the so called ''facts'' in the U.N. reports.

Claims that ice is disappearing from the world's mountain tops were apparently based on a student dissertation and an article in a mountaineering magazine.

It was revealed that green activists with little scientific experience were the source for unsubstantiated claims that global warming might wipe out 40 percent of the Amazon rainforest.

These revelations are in addition to the released e-mails by the Climatic Research Unit at East Anglia University. These are the e-mails that first raised serious questions about the conduct of U.N. and even U.S. scientists.

These e-mails demonstrate a coordinated effort by trusted climate scientists to suppress dissenting views and manipulate data and methods to skew the U.N. reports to reach a politically correct view of the impact of climate change.

Scientists at the Climatic Research Unit said that they ''admitted throwing away much of the raw temperature data on which their predictions of global warming are based.''

The lack of any raw data prevents other scientists from checking their work and raises additional questions about the accuracy of the data used in the U.N. reports.

The actions by scientists and others to suppress data that contradicts their conclusions is misleading, unethical and unacceptable.

Their conduct needs to be investigated.

Senator INHOFE and I have written U.N. Secretary Moon to have the U.N. conduct an independent investigation into the original climate gate revelations.

That request has not been acted upon.

Revelations of ongoing scientific fraud at the United Nations Inter-governmental Panel on Climate Change is disturbing.

Concrete action by world leaders is needed.

The integrity of the data and the integrity of the science has been compromised.

Today, I call for government delegations of the U.N.'s general assembly and U.N. Secretary Moon to pressure Dr. Rajendra Pachauri to step down as head of the United Nations Intergovernmental Panel on Climate Change.

It is time to conduct an independent investigation into the conduct of the Intergovernmental Panel on Climate Change.

Dr. Pachauri should be removed from any involvement with the investigation.

Recent reports over the weekend raise questions about whether or not Dr. Pachauri knew of the false information in the U.N. report months prior to the disclosure.

These claims, first reported in the Times of the U.K., stated that:

> Pachauri was told that the Intergovernmental Panel on Climate Change assessment that glaciers would disappear by 2035 was wrong, but he waited two months to correct it.

If proved true, this would mean that Pachauri failed to alert the world to this mistake before the December Copenhagen conference.

Investor's Business Daily in an editorial stated:

> If we're serious about restoring science to its rightful place, the head of the UN's panel on climate change should step down. Evidence shows he quarterbacked a deliberate and premeditated fraud.

Walter Russell Read, project director for Religion and Foreign Policy at the Pew Forum was quoted in Investor's Business Daily Tuesday February 2 as saying:

> After years in which global warming activists had lectured everyone about the overwhelming nature of the scientific evidence, it turned out that the most prestigious agencies in the global warming movement were breaking laws, hiding data and making inflated, bogus claims resting on, in some cases, no scientific basis at all.

President Obama, Secretary of State Clinton, and U.N. Ambassador Rice need to apply all the necessary pressure to ensure that Dr. Pachauri is removed.

I also call on President Obama to direct his cabinet to stop supporting any policies that relied in whole and in part on the fraudulent United Nations reports.

It is time to have the scientific data behind such policies independently verified.

Administration policies relating to climate change will cost millions of Americans their jobs.

We need to get this right.

To continue to rely on these corrupted U.N. reports is an endorsement of fraudulent behavior.

It is a signal to the American people that ideology is more important than their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

HAITI

Mr. LEAHY. Mr. President, on January 22 I spoke in this Chamber about the earthquake that struck Haiti on January 12 and the unprecedented devastation it caused. We now know that an estimated 3 million people have been affected, including some 700,000 people displaced from Port-au-Prince and living under plastic or other makeshift shelter. As many as 200,000 more may have died; tens of thousands have suffered injuries, including many whose limbs had to be amputated, some as the only way to save their lives and to extricate them from the rubble. Hundreds of thousands of children have lost one or both of their parents. It is hard to quantify the scale of human suffering.

Think of it. Thousands of commercial buildings, 200,000 homes, the presidential palace, the national cathedral as well as the parliament building, the government ministries, U.N. headquarters were either heavily damaged or destroyed. Roads, ports, and communication infrastructure were extensively damaged.

Ninety percent of the schools in Port-au-Prince have been destroyed. This rebuilding is going to take years, even with the help of the international community, the United States, working side-by-side with the people of Haiti.

The generosity of the American people as well as people from so many other countries has been extraordinary. Hundreds of millions of dollars have been raised from private organizations, foundations, corporations, and individuals, including schoolchildren. There have been countless tons of donations of food, clothing, medicines, and other supplies. It is especially heartening to see the commitment and dedication of volunteers, many of whom after they received word of the earthquake immediately began to pack their bags to travel to Haiti to help any way they could—not sure of where they would stay but knowing they had skills that were needed.

One such group is the Vermont Haiti Relief Team. It includes members of the Vermont Haiti Project and the Vermont Federation of Nurses and Health Professionals. They traveled to Haiti. I talked with some of them who helped with the recovery, I heard and read their stories, I have seen the photographs they sent back. Here is one photograph—the nurses are carrying, obviously, a patient on a stretcher.

As a Vermonter, as an American, I could not be more proud of the lifesaving work they are doing. Our little State of Vermont, as far north from Haiti as it could be—right up there on the Canadian border—answered the call to help a neighbor in the hemisphere.

On January 20, 11 volunteer doctors, nurses, and other health professionals from Vermont arrived in Jimani, Dominican Republic. That is a remote border town where some of the injured from Haiti were taken immediately after the earthquake and where many more have arrived.

The Vermont health workers joined other doctors and nurses to care for hundreds of patients in the hospital. They coordinated helicopter and ambulance transports, they established clinics to evaluate and treat injuries. They cared for over 250 amputees. They worked tirelessly to meet the needs of the victims and their families.

What they did helped immeasurably. I look at this one photograph—at one of the nurses helping this child. Some couldn't speak the language. None of them knew the people before they went there. All they knew was that the Haitians are fellow human beings, suffering, and they felt, as we do in Vermont and in so many other places: If your neighbor is hurting, you are hurting, and so you help your neighbor. They went and helped.

It is life-saving work. But it is also life-changing work. These Vermonters will return home having endured, improvised, and made a difference through the experience of a lifetime. How many of us can say we have done something that made such a difference in someone's life? They have, but their own lives have also been changed.

They were confronted with hundreds of injured people. They had just a handful of medical personnel, no supplies, and they worked around the clock with volunteers from Haiti, the Dominican Republic, and many other countries. Sometimes the electricity worked, sometimes it did not. Death surrounded them. But many of those who would have died survived because of the care of these Vermonters.

The team also traveled to Fond Parisien, Haiti, where a clinic was established. They worked with Haitians and other relief organizations to create a wound clinic, and a hospital for hundreds of displaced persons.

After 2 weeks working in difficult conditions, the first team of Vermonters is coming home. They are exhausted physically and emotionally, but they are proud of the help they provided to their Haitian patients and of being able to represent Vermont in the relief effort. This Vermonter is proud of them and proud of a second team that has now arrived in Haiti and has begun working.

The Vermont Haiti Relief Team hopes to continue to send volunteers for 2-week rotations to support the hospital in Jimani and the clinic in Fond Parisien for the next 3 to 6 months.

I have been to Haiti. I know what a poor country it is. My wife Marcelle is a registered nurse, now retired. She has gone to those hospitals. She has seen how little there is to work with. She knows that somebody coming with the equipment that's needed, the supplies that were lacking, what a difference that makes.

Marcelle and I are very impressed with the commitment of those Vermont volunteers. It is emotionally and physically exhausting, but no less rewarding. I thank them for their hard work and dedication, for their selfless example.

What happened in Haiti was as great a natural disaster as any one of us will ever hear of. But what it has done is spark the generosity of people everywhere. The help has to continue. I will make sure of that as chairman of the State and Foreign Operations Subcommittee.

Thanks to this small group of Vermonters who went down there, lives were saved, lives were changed, children were rescued. We Vermonters are proud.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the nomination of Martha Johnson occur at 2:45 p.m., with the time until then divided equally; with the provisions of the order governing this nomination remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask further unanimous consent that upon disposition of the nomination of Martha Johnson, and the Senate resuming legislative session, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes, except when Senator KIRK is recognized, he be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, we remember the giants of American history, those who led troops into battle, or rose to high office, or gave their lives for something greater than themselves; the warriors, the statesmen, the heroes who fought to defend our values and our freedoms.

We quote their words and etch their names into stone. We rightfully honor their place in the annals of history.

But the quiet moments of our history are often overlooked.

There are many unsung heroes whose actions give shape to our national identity. Too frequently, these brave men and women are pushed to the margins or relegated to obscurity.

That is why I am here today to honor one woman who did not fight in wars, give great speeches, or perish on the battlefield.

Make no mistake: those pursuits are noble, and it is right that we honor them.

But our quiet heroes have just as much claim to our national attention, and also deserve our respect and praise.

So today I would ask my colleagues to pause and to think of just such a quiet American hero:

She never wore a uniform, though in a sense she led a great and diverse army. She never rose to high office, although she paved the way for others, including myself to do so.

Rosa Parks began her life in a world that largely considered her to be undeserving of equal rights. She knew the injustice of segregation, and was no stranger to racism and hatred.

She grew up poor in Tuskegee, AL, where she wasn't even allowed to ride the bus to school.

But, thanks to a life of principled activism, and a moment of quiet courage on a city bus in Montgomery, this poor country girl would grow into a strong woman whose name became synonymous with ''freedom'' and ''equality.''

And when she passed away, not on a foreign battlefield, but quietly in her home, at the age of 92, she was mourned by her friends and neighbors from back home in Alabama, but also by an entire nation, in a funeral held at the National Cathedral and lasting a full 7 hours.

Such was the impact that Rosa Parks had on our social and political landscape.

Such was the indelible mark left by her decision, on that first day of December in 1955, to say ''no.''

To refuse to accept that she was a second-class citizen.

To claim what was rightfully hers as an American, not by force, and not by attacking or degrading her fellow man, but by insisting, with quiet conviction: I am your equal. I am any man or woman's equal.

On that day, she knew that her cause was just. She had unshakable faith not only in the righteousness of her beliefs but in the heart and soul of this great nation that its people would turn away from bigotry and hate, that unjust laws could be changed, and that the great promise of America lives not in the imperfect here and now, but in our ability to define who we wish to become, to chart our own course, and remake our destiny.

Rosa Parks was not alone in this belief. There were many others, from all backgrounds and walks of life, who shared a similar faith in American ideals.

But, by refusing to give up her seat on that bus in Montgomery, Rosa Parks brought those ideals to life.

She helped give wings to a movement that grew, and gathered steam, and inspired millions to work tirelessly on the side of justice and equality.

Today, Rosa Parks would have celebrated her ninety-seventh birthday. Just this morning, I joined Leader REID and our Congressional colleagues to commemorate this milestone.

And as we observe Black History Month, I can think of no finer way to begin this time of remembrance and celebration than by honoring the legacy of a great American like Rosa Parks.

So I ask my colleagues to join me in remembering this quiet pioneer and millions of others like her, ordinary people who are not afraid to reach for extraordinary things.

Regular folks who see this country and this world as they are, but are not afraid to imagine what they can be.

Few of these unsung heroes will ever see their names in print, or etched into our collective history, but all remind us of the enduring greatness of the United States of America and the fundamental goodness of our fellow human beings.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of the General Services Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—82

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inhofe	Reid
Brown	Inouye	Roberts
Brownback	Johanns	Rockefeller
Burr	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Kirk	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wyden
Ensign	Menendez	
Enzi	Merkley	

NAYS—16

Alexander	Grassley	Risch
Bond	Gregg	Sessions
Bunning	Hatch	Shelby
Chambliss	Isakson	Wicker
Cochran	Kyl	
Crapo	McConnell	

NOT VOTING—2

Bennett	Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, with the storm fast approaching, I think it is to everyone's advantage we complete our work today. So I am convinced this will be the last vote of the day. Now, I would say this. I have been working

with Senators GRASSLEY and BAUCUS, and, of course, the Republican leader, trying to get something keyed up for Monday, and I think we are making a lot of progress in that regard.

It appears we are going to have a cloture vote on a nominee on Monday. I already talked to the Republican leader about this several days ago. We are also going to move forward on a jobs package Monday. We are either going to do one on a bipartisan basis—I sure hope we can do that; it really would be good for the country and good for us—if not, we will have to do one that will be my amendment rather than an amendment of a bipartisan group of Senators. So I hope we can do that. But we will have that worked out later today more than likely. But this will be the last vote for the day.

Madam President, we also are working on someone to replace Judge Alito in the New Jersey Circuit, and his name is Joseph Greenaway. We hope that can also be done on Monday.

Mr. LEAHY. Madam President, in order to vote on the nomination of Martha Johnson to head the General Services Administration, the Senate was required to overcome the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up-or-down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even noncontroversial nominees. There have been as many filibusters of nominations as there have been confirmations of Federal judges in President Obama's first 2 years in office.

This 15th filibuster is three times as many as there were in the entire first 2 years of the Bush administration. Was it not just a few years ago that Republicans were demanding up-or-down votes for nominees, and contending that filibusters of nominations were unconstitutional? Again, the 15 filibusters of nominations matches the total number of Federal judges confirmed in President Obama's first 2 years in office.

In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations, compared to only 14 during President Obama's first 2 years. In the second year of President Bush's first term, the Democratic majority in the Senate proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

The obstruction and delay does not only affect judicial nominees and our Federal courts. Martha Johnson is the second executive branch nominee this week that has been filibustered by Republicans. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

> Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.
>
> On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.
>
> Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republican in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 20 Ex.]

YEAS—96

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Johanns	Sanders
Burris	Johnson	Schumer
Byrd	Kaufman	Sessions
Cantwell	Kerry	Shaheen
Cardin	Kirk	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wicker
Ensign	McConnell	Wyden

NOT VOTING—4

Bennett	Hutchison
Coburn	Isakson

The nomination was confirmed.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall 20, I voted ''no.'' It was my intention to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, on rollcall vote 20, I voted ''no.'' My intention was to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above orders.)

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Dakota is recognized.

JOHNSON NOMINATION

Mr. DORGAN. Madam President, I will be brief. The vote that just occurred was a vote on the nomination of Martha Johnson, of Maryland, to head the General Services Administration. That vote was reported by the committee unanimously to the U.S. Senate on June 8 of last year—June 8 of last year. It has been blocked since that moment, and now we have a vote. We didn't have a vote in July, August, September, October, November, December, or January; we had it now, 7 or 8 months later. After blocking it for 7 or 8 months, 92 Senators voted yes. Explain to the American people how you block a nomination for 7 months that you support. Try to explain that. In my judgment, it is a shameful disrespect for good government to block nominations for month after month after month.

The same is true with individual issues that are brought to the floor of the Senate. I will give you a couple of examples. An appropriations bill was blocked on the floor of the Senate, and then 80 people voted yes. A credit card holders' bill of rights was blocked in the Senate, and then 90 people voted yes. The Department of Defense appropriations was filibustered in the Senate, and then 88 Senators voted yes on that.

If ever there were a demonstration for all to see how unbelievably broken this process is, it is today, once again, that after 7 or 8 months, a very qualified candidate, reported out unanimously from the committee of jurisdiction to head the GSA now gets 92 people to vote yes, which means we have a lot of people who block things they intend to vote for later. It is an unbelievable example of why this place doesn't work. A minimum amount of cooperation, in my judgment, would go a long way to helping make this place work the way it should. This nomination should have taken 10 minutes on the floor of the Senate last June after it was reported out unanimously by the committee of jurisdiction.

If I sound irritated by what is going on, I think a good many Members of the Senate are irritated by what I believe is a show of disrespect for good government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MEDICAID READJUSTMENT RATE

Ms. LANDRIEU. Madam President, I know that under the previous arrangement, the Senator from Massachusetts will be giving his farewell remarks. I would like to speak for the next 4 minutes prior to him coming to the floor.

I spoke on the floor earlier explaining to my colleagues and providing some additional information about the fair resolution the Senate came to to help Louisiana and any other State that would have been similarly impacted through a very difficult Medicaid readjustment rate. I spoke at length this morning about that.

I want to show this chart that clearly outlines our particular and unique and disastrous situation. Since 1999, and before, the State of Louisiana—and the occupant of the chair was a Governor, so she knows—paid approximately 30 percent of our Medicaid dollars and the Federal Government picked up about 70. We are in the lower one-third of States on a per capita basis and have been since the Civil War, and we remain that way to this day.

What happened after Katrina and Rita was, because of the great generosity not only of this body and the Congress and the former President and the current President and private sector dollars—billions and billions of dollars poured into our State, driving our per capita income up an unprecedented 40 percent. That has never happened in the history of the Medicaid Program. The State that comes closest to a per capita increase, I believe—or several States increased by only 14 percent.

The bottom line is, if our delegation had not sought some fix, some arrangement, some workout of this problem, the people of Louisiana, who have been impacted by the largest disaster in recent memory, would have had to pay $472 million more for basically the same program. The formula was flawed.

The point I want to make in my final minute is this: I am proud to lead this effort to fix this. The effort was not a secret effort; it was a public effort—called for by the Republican Governor, Bobby Jindal, in a press conference 2 weeks before Barack Obama was sworn in as President—to talk about this issue in a public forum, not a private forum. It was not a last-minute effort; it started a year ago. It was not a special deal for me; it was a timely and fair resolution for the people of Louisiana—one which they still deserve.

The consequences of failure, in my final 15 seconds, are that the people of Louisiana, if this is not fixed—a health care issue on a health care bill—if it is not fixed, the people of Louisiana will have to either cut $472 million out of our budget this year—and that is a lot of money out of a budget, even by Washington standards—or raise taxes.

I will continue to come to the floor to speak proudly, openly, and forcefully about this issue. I thank the Senator from Massachusetts for allowing me to clarify a few points.

I ask unanimous consent to have a group of documents printed in the RECORD to substantiate what I have said today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA, DEPARTMENT OF HEALTH AND HOSPITALS, OFFICE OF THE SECRETARY,
Baton Rouge, LA, April 6, 2009.

Hon. CHARLES E. JOHNSON,
Interim Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY JOHNSON: Since Hurricanes Katrina and Rita struck the gulf coast in 2005, several federal agencies, including the Department of Health and Human Services, have contributed significant financial resources in the recovery effort. Many of the initiatives continue, and we are grateful for the ongoing work being done by HHS to assist Louisiana.

I write today to share with you what seems to be an unintended consequence of the bold financial initiatives undertaken since 2005. Billions of dollars have been infused into Louisiana's economy following the damage caused by the failure of the federal levee system—dollars for which we are grateful, but which we also know are temporary by their nature. Unfortunately, as calculations are performed by the federal government to determine federal participation for Medicaid, it has become clear the federal formula for estimation of federal match for Louisiana has become significantly artificially skewed by the infusion of these dollars into the calculation of per-capita income.

Louisiana's federal match for Medicaid typically has been expected to range somewhere between 69.6 percent and 73 percent with very small variations from year-to-year. However, according to forecasts provided by Federal Funds Information to States (FFIS), and our own calculations, it appears our FMAP will decline for FFY 10 from its current nearly 72 percent to 67.6 percent, and then again for FFY 11 to 63.1 percent. Similarly, our enhanced match for CHIP will decline from 80 percent to 74 percent. According to FFIS, these calculations are based on what appears to be a 42 percent increase in Louisiana's per-capita income from 2005–2007—an increase otherwise not typical by any reasonable definition of income without the inclusion of the multitude of one-time recovery dollars included by the BEA in their calculations.

The federal formula for FMAP is deliberately established by Congress to utilize a three-year running average so as to avoid such sudden spikes or decreases. Even with such safeguards, however, Louisiana is facing the largest decrease in FMAP in the nation, and at an alarming rate, based on currently forecast expenditures, which assume

significant current-year and proposed reductions in spending for the next fiscal year, the lost federal match will annualize to an estimated $700 million. Importantly, this lost federal revenue is net of the stimulus—meaning it is a reduction from our Medicaid program in addition to the reduction that will take place when the stimulus expires.

The projected major reduction in FMAP will converge by January, 2011 to pose a cataclysmic challenge upon the expiration of the stimulus. Many states are in a position to plan for the loss of stimulus dollars, particularly if their FMAP is remaining in a static state. In fact, FFIS estimates 21 states will see an increase in their FMAP in FFY 11, while other states are protected by the floor. However, with Louisiana literally going from an 80 percent stimulus FMAP rate to a 63 percent FMAP beginning in January, 2011, the sudden decrease is simply not manageable without a sudden and dramatic blow to our program, its providers and, most importantly, to the 26 percent of our population—mostly children—who rely upon the financial solvency of the program.

Louisiana has a very honored tradition of enrolling our lowest income children in health coverage, with only 5 percent of our children currently being estimated to be without coverage. Thanks in large part to the approval of HHS, we expanded access to children up to 250 percent of the federal poverty level in January, 2008, and have enrolled more than 25,000 additional children in our programs since that time. We have been singled out as the state that has the best track record of retaining these children in coverage. Clearly, Governor Jindal is committed to making additional progress in improving the health outcomes for our population, but such significant reductions in federal funding—particularly resulting as a consequence of our hurricane recovery—can only disrupt this program. . . .

Washington, DC, May 4, 2009.

Secretary KATHLEEN SEBELIUS,
Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: We write to you today to follow up on an April 9 letter to your office from Louisiana Department of Health and Hospitals Secretary Alan Levine regarding potential reductions to Louisiana's Medicaid Federal Medical Assistance Percentage (FMAP).

While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique. As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the healthcare system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but were only temporary and do not accurately reflect the increases to incomes in industries not related to hurricane recovery.

Since the FMAP formula uses per capita income to calculate how much each state will receive in Medicaid funding, we are greatly concerned that the post-hurricane per capita income increases could significantly impact our state's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that is facing our state.

Sincerely,

Mary Landrieu, U.S. Senator; Rodney Alexander, Member of Congress; Charlie Melancon, Member of Congress; Bill Cassidy, Member of Congress; David Vitter, U.S. Senator; Charles Boustany, Member of Congress; Steve Scalise, Member of Congress; John Fleming, Member of Congress; Anh ''Joseph'' Cao, Member of Congress.

SENATE CONCURRENT RESOLUTION NO. 137

Whereas, in 2005 and 2008, Louisiana was struck by hurricanes Katrina, Rita, Gustav, and Ike, collectively requiring billions of dollars of federal and private assistance to the state; and

Whereas, the people of Louisiana are grateful for the support of the American people and of the United States Congress as the state is recovering from these catastrophic events; and

Whereas, coastal states, such as Florida, Mississippi and Texas, and other states, such as Iowa, have recently experienced significant disasters related to either hurricanes or flooding, and coastal states can reasonably expect to experience similar calamities in the future; and

Whereas, after a disaster resulting in massive and wide spread damage to public and private property, economic activity may temporarily significantly increase as the state and local communities endeavor to rebuild; and

Whereas, due to the increased economic activity resulting from hurricanes Katrina and Rita, Louisiana's per capita personal income saw an unusual and extraordinary increase of forty-two percent from 2005 through 2007; and

Whereas, the per capita personal income for Louisiana grew by six point eight percent from 2000 through 2005; and

Whereas, the bureau of economic analysis of the U.S. Department of Commerce stated in its 2007 report entitled State Personal Income, that ''Louisiana grew ten point five percent in 2007, down from twenty point six percent in 2006,'' and that ''these growth rates are substantially higher than any other state''; and

Whereas, the bureau further reported that, ''the rental income component of Louisiana personal income was boosted by five point four billion dollars of Road Home subsidies from the U.S. Department of Housing and Urban Development,'' and that much of the per capita personal income gain in Louisiana ''is accounted for by the Road Home subsidies which average nearly twelve hundred fifty dollars per Louisiana resident''; and

Whereas, evidence shows that even though the per capita personal income had grown by forty-two percent from 2005 through 2007, median income has remained stable which indicates that real personal income has not grown in a sustained way; and

Whereas, the bureau of economic analysis captures not only the economic activity generated by the receipt of government disaster relief payments but receipt of insurance payments that would not have occurred but for the hurricanes—activity which, when included in the overall calculations of per capita personal income are extremely difficult to disaggregate for attribution to specific causes as the spending percolates throughout the economy; and

Whereas, the increased economic activity in Louisiana in 2006 and 2007 is clearly a direct result of the rebuilding that occurred in the aftermath of hurricanes Katrina and Rita and this economic activity led to a corresponding increase in per capita personal income in Louisiana in 2006 and 2007; and

Whereas, accurate considerations of per capita personal income are important because federal law establishes the formula by which the FMAP for each state is determined based on a comparison of each states per capita personal income to the per capita income personal income of the United States as calculated by the bureau of economic analysis; and

Whereas, when a state's per capita personal income increases relative to the average of the United States, the state's FMAP decreases; and

Whereas, according to the federal formula, the increase in per capita personal income in Louisiana in 2006 and 2007 will have the unintended consequence of reducing Louisiana's FMAP for federal fiscal years 2010 and 2011; and

Whereas, Louisiana's FMAP will decrease to 67.61% in federal fiscal year 2010 and to 63.16% in federal fiscal year 2011, a total decrease of 6.53% over two years, the largest decline of any state; and

Whereas, Louisiana's FMAP is temporarily enhanced to eighty percent as a result of the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), but that enhanced FMAP will terminate on December 31, 2010; and

Whereas, Louisiana's FMAP will drop precipitously from eighty percent to sixty-three point sixteen percent on January 1, 2011, and this loss in federal match will annualize to approximately one billion dollars; and

Whereas, Louisiana has demonstrated a significant commitment to its programs for providing health care access to the poor by investing in substantial sums of state general fund dollars through Medicaid, SCHIP and a statewide system of public hospitals, all of which to combine to provide a safety net for a state with low income and significant provider access problems, and such a drastic reduction in Louisiana's FMAP will have devastating impact on the state's infrastructure for caring for the poor; and

Whereas, the presumed purpose for using the per capita personal income as a basis for the calculation of FMAP is to ensure resources are directed to states which are more likely to have low-income populations, and thus, a more significant burden on the Medicaid program; and

Whereas, Louisiana's Medicaid program has not seen a decrease in enrollment after hurricanes Katrina and Rita, but rather an increase, and thus, from an economic perspective, it is clear the purpose for utilizing per capita personal income as the primary driver of the state's FMAP cannot be accurately and fairly applied to Louisiana during the period following the temporary increase in economic activity; and

Whereas, the Louisiana Legislature does not accept that it is the intention of the United States Department of Health and Human Services or the United States Congress, through an artifact of the FMAP formula, to financially penalize Louisiana and other states working to rebuild their communities after major disasters. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both public and private, into Louisiana's and other state's economies following major disasters. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

Ms. LANDRIEU. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KIRK. Madam President, I ask unanimous consent to speak for the time I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUTTING POLITICS ASIDE

Mr. KIRK. Madam President, I rise for the honor of speaking on the floor of this Senate Chamber for the last time. With the swearing-in of Senator-elect SCOTT BROWN of Massachusetts scheduled for later this afternoon, my time as a Senator is nearing its close.

I repeat for the record, my most sincere congratulations to SCOTT BROWN on his impressive victory. We have worked together to assure that he and the people of Massachusetts were well served during the transition, and I wish him all the very best in his service to the Senate.

Under the saddest of circumstances—the loss of our colleague and our close friend Senator Ted Kennedy—my appointment to this office has allowed me to serve my Commonwealth and country in ways I could not have imagined a few months ago. It has enabled me to work closely with many old and new Senate friends—women and men who have been sent by their constituents to work together to make our Nation a better place.

These months have helped me to understand even more personally why Senator Ted Kennedy devoted his public life to the work of the Senate, why he took such pride in its history and its accomplishments, why he reached across the aisle to find common cause with allies who shared his hopes, and why, from time to time, he called upon this body to reach beyond the politics of the moment to achieve a greater good for the country's future. The lessons of his legacy will live on in this Chamber and in the institute devoted to the study of the Senate that will bear Ted Kennedy's name.

I discovered when just a boy how emotionally difficult it was to say goodbye. So I learned to use two other words that come much easier at times such as this. Those two words are ''thank you.''

I was not elected to this post, but I am deeply grateful to the people of Massachusetts who, through their elected representatives, gave me the opportunity to serve them. Particular thanks are owed to senate president Therese Murray and house speaker Bob DeLeo for their leadership in enabling Gov. Deval Patrick to appoint an interim Senator. I will always be grateful to Governor Patrick for his confidence in me.

It was my special gift to have had Senator Kennedy's trust and friendship since signing on as a member of his Senate staff some 40 years ago. But following his death, to be encouraged by his family—his devoted wife Vicki, his daughter Kara, his son Ted, Jr., and his son PATRICK—to consider an appointment to succeed the man whom they so loved and who achieved so much in this body is an honor for which no words of thanks are adequate.

I will forever be grateful to my friends and colleagues JOHN KERRY, CHRIS DODD, and so many others, for their warm and generous welcome to the Senate. We shared a bond of sorrow with every other Senator at the realization that, after 47 years of legendary service, Ted Kennedy would no longer be occupying this desk. It was a time of emotional stirring, to be sure. But I found resolve in the certainty that Senator Kennedy himself would be the first to urge us to persevere, and that attention to Senate duties was the most obvious way I could honor his memory.

In undertaking those duties, I thank the majority leader HARRY REID and his entire leadership team for their encouragement, support, and wise counsel. I thank the assistant majority leader, DICK DURBIN of Illinois, for his very generous remarks about me on the floor earlier today.

I thank my Senate freshman colleagues who have been a source of strength to me and I predict will be a source of strength and leadership in this great body in the years to come; to all my colleagues on both sides of the aisle; to the officials of the Senate, the Secretary, the Parliamentarians, the clerks and reporters; to the Sergeant at Arms, the doorkeepers; to the secretaries for the majority and minority and their able staffs; to the Chaplain; and, of course, to the pages. Each and all of you have been extraordinarily thoughtful to me, patient with your tutelage and generous with your kindness and courtesies, and I will remember each of you with affection and appreciation.

Finally, I wish to thank the Kennedy-Kirk staff. The Kennedy staff has enjoyed a reputation of professional excellence through the years. Why? Because they strove to match their boss's unmatchable work ethic and his tireless quest for excellence in the Senate. They shared Senator Kennedy's commitment to do all within one's ability to make America a better and more just society and to make a positive difference in the lives of its people.

I am grateful that many Kennedy staffers were willing to stay on as Kirk staffers. It has been my pleasure to share a special bond with them and with the capable young recruits who joined our ranks to begin their public service with this short-term freshman Senator.

My special thanks go to Senator Kennedy's and my chief of staff, Eric Mogilnicki, who managed our collective efforts with calm and competence during months of distraction and heartache; to Barbara Souliotis, director of our Massachusetts office who served Senator Kennedy and the constituents of Massachusetts with devotion and distinction from his very first campaign in 1962 until this very day; and to Carey Parker, with whom I began my own Senate service over 40 years ago. Carey was the loyal and wise legislative assistant constantly at Senator Kennedy's side helping to craft and guide a legislative legacy that shall remain a standard of excellence for the ages.

Madam President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks a list of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KIRK. Madam President, these are outstanding public servants who have my heartfelt appreciation and every best wish for the future.

Over 3 months ago, in my maiden speech from this desk, I chose to speak about Senator Kennedy's top legislative priority—to make quality health care affordable and accessible to all Americans. Since then, much has been accomplished in both Houses of Congress to bring us closer to that long awaited goal.

Following the election results in Massachusetts over 2 weeks ago, it was suggested that we let the dust settle before deciding what our next steps should be on health care reform. But we must not let so much dust settle that it buries all the sensible and necessary ideas that have been suggested. Comprehensive health care reform must remain an urgent priority of the 111th Congress.

But before we move forward on the path to health care reform and the many other critical issues that demand our attention, I respectfully submit that the Senate—and by that I mean each individual Senator—must pause to answer this question: Will the majority and minority walk that path together and work together on the business of the people we represent or will the people we represent watch the Senate that belongs to them revert to the calculated, politically polarizing standoff that has alienated the country during these past few months?

With the results from Massachusetts, much has been made of the fact that the numbers have changed in the Senate, and that is true. The numbers have changed. But the American people are asking a more important question: Will anything else change? Will the Democratic majority, despite its still solid numerical advantage, be forced to cling to a 60-vote strategy as the only path to forward progress on matters small and large, procedural as well as substantive? Will the Republican minority misread the Massachusetts results as vindication of a strategy to just say no to any measure proposed by a Democratic President of the United States or by their colleagues on this side of the aisle?

In my first speech from this desk as the 100th Member and the most junior Member and the 60th Democratic vote, I said I was hopeful that a newcomer's perspective would be received as a constructive contribution to the debate and that the debate should not be about one party reaching 60 votes; it should be about 100 Senators reaching out to each other to reform a system that better reflects the true values and character of our Nation.

Now some 4 months later, I feel obliged to repeat this observation to

my colleagues, Democrats as well as Republicans.

Bipartisan comity and collaboration must replace the polarization that threatens to poison the atmosphere and impede the work of this body. The Senate is in need of its own form of climate change, and only Senators of good will and of good faith and of both parties can bring that about.

The American people are filled with anxiety, anger, and impatience. They are facing issues of job security, health security, retirement security, home security, tuition security, and the list goes on. Their crises should not be dividing their Senate; it should be uniting it.

When the American families we are honored to represent are imperiled by economic hardship and uncertainty, they expect Democrats, Republicans, and Independents to work together in their common interest. And they deserve no less.

Lest anyone be misled by the message of the Massachusetts election, they should examine the exit polls. Voters were asked if the Senator-elect should join his Republican colleagues and try to block the President and congressional Democrats or should he work with them in a bipartisan manner. Among all voters, cooperation won by more than 3 to 1, 76 percent to 21 percent. And among those voters who supported the Senator-elect, bipartisan cooperation was preferred to obstruction by almost 2 to 1—61 percent to 36 percent.

I spent a part of my career as national chairman of one of our two major political parties. It was my job to be partisan. It was my job to weigh each decision, asking whether or how it might give us a political advantage in the short run or in the next election. That is what party chairmen are expected to do. That is not what Senators are expected to do.

There is always the possibility that my closing remarks will be dismissed by some as idealistic or unrealistic or partisan or as just a perspective of a short termer who doesn't understand how the process works.

To them, I respectfully suggest that they listen as well to the words of the last Republican Senator elected from Massachusetts. This is what Senator Edward W. Brooke, an elder statesman of the Republican Party, said when he received Congress's highest civilian honor, the Congressional Gold Medal, less than 3 months ago:

> I'm here to tell you that politics is not an evil thing. It's a good thing. And when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. . . . Not only this country, but this world looks to you.

Then, turning away from his audience to directly address the majority and minority leadership of both Houses of Congress, Senator Brooke said this:

> When Republicans and Democrats get together, they can do anything. And the country is waiting for you to do anything. They just want relief. You have the responsibility, you have the authority, you are the people on Earth that are going to save this country and save the world. Think about that. We've got to get together. We have no alternative. There's nothing left. It's time for politics to be put aside on the back burner.

Madam President, I submit Senator Brooke is correct. We have no alternative. The Republican and Democratic Members of the Senate have no alternative but to work together in a bipartisan spirit with a level of civility and cooperation that is equal to the dignity of this institution and to the magnitude of what is at stake for American families.

The Senate is at its best and is rewarded fairly by the electorate when it reflects a spirit of teamwork and collaboration that brings results for the people it is meant to serve. We have seen it throughout history. We have seen it in statesmen such as Ted Kennedy and Ed Brooke. We have seen it in so many others who have served in this Chamber with distinction. I know—I know—there are Senators of good will of both parties who long for that spirit today.

We are among the very few who are privileged to serve in this historic body. As I complete my own duties here, I could not leave with a clear conscience without urging all my colleagues to seize this opportunity and this mutual obligation to take the long view, to put partisan politics aside, to come together in good faith and good will to better serve the institution we revere, the people we represent, and the Nation we love.

Madam President, with gratitude for the privilege of serving the people of Massachusetts in the Senate, for the last time, I yield the floor.

EXHIBIT 1

STAFF OF U.S. SENATOR PAUL G. KIRK, JR.

(Jan. 25, 2010)

Larry E. Bageant, Bethany Bassett, Eileen M. Brogan, Ronny A. Carlton, Aubre Marie Carreon Aguilar, Thomas D. Crohan, Shawn M. Daugherty, Daniel G. Doherty, John E. Dutton, Jorie Feldman, Michael George, Stephen Gregory, Lauren P. Janes, Royal F. Kastens, Kathleen C. Kruse, Ashley Lerner, Keith Maley, Sean M. Malone, Meagen L. Manning, James M. McCarthy, Eric J. Mogilnicki, Terrence J. Mullan, Carey W. Parker, Patrick N. Rodenbush, Alejandro R. Rodriguez, Julie M. Ryder, Graham D. Shalgian, Donna Smerlas, Barbara A. Souliotis, Tristan D. Takos, Ella M. Tibbs, Thomas B. Walsh, Collenne Wider, Emily A. Winterson.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank my colleague, PAUL KIRK, for his eloquent and important comments to the Senate. He said a moment ago he hoped a newcomer's perspective would be a constructive contribution to the debate. I think all my colleagues would agree that whether in the caucus or in his maiden speech before the Senate or in his comments just now, PAUL KIRK has made an important contribution to the Senate.

Shortly after his oath of office last September, I said PAUL was smart, modest, polite, civil, and willing to share credit, and despite all that, I still thought he would be a terrific Senator. I think all of us would agree he has been a terrific Senator in a short span of time.

At a time of enormous upheaval in Massachusetts, a time of mourning, there was no one who was more suited for the moment than PAUL KIRK, and there was no one who understood the meaning of the moment better than PAUL KIRK—Ted Kennedy's friend of 40 years.

Everyone would agree PAUL hit the ground running. He was familiar with Teddy's staff and was able to bring highly qualified people himself. He had a command of all the issues that were facing the Senate. He had a special understanding of the politics that are played in Washington. PAUL was always aware, as he said with his dry wit, that he was a short-timer, but in his months here he didn't decide to come and be satisfied to simply serve out the term. He led, just as he expressed to us he knew people expected him to.

He cast an all-important vote, obviously, in the Senate's historic passage of comprehensive health care reform. But, frankly, much more important than a decisive vote, he provided a clear and compelling voice in the Democratic caucus for important features of the health care reform bill, especially the Community Living Assistance Services and Supports Act—or the CLASS Act, as it is known. That is an act PAUL fought hard for, based on his commitment to providing much needed insurance support to Americans with disabilities, allowing them to live independently in their communities. It was a cause, I might add, that marked Ted Kennedy's life but also PAUL's.

PAUL didn't just work on health care reform. As a Member of the Senate Armed Services Committee, he asked tough and prescient questions of the Secretary of State, of the Defense Secretary, of the Chairman of the Joint Chiefs of Staff, Admiral Mullen, about the military mission in Afghanistan—the kind of questions of which I know his mentor, Ted Kennedy, would have been proud.

He also cosponsored legislation to achieve greater parity in domestic partner benefits between the Federal workforce and the private sector employees. He worked with me to extend unemployment insurance benefits that will benefit as many as 40,000 Massachusetts residents, as well as get $80 million in Federal grants for community health care centers in Massachusetts.

In all this—and PAUL spoke about it a few minutes ago—he was served by this amazing array of staff who are assembled behind him. He was served superbly by Senate staffers he inherited from Ted Kennedy and those he brought to the Senate. These outstanding men and women deserve our

thanks, as he has given them all our thanks in the Senate and well wishes for the next chapter in public service.

In one of his early speeches in the Senate, PAUL KIRK spoke at length about his friend, Ted. He said Senator Kennedy was not one to sit idly by—he acted; he acted to help as many people as possible. Well, the same can now be said also of Senator PAUL KIRK, though obviously for a much shorter period of time. He was not one to sit idly by. In the short time he has been here, he did act, and he has helped as many people as possible.

When he was selected to replace his friend in the Senate, I was reminded then—and I think I mentioned this on the floor—of Ted Kennedy's fondness for the poet Robert Frost and a line from one of his poems. Frost wrote:

> Men work together, I told him from the heart, whether they work together or apart.

Teddy and PAUL worked together for much of their lives. Even though they have been apart these past months, they have never stopped working together in the spirit and in the causes that PAUL has embraced in his time here.

As I think about the comments he just made, in talking about what we need in the Senate, I couldn't help but look across the aisle and not see a Senator there. I regret that. Senator INOUYE, seated to my right, has served here much longer than most of us—and Senator LEAHY, who was just here, and Senator DODD—but I think we were all part of the Senate a number of years ago when that never would have been the case.

So it is what it is. I hope they hear his comments. I hope all our colleagues will reach for this moment Senator KIRK has asked us to and, in doing so, will keep faith not just with his service but with the service of our dearly beloved friend, Ted Kennedy.

I wish to thank PAUL KIRK for his service to the people of the country and the Commonwealth of Massachusetts and the way in which he kept faith with the spirit of the law which sent him here. I think he has served us all well, and we will miss him.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR KIRK

Mr. KAUFMAN. Mr. President, before I speak on the issue I came to speak about, I have to take a minute to speak about PAUL KIRK and Gail Kirk and how much they have given this country for many years and what a great honor it has been for me to serve in the Senate with PAUL. He embodies all that is good about this country. He is someone who has incredible intellect, judgment, and he is a lot of fun to be around.

I want to tell you, whatever you do, PAUL and Gail, we all send you our best.

PAUL has been maybe not a long-term Senator but a great Senator.

Thank you.

RESTRICTING FREEDOM OF EXPRESSION

Mr. KAUFMAN. Mr. President, on Tuesday night the Senate spoke with one voice expressing serious concern about ongoing attempts by China and other countries to restrict press and Internet freedom and condemning the recent cyber-attacks against Google in China.

In a bipartisan effort, a truly bipartisan effort, we unanimously passed S. Res. 405, introduced by myself and Senators BROWNBACK, CASEY, KYL, FEINGOLD, LIEBERMAN, MCCAIN, SPECTER, and WEBB—a broad spectrum of the Senate who all agree on this issue. This resolution reaffirms the centrality of freedom of expression and the press as cornerstones of U.S. foreign policy. It frames such freedoms as part of U.S. efforts to promote individual rights and voices concern over the ongoing efforts by many countries, and I mean many countries, to restrict free expression, highlighting the attempts to censor, restrict, and monitor access to the Internet.

The impetus for this resolution was a recent cyber-attack on Google's corporate infrastructure and at least 34 companies, reportedly originating in China. Google has evidence to suggest that a primary goal of this attack was to access Gmail accounts of Chinese human rights activists, journalists, and dissidents.

Even worse, this attack was only one of many recent attempts to exploit security flaws and illegally access computer networks of numerous individuals and institutions. These cyber-attacks are unconscionable violations of national security interests in addition to violations of intellectual property rights. With the passage of this resolution, countries from which such attacks originate or countries which take steps to restrict or monitor the Internet should consider themselves on notice.

The resolution calls on the Chinese Government to conduct a thorough review of the recent attacks and to make this investigation and its results transparent.

This is not just about cyber-warfare, and it is not just about China. This resolution highlights a much broader and far-reaching problem of state-sponsored efforts to restrict free and unfettered access to the Internet.

As technology continues to develop, an increasing number of governments have employed repressive tactics to monitor and control the Internet. In countries such as Iran and China, a growing effort has been made to silence the voices of their citizens and restrict the free flow of information. According to the 2009 ''Freedom on the Net'' report conducted by Freedom House, the Government of China employs a sophisticated, multilayered, and wide-ranging apparatus to curtail Internet freedom. It also employs legal and economic means to coerce Internet service providers, Web hosting firms, and mobile phone companies to delete and censor online content.

Finally, it requires domestic Chinese and foreign companies with subsidiaries in China—such as Google but many others—to adjust their business practices to allow for increased filtering and supervision by the Government of China, which limits the data available on search engines.

This resolution urges companies to engage in responsible business practices in the face of such pressure from foreign governments by refusing to aid in the curtailment of free expression and welcomes the diplomatic initiative announced by Secretary Clinton in her January 21 speech on Internet freedom to support the development of technology aimed at censorship circumvention.

Finally, the resolution highlights violations of a free press in China, such as the ongoing jamming of Radio Free Asia, Voice of America, and other international broadcasters, despite the unimpeded broadcast in the United States of Chinese state-run medial outlets. We allow China to broadcast to the CCTV and the Radio China outlets into the United States completely unfettered. Yet they jam all of our broadcasts by Voice of America and Radio Free Asia into their country. This is not fair, this is not reciprocity, and it is not becoming of a nation that hopes to become one of the great nations of the world.

It pays tribute to the professional and citizen journalists who persevere in their dedication to report in China despite the extremely high rate of imprisonment among journalists.

The freedoms highlighted in this resolution are not just an inherent good, they are also a practical benefit. As Secretary Clinton recently said:

> . . . countries that restrict free access to information or violate the basic rights of Internet users risk walling themselves off from progress.

I am grateful for the widespread support and passage of S. Res. 405, and I thank the other cosponsors for their leadership. The United States must not sit back as voices in China, Iran, and around the world are silenced. It is my hope this resolution will help to promote an environment of expanded freedoms, especially when it comes to the Internet and the press.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election to fill the unexpired term created by the death of the late Senator Edward M. Kennedy of the Commonwealth of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that on the nineteenth day of January, two thousand and ten Scott P. Brown was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator for the unexpired term ending at noon on the third day of January, two thousand and thirteen, to fill the vacancy in the representation from said Commonwealth in the Senate of the United States caused by the death of Senator Edward M. Kennedy.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this fourth day of February in the year of our Lord two thousand and ten.

DEVAL L. PATRICK,
By His Excellency, Governor.

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-elect, escorted by Mr. KERRY and Mr. KIRK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL AND ECONOMIC REFORM

Mr. KAUFMAN. Mr. President, since the financial meltdown in 2008, America and Congress have remained stuck at a crossroads. Not since the Great Depression of the 1930s have we experienced a financial and economic crisis of such magnitude that it forces us as a society and lawmaking body to reconsider the legal and institutional underpinnings of our financial system.

The history of our Nation shows we have been at this crossroads before. At times, we have made the right decision, but, sadly, at other times we have made the wrong one.

Throughout the 19th century and the early part of the 20th century, the complacency of government and the contrivances of powerful, moneyed interests prevented us from achieving fundamental reform of our financial and monetary structures. The result was, our history was replete with all-too-frequent banking panics.

Regrettably, it took well over a century before we heeded the clarion call for reform.

The shared experience of the Great Depression thrust us into the harsh reality that the status quo was bankrupt. Out of the ashes of that crisis, we built a legal and regulatory edifice that has endured for decades.

One of the cornerstones of that edifice was a federally guaranteed insurance fund to back up bank deposits. Another was the Glass-Steagall Act which established a firewall between commercial and investment banking activities. Other rules were imposed on investors to tamp down rampant speculation, such as margin requirements and the uptick rule on short selling.

For the next 50 years, the United States experienced relative financial calm and economic growth, with the normal business cycle providing the usual ups and downs, of course.

The edifices built in the 1930s served us well until the 1980s and the savings and loan crisis, which itself was brought on by the rollback of rules that applied to thrifts.

Unfortunately, the passage of time, and even after the shock of the S&L failures, the ideology of market fundamentalism began to sweep across our regulatory environment, erasing the clear lessons of history.

Those market fundamentalists argued that our financial actors could police themselves, that their own self-interest in remaining financially viable would create sufficient incentive to do thorough due diligence, far exceeding the ability of regulators to limit excessive risk by rulemaking.

Systematically, these fundamentalists worked to dismantle many of the prudential New Deal-era banking reforms. Their crowning achievement: the repeal of Glass-Steagall in 1999.

Wall Street and Washington were possessed by this laissez faire ethos over the past 20 years. But it was this philosophy and the fountainhead of decisions that sprang from it that led us blithely, and perhaps blindly, down the path to our current crisis.

Even Alan Greenspan, the avatar of the deregulatory mindset, has now admitted this dominant concept of self-regulation was ill-conceived.

In a speech just 1 year ago this month before the Economic Club in New York, the former Fed Chairman of 19 years conceded that the ''enlightened self-interest'' he had once assumed would ensure that Wall Street firms maintain a ''buffer against insolvency'' had failed.

The sheer complexity of today's trading instruments and the supposed risk management tools used to ensure them against collapse was, he said, ''too much for even the most sophisticated market players to handle properly and prudently.''

Mr. Greenspan, perhaps more than anyone else, should have known better. But instead of playing the role of the markets' fire chief, he played that of head cheerleader. For example, Mr. Greenspan applauded the trend of financial disintermediation, proclaiming that new innovations would allow risks to be dispersed throughout the system.

Unfortunately, he failed to realize that products such as credit default swaps sometimes perversely encouraged banks to become empty creditors, since banks holding these default instruments could end up making more money if people and companies defaulted on their debts than if they actually paid them.

Of course, this was just the tip of the iceberg. Despite having the power to write and enforce consumer protection standards, the Federal Reserve did nothing to combat deteriorating origination standards in mortgage and consumer loans.

Mr. Greenspan signed off on regulations that gave banks the ability to set their own capital standards. He allowed banking institutions to leverage excessively by gorging on short-term liabilities and, in some cases, creating off-balance-sheet entities to warehouse their risky assets.

In the wake of Wall Street excess and dereliction of duty by its regulators, financial ruin descended upon our country. Ultimately, it took extraordinary actions—including a multibillion-dollar taxpayer bailout—to prevent us from falling into the abyss of a second Great Depression. We narrowly avoided that fate.

But now, when Congress should be hardest at work rebuilding the edifice that served us so well for decades, we are not. Instead, we are being lulled into a false sense of security.

Many of Wall Street's biggest financial institutions, just a few months ago saved from oblivion by U.S. taxpayers, have already recovered. In some cases, they are even making record profits. Once again, they are back to their old tricks, in particular remaining obsessively fixated on short-term trading profits, with the help of zero percent loans from the Fed window, to drive their recovery.

In fact, much of the competition was killed off in the crisis so that once stronger banks are now stronger still, allowing them to charge customers higher transaction fees, from equities to bonds to derivatives.

Many on Wall Street are engaged in high-frequency trading strategies

which, as the Chicago Federal Reserve branch wrote just this week, pose a systemic risk.

Fair and transparent markets are a cornerstone of American democracy. But institutions on Wall Street are riven by obvious conflicts of interest, as banks and nonbanks continue to profit, even by taking positions directly adverse to those of their clients, and too big to fail remains a critical problem.

Many on Wall Street are telling us it is too late to unscramble the egg, that we cannot separate banking and trading entities that over the past 10 years have become inextricably intertwined. But the Nation is counting on the Congress to do what is right. We must restore and preserve the credibility of our financial markets. We simply cannot fail to undertake what should be a dramatic reformation of our financial regulatory system.

Especially as a depression—which is how today's economy feels to millions of Americans who lost their jobs, their homes, their retirement savings—continues across this country, we simply cannot squander the time for fundamental reform. We can never let a financial disaster happen again.

So what must we do? Mr. Greenspan has called for heightened Federal regulation of banks and other financial institutions. But that is not at all sufficient.

That is why I was deeply gratified last month when the Obama administration took an important step in pushing Congress in a stronger direction. The President put forward a plan that has been suggested by Mr. Greenspan's predecessor at the Fed, Paul Volcker. It went well beyond Mr. Greenspan's call for mere heightened regulation.

Chairman Volcker's plan would ban commercial banks from engaging in proprietary trading that does not benefit their clients. In other words, as Mr. Volcker explained, banks should stick to banking, providing both credit to those who need it and an efficient global payment system, without which, of course, our worldwide economy cannot work.

It is axiomatic to say banks should exist to serve their customers, not as platforms on which an elite class of traders make their careers and their mind-boggling bonuses.

Sound advice, Mr. Chairman.

Remarkably, some on Wall Street and in Washington have been arguing that proprietary trading did not cause the crisis, even though the crisis began on Wall Street with the collapse of a Bear Stearns hedge fund, even though all of the major firms involved in the crisis built up major proprietary positions in collateralized debt obligations and other securities.

As Professor Roy Smith of New York University, a former Goldman Sachs partner, said:

> Those weren't client-driven trades. They decided to take them themselves. The idea that proprietary trades were a trivial part of the losses at the banks is just not realistic.

This is from a New York University professor and former Goldman Sachs partner.

These same critics are now looking to poke holes in the Volcker proposal—to put it to death by a thousand cuts. They state that proprietary trading can't be distinguished from normal market-making activities. They add that customer money is oftentimes invested alongside some of the firm's capital in proprietary ventures. Before it is even considered in Congress, they found facile arguments to undermine the very spirit of the proposal. These critics would leave the decisionmaking to the regulators, and I could not disagree more. We should not leave the decisionmaking to the regulators.

So while I applaud Chairman Volcker's direction, I believe we need to go even further. We cannot pass the buck to our regulatory agencies. We have tried that before. They punted their responsibilities to the credit rating agencies and to the banks themselves, and we were left with disastrous consequences.

As a recent feature in the Economist stated, the big issue we face is ''not how to make regulation cleverer, but how to protect taxpayers from a huge bill when all the precautions fail and a bank steps into the void.''

Congress needs to draw hard lines that get directly at the structural problems that afflict Wall Street and our largest banks. We must draw lines that divide financial institutions which are ''too big to fail.'' And we must draw lines that end the conflicts of interest that literally and inevitably serve to corrupt some of our most important financial institutions.

I have been around the Senate for 37 years, and I know laws are usually not written with hard-and-fast lines. Laws are a product of legislative compromise, which often means they are vague and ambiguous, and we often justify our vagueness by saying that the regulators to whom we grant statutory authority are in a better position to write the rules and then to apply those regulatory rules on a case-by-case basis. Many times, they are right, but this is not one of those times.

If Congress fails to draw hard lines that deliver on real systemic reforms, regulators cannot be counted upon to do what is needed. We need brick and mortar, not human judgment, to cleave the banks from investment banking again. We need stone walls, not regulatory oversight, to prevent institutional conflict of interests that inevitably bring financial disaster to millions of Americans. We must create a system, as the saying goes, of laws and not of men. While Congress is by nature a compromiser, we must do better than our usual legislative ambiguity. We must provide those agencies—the Fed, the SEC, the FDIC, the OCC, the CFTC, and others—the statutory clarity and the bright lines they need to enforce the law.

That is why Congress needs a bold and clear plan that ends taxpayer bailouts for Wall Street and eliminates the problem of too big to fail. In my view, the core part of that plan must include three critical features:

First, we must reimpose the kinds of protections we had under Glass-Steagall, completely separating traditional commercial banking activities from the activities of investment banks.

Second, we must impose size and leverage constraints on the nonbank players to ensure they never again—never again—become too big to fail.

Third, we must address the fundamental conflict of interest in modern investment banking that permits proprietary trading to come before serving customers.

I was proud to join Senators CANTWELL and MCCAIN in sponsoring a bill that would reimpose Glass-Steagall. By statutorily splitting apart massive financial institutions that house both banking and securities operations, we will go a long way toward fixing too big to fail.

As important as reimposing the protections of Glass-Steagall, we must also understand that the financial world has changed enormously since it was last in place. An investment bank is no longer an advisory business where small partnerships jealously guard their capital. Instead, it is dominated by highly leveraged behemoths that trade for their own account. So while Glass-Steagall firewalls protect federally insured deposits and eliminate the conflicts in combining commercial and investment banking, it wouldn't eliminate the possibility of a large, leveraged, and interconnected firm such as Lehman Brothers from creating havoc in the financial system.

For that reason, Congress must take other prudential steps. We can begin with the other concept put forward by the Obama-Volcker proposal—placing limits on debt. Wall Street banks were able to fly too high on borrowed wings by leveraging their threadbare capital base well over 30 times—30 times—allowing a firm such as Lehman Brothers to finance a trillion-dollar balance sheet of illiquid trading assets through short-term debt. I repeat, we cannot depend upon regulators and their discretionary judgments to ensure this does not happen again. Instead, we need a strict limit on the size of investment banks' liabilities. There is already such a limit in place for bank deposits. No individual bank can hold more than 10 percent of the size of the total national deposits. That deposit limit can be applied to nonbank liabilities such that no investment bank can have liabilities equal to more than 10 percent of total deposits. With this limit, we can ensure that never again will the so-called shadow banking system eclipse the real banking system.

Two other problems in the current crisis were the questionable quality of bank capital and the arbitrary nature

of regulators' risk-based capital assessments. Lehman Brothers, in fact, had more than double its required capital only days before it failed, in part due to a loosening of the definition of capital and in part due to unrealistic valuations of how risky Lehman's assets actually were.

We can eliminate those problems with a simple statutory leverage requirement that is based upon banks' core capital; that is to say, their common stock plus retained earnings. Such a requirement would supplement regulators' more highly calibrated risk-based assessments. In short, it would provide a sorely needed gut check that ensures regulators don't miss the forest for the trees when assessing the capital adequacy of a financial institution.

Finally, as many of my colleagues know, I have focused a lot on the problems associated with conflicts of interest, including those at banking institutions. One of the key problems is that proprietary trading poses an inherent conflict of interest. Instead of seeking the best prices for their clients' orders, brokers can trade against or even in front of them—a potential profit motive that could disadvantage their customer and put them at a conflict of interest with their customer.

Given that, we need to think critically about how we can address the conflicts inherent in the modern investment banking model that place the traditional businesses of merger advice and securities underwriting under the same roof with proprietary trading, hedge funds, and private equity investments. For example, under this business model, it has become commonplace for a firm to underwrite securities and then short them—or sell them—within a week to protect themselves. This and other problematic practices need to be restricted. Chairman Volcker is absolutely right that proprietary businesses are not appropriate for commercial banks.

More to the point, it is becoming clear that we need stronger protections against conflicts of interest at investment banks, which play a critical role in providing clients with advice on mergers, equity offerings, and debt offerings, as well as in providing liquidity and making markets in securities.

Of course, there are some who will claim that all these remedies are too prescriptive; that they constitute too much regulation. It is too late to unscramble the eggs, they say, so let's move on, or let's leave it to the regulators to develop appropriate rules and remain flexible. That is the road to another financial disaster.

If Congress fails to impose the needed structural and institutional change, the same systemic risks to our financial system remain; indeed, they will get worse with each financial crisis because the Federal safety net gets bigger and bigger. And when the next crisis occurs—and it will—the legislative pendulum will suddenly shift direction and it will fall hard on Wall Street, very hard, if we and Wall Street do not act together in a realistic and constructive spirit first.

Frankly, I am always astounded that I continue to hear those arguments about overregulation when, in fact, we have had precious little regulation, particularly since Glass-Steagall was eliminated a decade ago.

Risk taking is a fundamental part of finance. Without risks, markets just do not work. But the balancing act between safety on one side and growth and innovation on the other cannot tilt too far in the wrong direction. If we don't act, as sure as I am standing here, the short-term trading profits on Wall Street today threaten to become the losses borne by the rest of America down the road.

As Chairman Volcker said at the Banking Committee hearing this week, if we do not heed his warning, the next disaster may not take place in his lifetime, but it will come, and his soul will come back to haunt us all. The American people already know this basic truth, even if Wall Street does not. They may not understand the complexities of the banking system, and, indeed, only a handful of math Ph.Ds can follow the complex algorithms that help create much of today's exorbitant trading profits. But people do know banks are not designed to be trading machines. They know banks should make their money taking deposits and lending money, which in turn provides capital for growth, creates jobs, and provides opportunities for more jobs and more growth. You can call it populism, but you can also call it good-old common sense, borne once again in the lessons of hard economic times brought about by Wall Street excesses. That common sense needs to be returned to our national financial system. We must shrink bankers' outside sense of entitlement and return to a more realistic vision of their role in society. Bankers are not traders, nor should they be. Bankers should be too safe to fail, not so large that we cannot permit their failure.

We must structurally reform the conflicts of interest that threaten to erupt again in crisis and great financial loss. We must build again the edifices that will keep the American economy safe from financial crisis for decades to come. We must do it now. Americans deserve no less.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARNED-INCOME TAX CREDIT

Mr. BROWN of Ohio. Mr. President, a week or so ago we marked Earned-Income Tax Credit Awareness Day, a day to highlight a vital tool for Americans working their way out of poverty. These are challenging economic times. The costs of food, housing, transportation and, basic necessities increase while wages stagnate. We know for the last 10 years, even before this recession, even in times of relative prosperity where profits were up and there was growth in the economy, most people's wages were flat even though costs went up. Tuition especially, energy costs, health care costs have meant difficult times for a decade; obviously more acutely difficult now. That is one of the reasons the earned-income tax credit, one of the most important tax cuts for our Nation, is so important.

The EITC is designed to fill that gap that so many working families suffer from. It provides millions of Americans, including hundreds of thousands of Ohioans, from Bellaire to Van Wert, from Ashtabula to Middletown—provides hundreds of thousands of Ohioans earning low to moderate wages, a potentially lifesaving tax credit. If you work and you play by the rules but you earn low wages, the earned-income tax credit can provide for your children, help you build economic security, help you extend your reach for the American dream.

According to a recent study, the earned-income tax credit has lifted more children above the poverty line than any government program. The earned-income tax credit, again, is available for people who have jobs and get a tax credit as a result of that job. In 2005, more than 22 million U.S. households applied for the earned-income tax credit. They received on average $1,800 a household. An estimated 2.6 million children were lifted above the poverty line because of the earned-income tax credit.

This is no handout. This is earned. It is the earned-income tax credit because people in lower wage jobs are working hard and playing by the rules and doing the right thing. The American Recovery and Reinvestment Act has increased the earned-income tax credit refund, expanding it to help thousands more Ohioans. Approximately 875,000 Ohio families qualify for the earned-income tax credit, but as much as 20 percent do not take advantage of it. They do not know about it or they do not know how to apply for it. That is 175,000 working families from Chillicothe to Dayton, from Maumee to Bryan; 175,000 working families in my State have earned the earned-income tax credit but they are not receiving it.

There are millions of dollars on the table, if you will, millions of dollars in tax credits for Ohio's working families. These are the criteria: If you earned less than $48,000 last year, depending on the size of your family, you could be eligible to receive an earned-income tax credit of up to about $5,000. Even if your income is lower than the threshold for filing taxes, file them anyway to obtain the earned-income tax credit.

That is all you have to do. You earned it, you absolutely earned it, just ask for it.

I encourage people who are not sure to call my office or call the offices of your Senators or your Congress men and women around the country.

The Presiding Officer from Illinois has been very active in this, and his office is available also to make sure in his State that these families who work hard, play by the rules—maybe they are making $20,000 $30,000, $40,000 a year; they are struggling—can get several thousand dollars tax credit, money in their pocket as they work to pursue the American dream.

We have seen what the earned-income tax credit can do for working families. In Hamilton County, southwest Ohio, the Cincinnati area, a woman and her three children became homeless after she lost her job. But because of her work, the wages she earned, she qualified for the earned-income tax credit. Every dime of her $2,000 earned-income tax credit went back into her pocket to help her overcome the daunting economic challenges she faced—$2,000 which went, for somebody at that income level, so very far.

An elderly couple was grateful they qualified for the earned-income tax credit. They used the $3,700 to cover a tragic occurrence, a grandchild's funeral expenses, expenses otherwise beyond their reach.

There are hundreds of thousands of stories like this across Ohio and across our Nation. I encourage Ohioans in Ashtabula and Bellaire and Zainsville and Springfield and Xenia who may by eligible for the earned-income tax credit to visit the IRS tax site at www.irs.gov or call 1–800–906–9887 and find a local Volunteer Income Tax Assistance Center. Remember, if you think you might be eligible for the earned-income tax credit, it is a tax credit that, if you are working and you are working hard and playing by the rules and you are not making a lot of money—not just minimum wage, but if you are not making more than $30,000 or $40,000 a year, even up to $48,000 year—you should call that number or visit the Web site, irs.gov. The Volunteer Income Tax Assistance Center, or VITA, is a vital and free resource for working families where accountants and tax experts volunteer their time to help you file your taxes so you can receive the EITC.

In Lorain, OH, in my home county, where President Obama visited just 10 days ago, in a program which we began when I was a Member of Congress, a couple visited a free tax preparation center after trying to do their taxes on their own. They found help; they qualified for the EITC. They received a refund of $5,000, which helped replace the roof of their house which required replacement.

To receive EITC, all you have to do is file your taxes. That is it. You earned it, just ask for it. Spread the word, Mr. President, and all of my colleagues and anyone listening—spread the word about the earned-income tax credit. It is a bridge out of poverty that serves millions of families across Ohio and across the Nation. Remember, you earned it.

HEROIC ACTIONS OF NEVADA'S FEDERAL AGENTS

Mr. REID. Mr. President, I rise today with a heavy heart to pay tribute to the heroic actions of eight Federal agents at the Lloyd D. George Federal District Courthouse in Las Vegas, NV.

On January 4, 2010, an armed man entered the Lloyd D. George Federal District Courthouse and opened fire at the Federal agents securing entrance to the building. The Federal agents fought to ensure the safety of the employees, occupants, and visitors of the courthouse. On that day, Stanley Cooper gave the ultimate sacrifice.

Stanley Cooper, 72, was a Court Security Officer at the courthouse. Stanley was born in Tulsa, OK, where he began his career in public service in 1960. After four years, Stanley moved to Las Vegas, NV, to serve in the Las Vegas Metropolitan Police Department. Stanley retired as a sergeant after 26 years with the LVMPD. Soon after, he began work as a court security officer with the U.S. Marshals Service. He was a quiet man whose passion and dedication for serving the people of his community was only surmounted by his love for his family. Stanley Cooper died valiantly in the line of duty to protect the lives of those around him. I offer my most heartfelt condolences to the families, friends, and loved ones of Stanley Cooper.

Alongside Stanley Cooper were Deputy U.S. Marshal Richard Gardner, U.S. Marshal Dave Del Berti, Court Security Officer Jack Eklund, Court Security Officer Arthur Gennaro, Court Security Officer Michael Gerrity III, Court Security Officer William Sherman, and Detention Officer Justin Cord. Richard Gardner, 48, was treated and released for injuries he sustained during the shooting. Richard serves as Deputy U.S. Marshal at the Lloyd D. George Federal District Courthouse. These eight brave men pursued the gunman as he fled across the street to the Historic Fifth Street School, where he was later subdued.

Law enforcement personnel put their lives at risk every day to protect our communities, and we should all be grateful for their sacrifices. On the morning of January 4, these eight men showed the bravery, sense of duty, and valor of true heroes. Selflessly, they put themselves in harm's way to subdue the gunman, preventing harm to innocent bystanders.

I am humbled today to honor these eight men for their extraordinary bravery, dedicated service to the citizens of the great State of Nevada, and the heroic measures they took to save the lives of others. My thoughts and prayers are with those affected by this tragedy. As we grieve, may all of us find strength in the courage and compassion shown by the federal agents during this tremendously difficult time.

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to the brave men who literally fought off evil on January 4, 2010, at the Lloyd D. George Federal Building in Las Vegas, NV. On that tragic day, an armed assailant entered the lobby of the courthouse with clear objectives, to kill as many innocent people as he possibly could. Court Security Officer Stanley Cooper went to work that day with the same vision and determination he had every day; that was to keep the employees and visitors to the Federal building safe as they went about their lives. Tragically, Stan was fatally wounded by the gunman as he faithfully stood his watch at the security check point that morning.

Stanley Cooper was a quiet and gentle man who dedicated his life to the service and protection of others. He retired after 26 years as an officer with the Las Vegas Metropolitan Police Department and then chose a life of service again as a court security officer. Stan will always be remembered as a hero, not only because he gave his life in that one terrible moment on January 4 but also because he gave his life every day in the selfless act of serving others.

The other court security officers on duty that day, along with members of the U.S. Marshals Service and a detention officer, acted swiftly and bravely to subdue the gunman and protect the countless innocent lives that were in harm's way. Deputy U.S. Marshal Richard J. ''Joe'' Gardner was wounded in the ensuing battle as he and the other officers valiantly fought off the deadly attack.

It is with utmost gratitude that I take a moment to remember and commend the life of a true hero, Officer Stanley Cooper, and to thank Deputy U.S. Marshal Joe Gardner, the court security officers, the U.S. deputy marshals, the Las Vegas Metropolitan Police Department officers, and all law enforcement officers who responded to the heinous assault at the Lloyd D. George Federal Building on January 4, 2010, for their brave and courageous actions. Stan and the other officers answered the call of duty that day without concern for themselves or their own safety. Their sacrifice and courage will not be forgotten.

May God grant Stan's beloved family and friends peace and comfort in this time of loss, and may He continue to protect all the men and women in law enforcement who selflessly serve and protect others.

REMEMBERING ROGELIO DARIAS

Mr. REID. Mr. President, I rise today to mourn the passing of one of Nevada's finest entertainers, Rogelio Darias. Known in Las Vegas and

throughout the world as simply the ''The Bongo King,'' Rogelio brought smiles to all those within earshot with his rhythmic talents. Mr. Darias passed away on January 20, 2010, at the age of 93.

Born in Santa Clara, Cuba, Rogelio first began his storied career as a percussionist in a band with his siblings, Pedro and Diego, at the tender age of eight. Their musical group, known as the ''Hermanos Darias'' quickly garnered the attention of music producers throughout Cuba, and it was not long before young Rogelio was swept away to the big city of Havana, where he pursued further his musical career. He soon began working with Havana's most well-known musicians, such as Maestro Ernesto Lecuona and Chiquito Orefiche, and performing both on the radio station Cadena Azul Chain and at the National Theater.

Rogelio's mastery of the his craft became world famous, and before long he was traveling to Europe, Asia, and Africa, spreading his ''bongo gospel'' to people of all races, nationalities, and creeds. Notwithstanding his world-wide fame, Mr. Darias continually sought to better himself as a musician. He spent several months living in the Africa's Belgian Congo, where he studied the authentic African rhythms created by the local indigenous population. Years later he also worked alongside Polynesian musicians in Hawaii, as well as Japanese musicians in Tokyo. His love of any and all music, and instatiable appetite for knowledge undoubtedly contributed to Mr. Darias' seemingly endless musical talents and knowledge.

By the 1960s, the Bongo King had arrived in Las Vegas, one of the world's foremost performing arts centers. During his time in Las Vegas, Rogelio established himself as one of the most sought-after musical collaborators in the industry. His incredible beats were in high demand by stars such as Liberace and Charo, with both of whom he toured. Hollywood also came calling, and as a result Rogelio performed for both Johnny Carson and Merv Griffin and their respective hit shows.

In spite of his worldwide fame and incredible accomplishments, Rogelio Darias remained a loyal friend and family member to those who knew him best. His passing has come as a great tragedy to all those people who depended on him for a laugh and a smile. Las Vegas lost a monumental entertainer in the passing of Rogelio Darias. The Bongo King will be deeply missed by all of Las Vegas, and countless music-lovers throughout the world.

BUDGET DEFICITS

Mr. KYL. Mr. President, I recommend to my colleagues a Robert Robb column, published in the Arizona Republic, February 3, 2010.

In it, Robb points to the massive deficits in President Obama's budget and argues that the administration has no grounds on which to pass the blame.

He explains that the deficits President Obama recommends from 2011 on are entirely his own, driven by vast new spending, and that they are far higher than historical deficits.

Robb writes that, even though President Obama's budget projects that the recession will be over by 2011, he proposes that Federal spending continue at nearly 24 percent of gross domestic product through 2020, far beyond the historical average of around 20.5 percent.

He also points out an enormous increase in the debt as a share of GDP:

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

Robb recommends returning spending to its historical average as a means of getting the deficit under control.

I ask unanimous consent to have this article be printed in the RECORD and urge my colleagues to consider the facts and arguments contained in it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 3, 2010]

OBAMA DEFICITS NOT BUSH'S FAULT

(By Robert Robb, Columnist)

The Obama administration undoubtedly wants the budget message to be all the good things it wants to do for the American people, except those who make the mistake of earning too much money.

There's a second stimulus, rechristened a jobs program. Health care reform, repositioned as an attack on the insurance industry's dirty deeds. New middle-class tax breaks. More spending on education. Lots more spending on infrastructure and clean energy.

The budget is intended to position the Democratic Party as the friend of the middle-class. But the message is blotted out by all the red ink.

Obama likes to depict himself as a deficit victim. He inherited a huge deficit and a deep recession. Not his fault.

Certainly the Republicans during the Bush years were fiscally irresponsible. But within historical bounds. The deficits in Obama's budget are beyond historical bounds and are his alone.

Even with Bush's tax cuts, federal revenues in 2007 were at the average as a percentage of GDP, 18.5 percent, going back to 1960. The deficit was just 1.2 percent of GDP, historically on the low side. Accumulated federal debt was 36 percent of GDP.

Then the recession hit. From 2008 to 2009, federal spending increased 18 percent. This was a budget year that straddled the Bush and Obama presidencies. But the spending increase was driven by anti-recession measures, predominately the Bush stimulus and bailouts.

Obama supported these measures. In fact, his complaint about the Bush stimulus was that it was too small.

This raises a question of political ontology: If Obama agreed with Bush, is it still just Bush's fault?

The Bush tax cuts expire this year. Except for the legacy costs of the Iraq war, Obama is free to recommend changing anything Bush did. The deficits he recommends from 2011 on are purely his own.

And they are massive, and driven by spending.

Obama purposes that the federal government spend over 25 percent of GDP in 2011, compared to a historical average of around 20.5 percent. He justifies this as necessary to continue to fight the recession.

Obama, however, projects that the recession will be fully over in 2011 and robust growth under way. Yet he proposes that federal spending continue to be nearly 24 percent of GDP through 2020.

In other words, rather than wind down the additional recession spending after recovery, Obama is proposing that it simply become a new, higher base.

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

If Obama were to recommend a path to return spending to its historical share of economic output, in 2020 the deficit would be just $255 billion, about what the federal government spends each year on large capital projects, and just 1 percent of GDP. In other words, not a problem. And federal spending would have still increased by more than 4 percent a year since 2008.

Instead, Obama recommends a 2020 deficit of over $1 trillion and a troubling 4.2 percent of GDP.

Rather than recommend deficit reducing measures himself, Obama wants to turn the job over to a bipartisan commission. Republicans suspect a rat, an attempt to get them to support even larger tax increases than Obama is already proposing.

They are right. Under Obama's budget, revenues are already projected to be 19.6 percent of GDP, much higher than the historical average. Yet he still proposes trillion dollar deficits.

The problem is spending. Obama wants to do too much of it.

FREE GUN LOCKS

Mr. LEVIN. Mr. President, I would like to take this opportunity to commend the Wayne County Sheriff's Office on its newly announced initiative to provide gun trigger locks free of charge to firearm owners in the Metro Detroit area. Partnering with local religious leaders and Project Child Safe, an organization that provides gun locks to law enforcement agencies, the Sheriff's Office seeks to reduce the number of firearm-related accidents that occur in the home.

Every year, far too many children get access to guns in homes across the United States, often with fatal consequences. According to the Centers for Disease Control, in 2006, 154 children and teens died as a result of unintentional shootings, and in 2008, 3,997 children and teens were injured by a firearm unintentionally. It is imperative that gun owners across the country safely store their weapons out of the reach of children to prevent these tragic accidents. Safe storage includes keeping guns unloaded, using trigger locks, storing guns in a locked, safe place away from children, and storing ammunition in a separate, locked place.

Providing gun owners with trigger locks and educating them on gun safety and storage has become even more important with the recent increase in

the number of gun owners, specifically the number of concealed weapon permit holders. According to Wayne County Sheriff Benny Napoleon, there are currently 41,687 concealed weapon permit holders in Wayne County. There were 13,843 permit applications in 2009, up from 9,300 in 2008, and so far in 2010, the Sheriff's Office has seen an average of 61 requests per day. In light of this dramatic increase, we must do everything we can to reduce the risk guns pose to children.

Commonsense gun safety legislation, such as mandatory child safety locks, could help reduce the number of tragic accidents that kill and injure young Americans. Again, I applaud the efforts of the Wayne County Sheriff's Office on their distribution of free gun trigger locks to gun owners in the Metro Detroit community.

REMEMBERING FREYA VON MOLTKE

Mr. LEAHY. Mr. President, I rise to speak in memory of Freya von Moltke, an extraordinary woman and long-time resident of Norwich, VT, who passed away this January 1 at the age of 98.

In 1929, at the age of 18, Freya met the young lawyer Helmuth von Moltke, and 2 years later she married him. Freya earned her own law degree in 1935 but never practiced; law had already begun to lose its meaning as Hitler and the Nazi party tightened their grip on power. It was for the same reason that Helmuth gave up his dreams of becoming a judge and of working closer to the family estate in Kreisau, in Silesia, now a part of Poland. Instead, he opened a small law office in Berlin, where he could remain independent of the regime without drawing attention to himself. He and Freya divided their time between the family estate and his apartment in Berlin.

In the last years before the war, they traveled to South Africa to visit Helmuth's mother's parents in South Africa. On those trips they spoke openly of what the Nazi regime was capable of, and were constantly urged not to return to Germany. But they felt responsible, for their broader family, the estate, and Germany's fate; they felt they had no choice but to return. Helmuth's work as an attorney came to an end at the outbreak of the war in 1939, when he was drafted into the German army's intelligence service. Freya settled into overseeing the farm in Kreisau in his absence, and the flood of letters between them began. Helmuth came home whenever he could. They welcomed their first son Helmuth Caspar, in 1937 and their second, Konrad, in 1941.

It was clear to the von Moltkes from the beginning that the Nazi regime was criminal, but moving from opposition to active resistance was a giant step. When Helmuth told Freya that he knew he had to do what he could to resist, she gave him her complete support. Slowly Helmuth gathered a loose group of friends and friends of friends, people who could be trusted, people who represented almost every class and interest group outside the Nazi party. He spent his evenings in Berlin meeting with them in small groups, discussing what would eventually have to be done to undo the damage to Germany by the Nazis. Only on a few memorable occasions did they all dare to meet together; Freya and Helmuth invited the whole group to gather for seemingly innocent weekends in Kreisau. There they were able to hammer out together their plans for the longed-for day when the Nazi regime would finally fall—their plans for a new Germany, a democratic Germany embedded in a renewed and democratic Europe. Freya not only participated in the discussions; she also took care of everyone's room and board.

Early in 1944, Helmuth was imprisoned for warning an acquaintance of his imminent arrest. In July of that year, many of his friends participated in an attempt to assassinate Hitler. It failed, and many of them lost their lives immediately. In the aftermath, the Gestapo began to uncover the connections leading from one resistance group to another, including the one they called the ''Kreisau Circle.'' Most of the surviving members of the group soon joined Helmuth in prison. Most were tried before the infamous People's Court, convicted, and sentenced to death. Helmuth himself was executed in January of 1945.

Between her trips to Berlin to make appeals for Helmuth's life, Freya took in a growing group of their friends' widows and children at Kreisau. In the face of the Soviet advance, she moved them all into nearby Czechoslovakia, only to find that it was safer to move them home again. Through the intervention of British friends, she and her children at last managed to leave Kreisau for Berlin, but they soon left Germany for South Africa, where Freya made her living as a social worker.

In 1956, unable to tolerate apartheid any longer, Freya returned to Germany. In Berlin she began her work to keep the memory of the German resistance to Hitler alive; she also began to transcribe Helmuth's letters, which, along with the minutes of the Kreisau Circle's meetings, she had hidden from the Gestapo in the beehives on the estate. She published Helmuth's final letters from prison very soon after the end of the war. In 1988, many of the thousands of letters he had written her between the summer of 1939 and his death appeared in Englishas ''Letters to Freya.''

It was in September of 1960 that Freya moved to Norwich, VT. She moved to Norwich to join her close friend—and her husband's—Eugen Rosenstock-Huessy, whose wife had died the year before. Freya lived with him until his death in 1973, and after his death she founded a nonprofit to keep his books in print; she was president of that group until the 1990s, by which time they had over 60 titles in print. Freya served for years on the board of the Co-op supermarket in Hanover, NH, and with friends from the Co-op board she went on to found the Twin Pines Cooperative Housing Foundation, the first group to try to develop affordable housing in that part of Vermont and the first in the State to establish a tenant-owned housing cooperative.

At 75, after many years in Norwich, Freya became an American citizen and an active member of the League of Women Voters. At 93 she agreed to speak in Berlin on the 60th anniversary of the failed assassination attempt, but for many years she had spoken in Vermont high schools about what she and her husband and their friends had done and the need for courage in the face of injustice in any society. Students from one school she visited for years sent flowers to her funeral.

It is no simple feat for a foreigner to become accepted as a ''natural'' part of a small town in northern New England, but Freya did it. In 1985, the owner of Dan & Whit's general store in Norwich ran into her in the post office. He reacted to the flood of unfamiliar faces by telling her, ''Let them come. We were here first.'' His gallant inclusion of her as a ''native'' after only 25 years in town moved Freya deeply. Her own hospitality is reflected in the sign she tacked to her unlocked kitchen door at the age of 90: ''To Everybody! Please, walk in! Push hard. Find me upstairs if I don't respond.''

Freya was firm in her belief that the territory Germany had lost, the land her family had lost, was the price Germany had to pay for the crimes of the Nazi regime. But she had hopes for what had been the family estate. In 1988, a group of young people in East Germany had the idea of making the former von Moltke estate a place where people from divided Europe could meet and get to know each other; they found friends in Poland, but also in West Germany, in Holland and the United States. Only a year later, a friend of their Polish friends became the prime minister of Poland and invited the chancellor of Germany to meet him for a mass of reconciliation in Kreisau. The two men agreed to fund the restoration of Kreisau, now called Kryzowa. The German chancellor had invited Freya to accompany him, but she said she would wait until the Poles invited her, which they soon did. In her final years, she lent her name and her blessing to a foundation to support the new Kreisau, which with support from the German and Polish governments has grown in 20 years from the dream of a few young people to an international meeting place that hosts about 100 events a year, attended by some 10,000 young people from all over Europe.

Freya von Moltke was an inspiration to all who knew her. She was a wonderful friend and neighbor, and she enriched the lives of countless citizens of

our State. She lived a long and fruitful life; she will be missed by admirers around the world, but most of all by the Vermonters who knew and loved her.

TRIBUTE TO MIKLOS HARASZTI

Mr. CARDIN. Mr. President, in my capacity as Chairman of the Commission on Security and Cooperation in Europe, I am pleased to commend Miklos Haraszti, the OSCE Representative on Freedom of the Media, for his years of dedicated service in the cause of advancing freedom of expression and media. An accomplished writer and journalist as well as a courageous human rights activist in his native Hungary for decades prior to the end of the Cold War, he was elected to parliament in the early 1990s. Since his appointment to his current position in 2004, Mr. Haraszti has been an outspoken champion for beleaguered journalists throughout the OSCE region.

Mr. Haraszti's periodic reports have proven invaluable in tracking trends regarding laws, policies and practices governing freedom of expression and media in the participating states. He has been vigilant in monitoring and reporting on issues arising from the adoption of ''extremism'' laws in a growing number of OSCE countries. The Representative on Freedom of the Media has likewise been a strong voice in calling for decriminalization of defamation and a critic of attempts by some regimes to restrict the Internet and new media technologies. Most importantly, he has responded to specific urgent situations and cases, including instances involving the harassment, physical attacks, and even murder of journalists. He has never shied away from naming names, he has never played favorites, and he has been a voice for those whom governments would like to silence.

Next month Mr. Haraszti will conclude his service as the OSCE Representative on Freedom of the Media. You can write a great mandate for a high-level official, but if you don't appoint the right person to the job, you won't get results. Mr. Haraszti has been the right person for the right job and we have been very fortunate that he has given 6 years to serve the greater good in the OSCE region.

The OSCE participating States will be hard pressed to find an individual to match his professionalism, passion, and integrity. I join my colleagues at the Helsinki Commission in expressing our deep appreciation to Miklos Haraszti, a tireless advocate for freedom of expression and media, for his service and we wish him the best in his future pursuits.

ADDITIONAL STATEMENTS

TRIBUTE TO CURTIS STEWART AND PEGGY CLAYTON CHAPMAN

• Mrs. LINCOLN. Mr. President, today I congratulate Curtis Stewart and Peggy Clayton Chapman as the 2009 Man and Woman of the Year, as named by the Dumas Chamber of Commerce.

I was pleased to be on-hand as Curtis and Peggy were recognized last month during the Annual Dumas Chamber of Commerce Banquet. I have felt a long kinship to Dumas, and I am grateful for the friendships I have made there.

Dumas is a community with a great spirit of volunteerism and caring. Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Curtis and Peggy.•

TRIBUTE TO THE JASON SMITH FAMILY

• Mrs. LINCOLN. Mr. President, today I congratulate the Jason Smith family for being named the Desha County Farm Family of the Year for 2009.

I have felt a long kinship with Desha County, and I am grateful for the friendships I have made there.

As a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. We must work to continue the farm family tradition, so families such as the Smith family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Smiths and all Arkansas farm families for their hard work and dedication.•

RECOGNIZING MONTICELLO'S EDUCATORS

• Mrs. LINCOLN. Mr. President, today I recognize Monticello's Educators of the Year: Dr. Juan Serna, assistant professor of physics at the University of Arkansas at Monticello; Cindy Flemister, a second grade teacher at Drew Central Elementary School; and Wanda Jackson, a third grade teacher at Monticello Elementary School.

These educators represent the best of our Arkansas educational system, and I am pleased to see them receive these recognitions.

The University of Arkansas at Monticello selected Dr. Juan Serna, an assistant professor of physics, as its educator teacher of the year. Serna, who is responsible for the pre-engineering program at UAM, completed his Ph.D. at the University of Arkansas in 2005. His research interests are in mathematical physics and quantum optics.

The Drew Central Educator of the Year is Cindy Flemister, a second grade teacher at Drew Central Elementary School. According to her coworkers, Cindy was chosen for her ''extraordinary kindness, open-mindedness, tolerance, and patience as she works with students or visits with parents.''

The Monticello School District's Educator of the Year is Wanda Jackson, a third grade teacher at Monticello Elementary School. According to her fellow teachers, Wanda believes that all students are capable of learning and achieving. They say her dedication to student success is evident from the moment you enter her classroom, where she provides lessons and activities tailored to meet the specific needs of her students.

As a mother of twin boys and as an aunt with many nieces and nephews, I know firsthand that no child is alike. They each have unique personality traits and different abilities. They also have their own learning habits and interests. I have heard from many Arkansas teachers, administrators, parents, and students who have expressed the same view.

There is no issue more intricately connected to the future prosperity of our Nation than the quality of our schools. I am proud to see our Arkansas educators, especially those in Monticello, offer every child the chance to achieve his or her full potential.•

RECOGNIZING HOT SPRINGS ARKANSAS

• Mrs. LINCOLN. Mr. President, today I wish to honor the town of Hot Springs in my home State of Arkansas. Hot Springs was recently voted the ''Best Attraction in Arkansas'' by the readers of Southern Living magazine, one of the largest lifestyle magazines in the country.

I have always felt a close connection to the community of Hot Springs. I have many fond memories of the trips to Hot Springs that my parents took me and my siblings on when we were young. Exploring the downtown shops, restaurants, and National Park bathhouses was always exciting. We also spent untold hours on the area lakes boating, swimming, and fishing. I am pleased that I am able to continue experiencing those wonderful memories with my own children, who I know will someday look back on their childhood days spent in Hot Springs, as I have, as some of the most happy times of their lives.

In 1832, Congress set aside the natural hot springs site as a Federal reservation, making Hot Springs National Park America's ''first resort.'' Hot Springs provides opportunities for camping, fishing, hiking, and boating on its lakes and in its forests. Hot Springs is also known for its vibrant arts community, with a variety of art galleries and antique shops, along with the nationally recognized Hot Springs Documentary Film Festival and Hot

Springs Music Festival. Hot Springs is also home to Oaklawn Park, which offers thoroughbred racing each, spring and simulcast racing throughout the year.

I salute the residents of Hot Springs for their efforts to maintain the heritage, beauty, and history of their community. I join all Arkansans to express my pride in this jewel of Arkansas.●

RECOGNIZING MAINE MANUFACTURING LLC

● Ms. SNOWE. Mr. President, manufacturers across the country have been hit hard in this current downturn. In fact, the manufacturing sector has lost 2.1 million jobs since the beginning of the recession in December 2007—roughly 15 percent of its total employment. That is why it is heartening to see that a small manufacturing company in my home State of Maine is hiring new employees and seeking to grow its product line. Today I recognize this firm, Maine Manufacturing LLC in Sanford, for the tremendous work it is doing to hasten an economic recovery in the region by putting people back to work.

Maine Manufacturing, which specializes in the production of several disposable laboratory supplies like filters and centrifuge tubes frequently used in research and university labs as well as pharmaceutical and biotech companies, was founded in 2008 by Craig Cunningham, who formerly served as the director of engineering for Whatman Inc.'s Sanford plant. Whatman, a British laboratory equipment maker that is now part of GE Healthcare, announced in September 2008 that it would be shutting its Sanford plant over the course of the next year, leaving over 200 employees without work. Seeking to mitigate the negative effects in the local community, Mr. Cunningham and his colleague, William Emhiser, requested that GE Healthcare operate the plant until early 2010 and keep roughly 70 employees until that time, allowing Maine Manufacturing to fully take over the facility. GE Healthcare agreed, and on January 4, 2010 Maine Manufacturing took over six product lines from the company.

Mr. Cunningham's company started very small, with three full-time employees and four part-time workers just a year ago. To grow his business, Mr. Cunningham applied for and received a $100,000 community development block grant, which provided working capital to the company and afforded his business the opportunity to purchase critical new equipment. The grant also allowed Maine Manufacturing to create 12 new jobs. To further increase its workforce, the company recently offered jobs to 66 employees who previously worked at GE Healthcare. While creating quality jobs for Mainers, Maine Manufacturing is simultaneously becoming a major supplier to GE Healthcare, producing filters and other parts the company uses to manufacture larger products. Additionally, the company hopes to expand even more in the coming years to become a recognized leader in its industry.

Because the recession has hit small businesses the hardest, it is all the more impressive that Maine Manufacturing has made such tremendous strides in growing, expanding, and hiring over the past year. These firms employ just over half of all employees in the private sector, and Maine Manufacturing has provided them with a model for successful job growth in coming years, which will be essential to the revitalization of the American economy. I am grateful for the actions of Craig Cunningham and William Emhiser to create necessary jobs for Maine workers, and I look forward to hearing future good news about their impressive company.●

RECOGNIZING THE UNDERWATER OPERATIONS INDUSTRY

● Mr. VITTER. Mr. President, today I wish to honor the underwater operations industry, especially the Marine Technology Society and the Association of Diving Contractors International.

The Marine Technology Society was founded in 1963. Throughout its 40-plus years of existence, it has stayed true to its guiding purpose: ''to promote awareness, understanding, advancement and application of marine technology.'' Founded in 1968 the Association of Diving Contractors played an essential role in creating the first safety standards for commercial divers. The association today has member companies hailing from 41 different nations all pledging to abide by the ADCI Consensus Standards for Commercial Diving Operations.

The commercial underwater industry encompasses the support of deep sea divers, ROV operators, technical support, retail dealers, the shipping industry, the energy industry, universities, research facilities, equipment manufacturers, families, and a support system that extends to all avenues of the labor market. This diverse community and unique segment of industry work tirelessly toward maintaining and supporting safe underwater operations throughout the world. The commercial underwater industry affects the development of dams, bridges, oil platforms, pipelines, underwater, geological research, outer space, and even the entertainment industry.

The industry is especially vital to Louisiana. From our seafood industry to one of the Nation's largest provider of offshore energy, our waterways and shorelines are of great importance to our economy. Underwater operations allow these industries to run smoothly.

Underwater operations conducted from the deepest seas to inland waterways throughout the world are a vital component in ongoing industrial development globally. It is important that Federal and State government and citizens worldwide recognize the value of the underwater operations industry to the continued progress of humanity.

Thus, today, I am proud to applaud such an important industry, and thank them for their contributions to the State of Louisiana, our Nation, and the rest of the world.●

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

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests a concurrence of the Senate:

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and for other purposes.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the ''Jim Kolbe Post Office''.

At 4:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes; to the Committee on Rules and Administration.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the ''Jim Kolbe Post Office''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

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 (Rept. No. 111–124).

S. 952. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events (Rept. No. 111–125).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Sharon Y. Bowen, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2012.

*Orlan Johnson, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

*Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

*Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association.

*David W. Mills, of Virginia, to be an Assistant Secretary of Commerce.

*Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Kevin Wolf, of Virginia, to be an Assistant Secretary of Commerce.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Kathleen S. Tighe, of Virginia, to be Inspector General, Department of Education.

*Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

*Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 2983. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer social security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 2984. A bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid disproportionate share hospital (''DSH'') payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy; to the Committee on Finance.

By Mr. PRYOR:

S. 2985. A bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN:

S. 2987. A bill to amend title XVIII of the Social Security Act to extend the exceptions process for one year with respect to the caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Mr. ENSIGN:

S. 2988. A bill to amend title XVIII of the Social Security Act to extend the exceptions process for two years with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DeMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. JOHANNS, Mrs. MCCASKILL, Mr. KYL, Mr. GRASSLEY, and Mr. SESSIONS):

S. 2990. A bill to establish an earmark moratorium for fiscal years 2010 and 2011; to the Committee on Rules and Administration.

By Mrs. McCASKILL (for herself and Ms. COLLINS):

S. 2991. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 2992. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARDIN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. BOXER, Mr. MENENDEZ, and Mr. SPECTER):

S. 2993. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. WEBB):

S. 2994. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 2997. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth

rate formula, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. MENENDEZ):

S. 2998. A bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. REID, Mr. KERRY, Mr. HARKIN, Mr. FRANKEN, Mr. BROWN, Mr. BEGICH, Mr. LEVIN, Mr. DURBIN, Mrs. GILLIBRAND, Mr. REED, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, Mr. KIRK, Ms. STABENOW, Mr. CASEY, Mr. AKAKA, Mr. BURRIS, Mrs. BOXER, Mr. SCHUMER, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KAUFMAN, Mr. WYDEN, Mr. BINGAMAN, Mr. SPECTER, Mr. CARDIN, Mr. MERKLEY, Ms. CANTWELL, and Mrs. SHAHEEN):

S. 3000. A bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months; to the Committee on Finance.

By Mr. WARNER:

S. 3001. A bill to require the Secretary of Commerce to establish a loan program to assist in the locating of information technology and manufacturing jobs in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself and Mr. DORGAN):

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the ''National Institute of Finance'', that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. VITTER, Mr. KYL, Mr. INHOFE, and Mr. SESSIONS):

S.J. Res. 27. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR:

S. Res. 407. A resolution congratulating the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Res. 408. A resolution designating February 3, 2010, as ''National Women and Girls in Sports Day''; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS):

S. Res. 409. A resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', and for other purposes; to the Committee on Foreign Relations.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 410. A resolution supporting and recognizing the goals and ideals of ''RV Centennial Celebration Month'' to commemorate 100 years of enjoyment of recreation vehicles in the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 332

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 538

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 557

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 570

At the request of Mr. VITTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 633

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KIRK) 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. 841

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1027

At the request of Mr. SPECTER, his name was added as a cosponsor of S.

1027, a bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1173

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1173, a bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1458

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1458, a bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor 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. 2750

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2772

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2772, a bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat.

S. 2870

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2870, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2909

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2909, a bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes.

S. 2912

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2912, a bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 2959

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2959, a bill to amend the Federal Election Campaign Act of 1971 to protect Federal, State, and local elections from the influence of foreign nationals.

S. 2962

At the request of Mr. DODD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of

individuals involved in the September 11, 2001 terrorist attacks.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 403

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 403, a resolution expressing the sense of the Senate that Umar Farouk Abdulmutallab should be tried by a military tribunal rather than by a civilian court.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Common on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Violence Against Women Act, introduced today by Senators KERRY, BOXER, SNOWE, and COLLINS. I am proud to be an original cosponsor on this legislation simply because it has the power to save the lives of women and girls around the world while increasing our safety here at home.

This bill is particularly significant because it would be a very significant effort by the U.S. to tackle this egregious and widespread problem. One out of every three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

Ranging from rape to domestic violence and acid burnings to dowry deaths and so-called honor killings, violence against women and girls is an extreme human rights violation, a public health epidemic and a barrier to solving global challenges such as extreme poverty, HIV/AIDS and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national or cultural barriers.

Women who are abused are not only more likely to face serious injury or death because of abuse, but are at much greater risk of dying in pregnancy, having children who die in childhood, and contracting HIV/AIDS.

What many people don't realize though is that violence against women and girls is a major cause of poverty. Women are much more likely to be among the world's poorest, living on a $1 a day or less, and the violence they face keeps them poor. It prevents them from getting an education, going to work, and earning the income they need to lift their families out of poverty. In turn, women's poverty means they are not free to escape abuse, perpetuating a vicious cycle that keeps women from making better lives for themselves and their families.

In Nicaragua, for example, a study found that children of victims of violence left school an average of 4 years earlier than other children. In India, it has been found that women who experienced even a single incident of violence lost an average of 7 working days. Sometimes, the workplace itself can be a source of abuse: in Kenya, 95 percent of the women who had experienced sexual abuse in their workplace were afraid to report the problem for fear of losing their jobs.

Greater economic opportunity and earning capacity not only allows women an option of escaping violent situations, but more importantly, it increases equality and mutual respect within households, reducing women's vulnerability to abuse in the first place.

Women around the world are working desperately to change the laws and customs in their countries that routinely allow women and girls to be raped, beaten or deprived of any legal rights, even the ability to see a doctor or leave the house alone. But they need our help.

IVAWA is a good step in that direction.

The bill was developed in consultation with more than 150 expert organizations, including the input of 40 women's groups from all around the world.

Highlighting the cross-cutting nature of the issue of violence, the bill is supported by a diverse coalition of almost 200 NGOs, including Amnesty International USA, Women Thrive Worldwide, Jewish Women International, Family Violence Prevention Fund, CARE, United Methodist Church, and Refugees International.

This bill would direct the State Department to create a comprehensive 5-year strategy to reduce violence against women and girls in up to 20 countries and provide vital funds to foster programs in these countries that address violence in a coordinated, comprehensive way. It would do this by reforming legal and health sectors, helping to change social norms and attitudes that condone rape and abuse, and improving education and economic opportunities for women and girls.

Because violence against women is often rampant in countries embroiled in conflict or crisis, this bill also requires that the U.S. act in cases of extreme outbreaks of violence against women and girls, like the horrific levels of rape experienced by women in the Democratic Republic of Congo.

This legislation is necessary because this is not an academic issue—we must remember that the scourge of gender-based violence effects real women around the world.

But there are solutions.

When Dulce Marlen Contreras started her organization with seven of her friends, the first thing on her mind was how to help the women of Honduras protect themselves from domestic violence. A daughter of farmers in the rural region of La Paz, Honduras, Marlen was tired of watching the women of her community endure widespread alcoholism and household abuse.

In 1993, Marlen founded the Coordinadora de Mujeres Campesinas de La Paz, or COMUCAP, to raise awareness about women's rights. The organization started by educating women in the community about their rights and training them to stand up for themselves.

As time went on, Marlen noticed something was missing. While awareness-building was critical, in order to reduce violence for the long-term COMUCAP had to attack the problem at its root: poverty. ''We realized that until women are economically empowered, they will not be empowered to escape abuse for good,'' says Marlen. Seeing this link changed the way COMUCAP approached its work. It started training women to grow and sell organic coffee and aloe vera, helping them to earn an income for their families.

Initially the reaction from the community was hostile—women's empowerment was seen as a threat to families. As COMUCAP's programs grew, however, they started seeing results—the more money women made, the more power they were able to assert in the household.

As the community started to view the women of COMUCAP as economic contributors to its families, more and more women made decisions jointly with their husbands and stood up for themselves and their children in the face of abuse. Today COMUCAP provides employment and income to over 256 women in its community. Household violence has reduced drastically within the families of COMUCAP.

This example clearly illustrates that violence against women is preventable and that there are proven solutions that work. Even more inspiring, there are many thousands of local organizations like COMUCAP worldwide, which work within their own communities to support women in violent situations, help them find ways to support themselves and change cultural attitudes within their communities.

By supporting funding to overseas women's organizations to enable them

to work independently, IVAWA encourages this type of grassroots sustainability that will be crucial to any permanent solution to violence.

Violence has a profound effect on the lives of women and girls, and therefore, all communities around the world. As a member of the Senate Foreign Relations Committee, I am committed to continue to work with my colleagues to fight to end it and to provide any assistance and resources necessary to achieve this goal.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005 and Hurricanes Gustav and Ike of 2008. Almost 5 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. As chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. ''Ray'' Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that need this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June. Pre-Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit in June, the Bergerons were down to two employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

As of June when I met with them, the Bergerons had a $225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until he is 101 years old. But just yesterday, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees earlier last year.

The Bergeron's story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the economic downturn, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these ''pioneer'' businesses are the ones rebuilding communities need the most because they serve as anchors. If residents see the Bergeron's gas station, or their favorite restaurant, open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2010. I thank my colleague Representative CHARLIE MELANCON for introducing the House companion bill. Our legislation would provide targeted assistance to as many as 22,000 businesses in Louisiana, Mississippi, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to $15,000 of interest payments over 3 years, helping to create or save up to 81,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those ''pioneer'' businesses that were the first to re-open after the disaster. The program would end on December 31, 2010.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as $1,000 per month. For example, for a $114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as $400 in monthly interest. In one year, this adds up to $4,800 and almost $14,500 in 3 years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, $15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extravagant bonuses. I, for one, believe it is time to help these Main Street businesses, as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods, which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89–917 that, ''The overwhelming magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes.''

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89–339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, ''This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas.'' Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above $500—due on the loan over a period of 3 years, but not to exceed $1,800 in interest. The bill was signed into law in November 1965 and Congress later approved $35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 in Louisiana alone. Katrina was also the costliest natural

disaster in U.S. history, with more than $81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid-2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana. With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other ''pioneer'' businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergerons' story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in 2008, and the economic downturn. My home State of Louisiana was slow to feel the brunt of the credit crunch and economic meltdown, but last year we began to see the drying up of investments and the shrinking of consumers' pocketbooks. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these three states hardest hit by Katrina, Rita, Gustav and Ike. Given the urgent needs of many of these impacted businesses, I will be reaching out to my colleagues in Texas, Louisiana, and Mississippi to hopefully gain their support for quick passage of this assistance. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the fifth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to relieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 22,000 Main Street business owners and their estimated 81,000 employees in the Gulf Coast.

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. 2986

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southeast Hurricanes Small Business Disaster Relief Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''covered disaster loan'' means a loan—

(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

(C) made to a business located in a declared disaster area;

(3) the term ''declared disaster area'' means an area in the State of Louisiana, the State of Mississippi, or the State of Texas for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

(4) the term ''program'' means the Southeast Hurricanes Small Business Disaster Relief Program established under section 3; and

(5) the term ''small business concern'' has the meaning given that term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 3. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

(1) for not more than 3 years; and

(2) in a total amount of not more than $15,000.

(b) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program by a small business concern—

(1) with not more than 50 employees; or

(2) that resumed business operations in—

(A) a declared disaster area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, during the period beginning on September 1, 2005, and ending on October 1, 2006; or

(B) a declared disaster area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008, during the period beginning on September 1, 2008, and ending on January 1, 2009.

(c) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after December 31, 2010.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this Act.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased today to be introducing the Small Business Contracting Improvements Act of 2010, legislation designed to protect the interests of small businesses and boost their opportunities in the Federal marketplace.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing today marks a critical step forward in this process.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep our economy strong and create jobs. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs—and today, we need those jobs more than ever.

But the reality is, small businesses need all the help they can get accessing Federal contracts. In fiscal year 2007, according to the Federal Procurement Data System, the Federal Government missed its 23 percent contracting goal by .992 percent. That .992 percent represents more than $3.74 billion and 93,500 jobs lost for small businesses. The numbers are even worse the next fiscal, in fiscal year 2008 the Federal Procurement Data System reported that the government missed its goal by 1.51 percent—meaning more than $6.51 billion and 162,700 jobs lost. While these numbers tell the stark story of why this legislation is vital for our small businesses and our overall economy, they are still only a part of the story of why this legislation is needed.

Our small businesses have been taking the brunt of this economic downturn. In this past year, small businesses accounted for more than 85 percent of job losses. This fact was vividly illustrated to me this weekend when I met with Louisiana business owners and officials. A small business owner who spoke at our meeting told of how he was down from 20 plus employees to three. He was clear that if he had access to federal work he would begin staffing up tomorrow. That is the reason I am introducing this legislation today. These contracting opportunities represent job creation for small businesses in a way that is unique. When large businesses get new work they

typically spread that work among existing employees. When small businesses get these contracts they must staff up to meet the increased demand.

Furthermore, last night President Obama made the case that small businesses need to be the focus of our recovery. I have heard over and over again that small business is the engine that drives our economy. Well, if that is true, then it is time to give that engine some gas. President Obama set the right tone last night and today our bill looks to act on his words and fill that tank as we consider improvements in four key areas.

The first area I attempt to make improvements in is the area of contract bundling. Although contract bundling may have started out as a good idea, it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with the decimation of contracting professionals within the government threatens to kill small businesses' ability to compete for federal contracts.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate reporting of contract bundling information by all federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration, SBA.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

Another way that this bill attempts to tackle the issue of bundling is by creating a joint venture and teaming center at the SBA. This center will provide technical support to associations and businesses who are interested in bidding on larger contracts as part of small business teams or joint ventures. The bill will also ease regulations that serve as a disincentive for small businesses who want to enter into teaming relationships with one another.

The second area that this bill attempts to address is subcontracting. The Committee has heard from many businesses about the challenges that some small business subcontractors face when dealing with prime contractors. Business owners have related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never heard from the prime contractor again. Many also complain about a lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts and provides for speedier payments to small business subcontractors who have successfully completed work on behalf of the prime contractor.

The third area I intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; directing the Office of Federal Procurement Policy to issue guidelines to analyze the use of government credit cards for the purpose of meeting small business goals; and requiring that agencies include meeting small business contracting goals in the performance evaluation of contracting and program personnel.

The last area that I tackle in this legislation is small business size and status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. It is imperative that small business contracts go to small businesses. Small businesses may be losing billions of dollars in opportunities because of size standard loopholes.

This bill attempts to address these issues by making additions to the Small Business Act that are designed to strengthen the government's ability to enforce the size and status standards for small business certification. To achieve this, the new section: establishes a presumption of loss to the federal government whenever a large business performs a small business contract; requires that small businesses annually certify their size status; requires the development of training programs for small business size standards; requires a detailed review of the size standards for small businesses by the SBA within one year; and directs GAO to study the effectiveness of the mentor-protege program.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors of opportunity. I hope all of my colleagues will join me in supporting this bill and I look forward to working with them as we work to move this legislation forward.

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. 2989

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 Contracting Revitalization Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—CONTRACT BUNDLING

Sec. 101. Leadership and oversight.
Sec. 102. Consolidation of contract requirements.
Sec. 103. Small business teams pilot program.

TITLE II—SUBCONTRACTING INTEGRITY

Sec. 201. GAO recommendations on subcontracting misrepresentations.
Sec. 202. Small business subcontracting improvements.

TITLE III—ACQUISITION PROCESS

Sec. 301. Reservation of prime contract awards for small businesses.
Sec. 302. Micro-purchase guidelines.
Sec. 303. Agency accountability.
Sec. 304. Payment of subcontractors.
Sec. 305. Repeal of Small Business Competitiveness Demonstration Program.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 401. Policy and presumptions.
Sec. 402. Annual certification.
Sec. 403. Training for contracting and enforcement personnel.
Sec. 404. Updated size standards.
Sec. 405. Study and report on the mentor-protege program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—CONTRACT BUNDLING

SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of the Federal agency a provision soliciting bids by teams and joint ventures of small business concerns.

''(2) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—The head of each Federal agency shall—

''(A) not later than 180 days after the date of enactment of this subsection, publish on the website of the Federal agency the policy of the Federal agency regarding contracting bundling and consolidation, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(B) not later than 30 days after the date on which the head of the Federal agency submits data certifications to the Administrator for Federal Procurement Policy, publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Director of Small and Disadvantaged Business Utilization for each Federal agency shall submit to the Committee on Small Business

and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Federal agency has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Federal agency selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall implement an electronic procurement center representative program.

SEC. 102. CONSOLIDATION OF CONTRACT REQUIREMENTS.

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. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been, are being, or will be provided to, or will be performed for or would typically be performed for, the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited;

''(3) the term 'Federal agency' does not include the Department of Defense or any agency of the Department of Defense;

''(4) the term 'multiple award contract' means—

''(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(B) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

''(5) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—The head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

''(C) determines that the consolidation of contract requirements is necessary and justified.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.''.

SEC. 103. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Center'' means the Center for Small Business Teaming established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Center) relating to—

(A) customer relations and outreach;

(B) submitting bids and proposals;

(C) team relations and outreach; and

(D) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Center for Small Business Teaming within the Administration to carry out a pilot program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—The Center may make grants to eligible organizations to assemble teams of small business concerns to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—

(1) IN GENERAL.—The Center shall work with eligible organizations receiving a grant under this section to identify appropriate contracting opportunities for teams or joint ventures of small business concerns.

(2) RESTRICTED COMPETITION.—A contracting officer of a Federal agency may restrict competition for any contract for the procurement of goods or services by the Federal agency to teams or joint ventures of small business concerns if determined appropriate by the contracting officer.

(e) TERMINATION.—The authorities under this section shall terminate 5 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants by the Center under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

TITLE II—SUBCONTRACTING INTEGRITY

SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(o) PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF RECOMMENDATIONS OF COMPTROLLER GENERAL.—

''(1) STATEMENT OF POLICY.—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05–459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented Government-wide, to the maximum extent possible.

''(2) CONTRACTOR COMPLIANCE.—Compliance of Federal prime contractors with subcontracting plans relating to small business concerns shall be evaluated as a percentage of obligated prime contract dollars and as a percentage of subcontracts awarded.

''(3) ISSUANCE OF AGENCY POLICIES.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.''.

SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) a certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal, unless the small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.''.

TITLE III—ACQUISITION PROCESS

SEC. 301. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) GOVERNMENT-WIDE ACQUISITION CONTRACTS.—Not later than 180 days after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator shall jointly, by regulation, establish criteria for Federal agencies for—

''(1) setting aside part or parts of a multiple award contract (as defined in section 44), Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) setting aside orders placed against multiple award contracts, Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 302. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Controller of the Office of Federal Financial Management shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 303. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii)—

''(I) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals; and

''(II) shall have as a significant factor in the annual performance evaluation of the procurement employee or program manager, where appropriate, the success of that procurement employee or program manager in small business utilization, in accordance with the goals established under this subsection.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 304. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(11) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which—

''(I) the Federal agency has paid the prime contractor; or

''(II) the prime contractor has submitted a request for payment to the Federal agency.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(iii) PUBLIC AVAILABILITY.—The head of each Federal agency shall, after redacting information identifying any subcontractor, make publicly available any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—A contracting officer for a covered contract may restrict the authority of a prime contractor that has a history of untimely payment of subcontractors (as determined by the contracting officer) to make expenditures under or control payment of subcontractors for a covered contract.''.

SEC. 305. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 401. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 402. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(u) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the ORCA database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the ORCA database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

''(3) DETERMINATION OF SIZE STATUS.—The small business size or status of a business concern shall be determined at the time of the award of a Federal—

''(A) contract, except that, in the case of interagency multiple award contracts (as defined in section 44), small business size or

status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

''(B) subcontract;

''(C) grant;

''(D) cooperative agreement; or

''(E) cooperative research and development agreement.''.

SEC. 403. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, shall develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(v) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Government-wide policy on prosecution of small business size and status fraud.''.

SEC. 404. UPDATED SIZE STANDARDS.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2));

(2) make appropriate adjustments to size standards under that section to reflect market conditions; and

(3) make publically available information regarding—

(A) the factors evaluated as part of the review conducted under paragraph (1); and

(B) the criteria used for any revised size standards promulgated under paragraph (2).

SEC. 405. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

Ms. SNOWE. Mr. President, as ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, along with Senator LANDRIEU, to introduce the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Contracting Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and 110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal Government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing today reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include ''bait and switch'' tactics used by prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory ''goaling'' requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs—HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for $378 billion in Federal contracting awards, yet received only $83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars, has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal—we must strive to exceed it, not just meet it.

In the last two years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business' contracting concerns. In addition, the GAO and the Small Business Administration's Inspector General have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that, as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well-exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal government can not only meet but exceed these requirements for the Recovery Act, why can't these goals be met year in and year out? The simple answer is they can. I am hopeful that this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal government to

maximize the use of America's innovative small businesses in the contracting arena. Again, I want to recognize Senator LANDRIEU for her leadership in this matter, and for her continuing commitment to the small business community.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today Senator CARPER and I have joined with Senators KLOBUCHAR, COLLINS, GREGG, KAUFMAN, GRAHAM, FEINSTEIN, SHAHEEN, SCHUMER, LIEBERMAN, and SNOWE to introduce the Clean Air Act Amendments of 2010.

This bill is about clean air and the effect of sulfur dioxide, nitrogen oxides, and mercury emissions of coal-fired power plants on health, jobs, and tourism. This bill does not address carbon emissions.

To me the most important aspect of this bill is that for the very first time it puts into federal law requirements that we cut mercury emissions by 90 percent from coal plants, which produce 50 percent of our electricity today.

This bill will reduce sulfur dioxide, nitrogen oxides, and mercury emissions from power plants by directing EPA to cut mercury emissions at least 90 percent through the best available technology and strengthening national limits on emissions of sulfur dioxide and nitrogen oxides from power plants with new trading systems that will enable cost-effective reductions of these two pollutants.

For Tennesseans this is a bill about our health, it is about tourism in our State and it is about our jobs.

400,000 Tennesseans have asthma that is affected by the dirty air in our state. Sulfur dioxide and nitrogen oxides can trigger asthma attacks and cause chronic lung problems. 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

The more we learn about mercury the more we understand that it gets in our food supply, it gets in our water supply, some of it comes from our coal plants and it especially affects women and children. Nationwide, EPA estimates this bill will save more than 215,000 lives and more than $2 trillion in health care costs by 2025.

In our State, we are privileged to have the most visited national park in America, the Great Smoky Mountains National Park—we are intensely proud of it. But we want the 10 million tourists who come there every year to see the blue haze that the Cherokee Indians used to sing about, not the smog that is produced by dirty air blowing into our State and some of the dirty air that we produce.

Finally we have become an automobile State. When auto parts suppliers move to Tennessee and want to locate near the Nissan plant or near the Volkswagen plant, one of the first things they have to do is to get a clean air permit. Our State simply cannot clean up our air all by ourselves without strong national standards to require the rest of the country to stop producing dirty air that blows into our State. So for Tennesseans this is about our health, about our tourism and our mountains, and this is about our jobs.

The Environmental Protection Agency says the bill will only cost electricity consumers about 1.5 percent to 2.5 percent increases in their utility bills by 2020. This may only be about $2 a month per customer. I think $2 a month is worth it for savings of $2 trillion in health care costs.

In summary, this bill helps save hundreds of thousands of lives, saves trillions of health care dollars, enables communities to meet new EPA air quality requirements and create new jobs, and protects the scenic beauty of some of our greatest natural treasures.

Cleaner air is something we can all support and I ask my colleagues to join Senator CARPER and me in this effort.

Mr. President, I ask unanimous consent that a description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAN AIR ACT AMENDMENTS OF 2010

TO REDUCE SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS FROM POWER PLANTS

Sponsors and Cosponsors: Carper, Alexander, Klobuchar, Collins, Gregg, Kaufman, Graham, Feinstein, Shaheen, Schumer, Lieberman, Snowe.

Background on the Pollutants:

1. Sulfur dioxide (SO_2) is a gas that can quickly trigger asthma attacks, but is most dangerous as one of the primary raw ingredients in particle pollution. SO_2 converts in the atmosphere into microscopic fine particles that can lodge deep in the lungs—and increase the risk of dying early, trigger heart attacks, strokes, and may cause lung cancer.

2. Nitrogen oxides (NO_X) are the key contributor to ozone smog, which causes respiratory illness and harms crops and ecosystems.

3. Mercury is a neurotoxin. High exposure to mercury can harm the brain, heart, kidneys, lungs and immune systems, especially in children and pregnant women. Also harms crops, wildlife, and streams.

What this bill does:

Codifies the Clean Air Interstate Rule (CAIR) for 2010 and 2011—setting SO_2 and NO_X standards for eastern states.

Strengthens national limits on emissions of SO_2 and NO_X from power plants and creates new trading systems that will enable cost-effective reductions of these two pollutants.

Directs EPA to cut mercury emissions at least 90% through the best available technology.

Why it is needed—

Jobs: Clean air targets promote job creation in engineering, construction, and manufacturing of advanced clean air technologies. Targets help communities meet air quality standards, so new manufacturers can get clean air permits, build new facilities, and hire new workers.

In Chattanooga, Tennessee, for example, it will allow more auto part suppliers to build facilities near the new Volkswagen plant and employ thousands of Tennesseans.

Health: Cleaner air means residents are less likely to have chronic lung disease, asthma, or lung cancer.

Nationwide, EPA estimates this bill will save more than 215,000 lives and more than $2 trillion in health care costs by 2025.

In Tennessee, 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

In Delaware, over 18,000 children with asthma are living in areas of poor air quality.

Tourism: Millions of people a year visit the Great Smoky Mountains National Park to see the ''Blue Haze'' not the smog from dirty air. Tennessee has over 85 million tourists visit the state each year, generating over $14 billion for the State of Tennessee.

Certainty: Clear targets provide certainty for pubic health protection and for power sector investment. Predictability allows companies to find the most cost-effective ways to employ clean air technologies.

How it works: Through the use of emissions control equipment, such as ''scrubbers'' on smokestacks, and other technologies, the bill would require utilities to:

Cut SO_2 emissions by 80 percent (from 7.6 million tons in 2008 to 1.5 million tons in 2018).

Cut NO_X, emissions by 53 percent (from 3 million tons in 2008 to 1.6 million tons in 2015).

Cut mercury emissions by at least 90 percent no later than 2015.

CLEAN AIR ACT AMENDMENTS OF 2010

	Clean Air Act Amendments of 2010
Sulfur Dioxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—3.5 million tons emission cap. Beginning in 2015—2.0 million tons emission cap. Beginning in 2018—1.5 million tons emission cap. Builds on Acid Rain national trading program.
Nitrogen Oxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—1.79 million tons emission cap. Beginning in 2015—1.62 million tons emission cap. Creates two regional trading programs—for the East and the West.
Mercury	Directs EPA to cut mercury emissions from coal plants by at least 90% by 2015 through maximum available control technology enforcement.

Carbon Dioxide ..... Not included in this legislation.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, the law granting the Federal Government, for the first time, the authority to regulate the security of the nation's highest risk chemical facilities is due to expire at the end of this fiscal year. Given the success of this law and its vital importance to all Americans, I am introducing legislation today with Senators PRYOR, VOINOVICH, and LANDRIEU to reauthorize it.

The U.S. is home to an astonishing number of facilities that manufacture, use, or store chemicals for legitimate purposes. From pharmaceuticals to cosmetics, soaps to plastics and all manner of industrial, construction, and agricultural products, chemicals enable the manufacture of more than 70,000 products that improve the well-being of the American people.

The chemical industry is enormous, diverse, and vital to the American economy. It approaches half a trillion dollars annually in sales. It is one of our largest exporters, with exports totaling $174 billion annually. It directly employs more than 850,000 people nationwide and supports millions more indirectly.

These facilities are vital parts of our economy and society. But, to our enemies, they can be potential chemical weapons. Like the airliners of September 11th, it would only take an attack on a few, or even one, to cause a horrifying loss of life.

In 2005, as Chairman of the Homeland Security and Governmental Affairs Committee, I held a series of hearings to examine the terrorist threat to the nation's chemical facilities and the devastating consequences that could arise from a successful attack. As a result of those hearings, I introduced comprehensive, bipartisan legislation to provide the Department of Homeland Security with the authority necessary to set and enforce security standards at high-risk chemical facilities in the U.S. That bill formed the basis for chemical security legislation signed into law in 2006 as part of the Department of Homeland Security Appropriations Act, 2007.

Specifically, section 550 requires the Department to issue rules requiring all high-risk chemical facilities to conduct vulnerability assessments, develop site security plans to address identified vulnerabilities, and implement protective measures necessary to satisfy risk-based performance standards. Section 550 also directs the Secretary of Homeland Security to review and approve those vulnerability assessments and site security plans and to audit and inspect covered chemical facilities for compliance with the performance standards. It also permits the Secretary to shut down covered facilities that are non-compliant.

In April 2007, the Department published interim final rules, known as the Chemical Facilities Anti-Terrorism Standards, CFATS, setting forth the requirements that high-risk chemical facilities must meet to comply with the law. Among other things, CFATS establishes 18 risk-based performance standards which facilities must meet to be in compliance with the law. These standards cover items such as securing the perimeter and critical targets, controlling access, deterring the theft of potentially dangerous chemicals, and preventing internal sabotage.

CFATS, however, does not dictate specific security measures. Instead, the law allows chemical facilities the flexibility to choose the security measures or programs that the owner or operator of the facility decides would best address the particular facility and its security risks, so long as these security measures satisfy the Department's 18 performance standards.

Since publishing CFATS in 2007, the Department has worked aggressively and diligently on implementation. The Department has hired and trained more than 100 chemical facility field inspectors and headquarters staff. Indeed, by the end of Fiscal Year 2010, the Department hopes to employ more than 260 CFATS staff. And, to date, the Department has received over $200 million in funding to support CFATS.

Given the daunting challenges of establishing such a comprehensive regulatory program from scratch, the Department wisely decided to implement CFATS in phases, beginning with those facilities presenting the very highest security risks.

To determine which facilities presented the highest risks, the Department first required chemical plants that possessed certain threshold quantities of specified chemicals to complete an online security assessment—called ''Top-Screen.'' Based on the Top-Screen and any other available information, the Department then ascertained whether a facility ''presented a high level of security risk'' and preliminarily divided such facilities into four tiers of escalating risk. While all covered facilities must satisfy the Department's performance standards, the security measures sufficient to meet them are more robust for those facilities in the higher tiers, such as Tiers 1 and 2.

For chemical facilities that qualified as ''preliminarily high risk,'' the Department required the preparation and submission of security vulnerability assessments. These assessments enabled the Department to identify more accurately each facility's risk and, thus, to assign final risk tier rankings. Based on these final tier rankings, these facilities must develop site security plans and submit to inspections or audits to ensure their compliance.

The men and women of the Department have processed a tremendous amount of information in a relatively short period of time. According to the Department, since establishing CFATS, it has reviewed almost 38,000 Top-Screen submissions and notified more than 7,000 facilities of their high-risk designations and preliminary tiers.

As of December 2009, CFATS covered only 6,000 facilities. Some facilities closed; others made material modifications that altered their risk profile. Of those remaining, the Department has assigned final tiers to almost 3,000—including all of the facilities in Tiers 1 and 2—and is now reviewing their site security plans.

Although the Department remains in the midst of implementing CFATS, it has generally received positive reviews for its work. The private sector has become a partner in the program's success. The collaborative nature of the program has been praised by many experts as a model for security-related regulation.

Notwithstanding the Department's success in administering the CFATS program and the considerable costs that facilities have incurred in complying with it, some now want to ''swap horses in midstream'' by radically overhauling the law.

Indeed, in November 2009, the House of Representatives passed legislation that would dramatically alter the nature of CFATS, requiring the Department to completely rework the program and stop its considerable progress—dead in its tracks. Among other things, the House bill would direct the Secretary of Homeland Security to establish new risk-based performance standards, require covered chemical facilities in Tiers 1 and 2 to implement so-called ''inherently safer technology'', IST, and allow third-party lawsuits against the Department over CFATS implementation.

Unfortunately, Mr. President, the changes proposed by the House will in no way enhance the nation's security. They will, however, impose unnecessary and costly burdens on the economy and destroy the collaborative public-private partnership critical to CFATS' success.

The House provision that would allow the Department to mandate that certain chemical facilities implement IST is an example. IST is an approach

to process engineering involving the use of less dangerous chemicals, less energetic reaction conditions, or reduced chemical inventories. It is not, however, a security measure. And because there is no precise methodology by which to measure whether one technology or process is safer than another, an IST mandate may actually increase or unacceptably transfer the risk to other points in the chemical process or elsewhere on the supply chain.

For example, it is my understanding that after careful evaluations of the available alternatives, many drinking water utilities have determined that gaseous chlorine remains their best and most effective drinking water treatment option. Their decisions were not based solely on financial cost considerations, but also on many other factors, such as the characteristics of the region's climate, geography, and source water supplies, the size and location of the utility's facilities, and the risks and benefits of gaseous chlorine use compared to those inherent with the use of alternative treatment processes.

According to one water utility located in an isolated area of the Northwest, if Congress were to force it to replace its use of gaseous chlorine with sodium hypochlorite, then the utility would have to use as much as seven times the current quantity of treatment chemicals to achieve comparable water quality results. In turn, the utility would have to arrange for many more bulk chemical deliveries, by trucks, into the watershed. The greater quantities of chemicals and increased frequency of truck deliveries would heighten the risk of an accident resulting in a chemical spill into the watershed. In fact, the accidental release of sodium hypochlorite into the watershed would likely cause greater harm to soils, vegetation and streams than a gaseous chlorine release in this remote area. Because the facility is so isolated from population centers, the gas released in the event of an accident would almost certainly dissipate before reaching populated areas.

Forcing chemical facilities to implement IST could wreak economic havoc on some facilities and affect the availability of products that all Americans take for granted. For instance, according to October 2009 testimony by the Society of Chemical Manufacturers and Affiliates before the House Committee on Energy and Commerce, mandatory IST would negatively restrict the production of pharmaceuticals and microelectronics, unnecessarily crippling those industries.

Moreover, the increased cost of a mandatory IST program could encourage chemical companies to transfer their operations overseas, costing thousands of American jobs.

To be clear, some owners and operators of chemical facilities will want to use IST. But the decision to implement IST should be that of the owner or operator, not a Washington bureaucrat.

In fact, the evidence is quite compelling that many chemical facilities, based on an assessment of many complex factors, have already taken steps to avoid the use, storage, and handling of extremely dangerous chemicals in favor of safer alternative processes. The Department's own data indicate that nearly 1,000 facilities voluntarily adopted safer alternative processes.

Notwithstanding all of the other changes to CFATS passed by the House, the mandatory IST requirement itself will bring CFATS to a screeching halt. This is neither necessary nor wise. Congress should not dictate specific industrial processes under the guise of security when a facility may choose other alternatives that meet the Nation's security needs.

That is precisely why Senators PRYOR, VOINOVICH, LANDRIEU, and I are introducing the Continuing Chemical Facilities Antiterrorism Security Act of 2010. Instead of directing the Department to start again from scratch, our legislation would reauthorize section 550 for five more years. Such an extension would provide the Department with sufficient time to fully implement the CFATS program in its current form. It would also provide a stable regulatory environment to encourage chemical innovation and industry confidence.

Our legislation also contains two improvements, both of which are based on similar provisions from the Security and Accountability For Every, SAFE, Port Act of 2006. The first would direct the Secretary to establish a voluntary Chemical Security Training Program to enhance the capabilities of Federal, State, and local governments, chemical industry personnel, and governmental and nongovernmental emergency response providers to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies that could affect chemical facilities. The second would create a voluntary program to test and evaluate these capabilities.

Not only is the chemical industry vital to our country's economy, but also it is the linchpin to the important advancements and innovations in critical fields such as science, technology, agriculture, medicine, and manufacturing.

As one of the co-authors of the first chemical security law, no one is more conscious than I am of the risks that attacks on chemical facilities pose to the nation. The Department has done a remarkable job developing a comprehensive chemical security program.

If our true intent is to secure high-risk facilities, then it is incumbent upon Congress to allow the Department to continue doing its job implementing CFATS.

By Mr. UDALL, of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to improve the management our public lands by increasing the fines and penalties associated with violations of law—and regulation—governing the use of these lands.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an expanded use and enjoyment of our public lands. These uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such uses. As a result, many of our public lands are being damaged.

While most users are responsible and law-abiding, some either knowingly or inadvertently violate these rules and damage these precious natural resources, which harms wildlife, increases run-off and sediment loading in rivers and streams, diminishes the enjoyment of other users, and impacts sensitive high-alpine tundra, desert soils, and wetlands. In addition, as we have seen over the past decade, the careless use of fire can catastrophically damage homes and habitat, and can result in the tragic loss of life.

Often times, when these violations occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under the Federal Land Policy and Management Act of 1976, the Bureau of Land Management is limited to a fine of $1,000 no matter how great the damage. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such knowing violations to $100,000, and possible imprisonment, and for other non-willful violations to $5,000. The bill is similar to one that I cosponsored in previous Congresses. The need for this legislation was demonstrated by incidents in several states, including some in Colorado.

For example, in the summer of 2000, two recreational off-road vehicles ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, CO. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with others to pull them out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted

in a Denver Post story about this incident, ''alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires.''

Despite the extent of the damage, the violators were only fined $600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, CO, that became popularly known as the ''mudfest.''

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicles. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from $66,000 to hundreds of thousands of dollars.

Most of the ''mudfest'' damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a $50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, and is an ineffective deterrent for future similar behavior.

These are but two examples. And these violations are not just limited to off-road vehicle use. Regrettably, there have been many more such examples not only in Colorado but also throughout the west from a range of public land uses. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and other relevant laws governing the Forest Service, the National Park Service, and the Fish and Wildlife Service to authorize these agencies to assess greater fines on those who violate laws and regulations governing the use of these special lands. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to $100,000 in fines, or up to 12 months in jail, or both, for violations of these laws and regulations. In addition, the bill establishes that any reckless use of fire on these public lands shall be punishable by fines of no less than $500.

This bill augments another bill, S. 720, the Federal Land Restoration, Enhancement, Public Education, and Information Resources Act or the Federal Land REPAIR Act, which I have introduced this session with my colleague Senator BENNET. S. 720 would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper recreational use of our federal lands.

With the increase in fines established by this bill, along with the authorization to apply these funds to restoring damaged lands under the REPAIR Act, these public land agencies could restore address impacts on these public lands. Specifically, these bills would allow the public land agencies to repair damaged wildlife habitat, replant wetland vegetation, re-vegetate scarred lands, repair trails, roadways, and embankments to stem erosion and restore riparian ecosystems, and install barriers and other security measures to help deter violations in the first place.

Together, these bills can go a long way to giving the federal public land agencies the tools they need to better protect and restore these sensitive and critical lands for the use and enjoyment for generations to come. I ask my colleagues to support this bill.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to introduce the Dietary Supplement Safety Act of 2010 with my colleague Senator DORGAN. This bill would strengthen the Food and Drug Administration's, FDA, regulation of dietary supplements to ensure the safety of the millions of Americans who use them daily. The proposed legislation would require manufacturers of dietary supplements to register with the FDA and disclose a full list of ingredients contained in each supplement. Currently, these companies do not have to submit such information before their products are offered for sale to consumers.

A little over a year ago the NFL suspended six players, including two players from one of the teams competing this Sunday, for violating the league's anti-doping policy. Several of the players were surprised that they tested positive for a banned substance because they used a dietary supplement they believed to be safe and legal. Additionally, a recent GAO study, GAO–09–250, found that a record number of young Americans are using dietary supplements naively believing these supplements are safe and approved by the FDA for sale. However, FDA does not have a pre-market approval process. In a recent article published in The New York Times, it was reported that Americans spent almost $24 billion on dietary supplements last year. Close to $3 billion of that total is estimated to have come from manufactures that frequently advertise their products as alternatives to anabolic steroids, which are used for increasing muscle mass and strength.

The current regulatory process does not adequately address the problem. Manufactures of dietary supplements are not required to demonstrate that their product is safe and effective before it is offered for sale to the public. The dietary supplement industry is one that is mostly self-regulated. However, manufacturers have failed to disclose to their customers key ingredients that may harm a consumer's health.

For this reason, the proposed bill would require manufacturers to register the locations they manufacture these supplements, the products they are making, and disclose the ingredients found in their products with the FDA. Furthermore, dietary supplement companies would be required to provide a 75 day pre-market notice to the FDA not only for New Dietary Ingredients, but for all products containing steroids, including hormones, pro-hormones, and hormone analogues, and must establish that the product is safe for its intended use.

Lastly, the proposed legislation provides the FDA with mandatory recall authority if a product is found to be unsafe or harmful. Had this provision been in place earlier, the FD might not have taken 10 years to ban ephedra, a dietary ingredient that accounted for 64 percent of all adverse reactions in 2001, despite accounting for 1 percent of all total dietary supplement sales. It has been reported that use of ephedra contributed to the deaths of Baltimore Orioles pitcher Steve Bechler and Minnesota Vikings player Korey Stringer. Sadly and unfortunately, there are numerous stories of amateur athletes who took this supplement and experienced serious health problems.

Legitimate dietary supplement companies should have nothing to fear from this legislation. These additional requirements are critical to the FDA's ability to evaluate the safety of particular dietary ingredients and to quickly identify and notify all dietary supplement manufacturers and consumers of ingredients with known safety risks. People's lives and dreams have been significantly impacted by illegitimate supplements. The purpose of the bill is not to create a sweeping regulatory structure, but instead a targeted structure that provides for openness, transparency and safety. All Americans should know the ingredients of any dietary supplement they use and the FDA must have the tools necessary to ensure the safety of all Americans.

I am proud that this legislation is supported by all the major sports leagues, including Major League Baseball, the National Basketball Association, the National Football League,

and the National Hockey League. Additionally, the legislation is supported by the United States Anti-Doping Agency, the United States Olympic Committee, the American College of Sports Medicine, National College Athletic Association, NCAA, and the PGA Tour. I hope my colleagues will join these organizations in supporting this needed legislation.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2010, important legislation that promotes awareness and prevention of Shaken Baby Syndrome/Abusive Head Trauma, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System, NCANDS, 794,000 children were victims of abuse and neglect in 2007. Babies are particularly vulnerable; in 2007, children aged 12 months or younger accounted for nearly 40 percent of all child abuse and neglect fatalities and children aged 4 years and younger accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom 2/3 will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many states educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education, and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2010, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need. Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

Additionally, this bill will include a study to identify the current data collected on Shaken Baby Syndrome and examine the feasibility of collecting uniform, accurate data from all states regarding the incidence rates of Shaken Baby Syndrome, the characteristics of perpetrators, and the characteristics of victims. It is my hope that having this information will enable us to better reach those who may be at risk for Shaken Baby Syndrome and, thus, prevent Shaken Baby Syndrome.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia Gibbs from New York, Hannah Juceum from California, Sarah Donohue from New York, Kierra Harrison from Nevada, Miranda Raymond from Pennsylvania, Taylor Rogers from Illinois, Cassandra Castens from Arizona, Gabriela Poole from Florida, Amber Stone from New York, Bennett Sandwell from Missouri, Jamison Carmichael from Florida, Margaret Dittman from Texas, Dalton Fish from Indiana, Stephen Siegfried from Texas, Kaden Isings from Washington, Joseph Wells from Texas, Dawson Rath from Pennsylvania, Macie McCarty from Minnesota, Jake Belisle from Maine, Benjamin Zentz from Michigan, Chloe Salazar from New Mexico, Madison Musser of Oklahoma, Daniel Carbajal from Texas, Nykkole Becker from Minnesota, Gianna D'Alessio from Rhode Island, Brynn Ackley from Washington, Rachael Kang from Texas, John Sprague from Maryland, Ryan Sanders from Virginia, David Sedlet from California, Reagan Johnson from Virginia, Skipper Lithco from New York, Brittney Sheets from New York, Madilyne Wentz from Missouri, Nicolette Klinker from Colorado, Brianna Moore from West Virginia, Shania Maria from Massachusetts, Dayton Jones from Pennsylvania, Breanna Sherer from California, Evelyn Biondo from New York, Kenneth Hardy from Pennsylvania, Alexis Vazquez from Florida, Joshua True from Washington, Stephen David from California, Michael Blair from Arkansas, Olivia Thomas from Ohio, Kaleb Schwade from Florida, Aiden Jenkins from Pennsylvania, Isabella Clark from Pennsylvania, Aaron Cherry from Texas, Dominic Morelock from Ohio, Emmy Cole from Maine, Chelsea Forant from Massachusetts, Joshua Cross from Ohio, Gavin Calloway from Maryland, Christopher Daughtrey from North Carolina, McKynzee Goin from Oregon, Bryce McCormick from Florida, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, last month, the Supreme Court ruled that corporations, U.S. or multinational, are equivalent to people and should be able to spend an unlimited amount of company money on political campaigns.

I bet the framers of our constitution could not only tell the difference between businesses and people, but could predict the result if businesses are permitted to spend without limit to elect their favorite politicians.

The top three Fortune 500 companies brought in an average profit of more than $27 billion last year. The average Ohio household brought home an income of about $48,000.

If you believe our government should be by the people and for the people—flesh and blood people—then corporations already have far more influence on our political process than they should.

In 2009, corporations spent $3.3 billion lobbying Congress to influence insurance legislation and prescription drug legislation and financial reform legislation and the list goes on. Now they will be able to spend unlimited funds to elect their favorite candidates to Congress, getting in on the ground floor in the hopes that legislation they don't like will never see the light of day.

Grassroots organizations like, conservative organization and Families USA, whose members are real people with real concerns, will be left in the dust by the drug industry and other deep pocketed special interests.

The bottom-line is that our democratic form of government will sit on a cushion of corporate cash. If Corporate America wants to decide who runs our country, they will have a billion ways to do it.

Congress has—and must exercise—its constitutionally granted authority to minimize the negative impact of this decision. Today, I introduced The Citizens Right to Know Act, legislation that is intended to reduce the incentive for corporations to buy out the political process. It would also put a stop to foreign influence on U.S. elections.

To protect shareholder investments, this legislation would require all the shareholders of a corporation to vote for election spending before it happens, with approval by a majority of shareholders. Each shareholder would get one vote per share of common stock held. If shareholders know that millions or billions in potential dividends are about to be spent on campaign ads, they may help instill some reason into the, elected, leadership of the corporations they own.

It would also require corporate CEOs to do what political candidates do when they pay for political advertising: political candidates face the camera and tell the public that they sponsored the commercial. Corporate CEOs would have to do the same for their political advertisements. Issue organizations or trade groups would have to disclose their three top corporate contributors, and to disclose funding information for certain radio and print ads on their website. Shedding sunlight on the political shenanigans of billion dollar corporations may do a world of good in dampening the effects of their spending.

Finally, the bill would close a loophole that permits foreign investors, including foreign governments, to influence U.S. elections by channeling money through a U.S. affiliate. Any company that has a 51 percent or greater ownership stake from a foreign entity, be it a foreign individual, business association, or government, would be prohibited from spending money to influence. I think we can all agree that foreign governments should not have the same right to contribute to campaigns as the American people, and it would be outrageous if they could spend money to influence the outcome of the Presidential or any other race.

Americans—true, red blooded Americans—should decide who represents them in our democratic system. Billion dollar corporations make important contributions to our nation, but tilting our democratic system their way is not one of them.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the ''National Institute of Finance'', that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the National Institute of Finance Act of 2010, which would create an Institute to provide our financial regulators with the data and analytic tools needed to prevent and contain future financial crises.

By establishing this new Institute, my bill offers the foundation for a new approach to financial regulation that would better protect Americans from the financial storm they are currently struggling through.

Over the past 18 months, we have learned that our regulators did not have the appropriate tools or knowledge to address risks that cut across different markets and sectors of the financial system. The recently passed House financial regulatory reform bill and other proposals take an important step in filling this huge regulatory gap by establishing centralized systemic risk oversight. However, any new regulatory structure will be ineffective unless we also equip it with a strong, independent, and well-funded data, research, and analytic capacity to fulfill its mission.

The idea for the National Institute of Finance has been endorsed by a dedicated group of the Nation's top academic researchers, economists, and statisticians—including Nobel Laureate Harry Markowitz—who recognize that any financial regulatory reform is incomplete without a much stronger data, research, and analytic capability.

To further explore these issues, I asked the National Academy of Sciences in August to study the data and tools needed for systemic risk regulation. Among the Academy's findings: that the U.S. currently lacks the technical tools to monitor and manage systemic financial risk with sufficient comprehensiveness and precision. That market efficiency, in addition to regulatory capacity, would be enhanced by improved intelligence about what is going on in the system as a whole. And that existing capabilities are not a sufficient foundation for systemic risk management.

The bill I introduce today addresses these significant weaknesses by creating the National Institute of Finance, whose mission will be to support the community of financial regulatory agencies by collecting and standardizing the reporting of financial market data; performing applied and essential long-term research; and developing tools for measuring and monitoring systemic risk.

The Institute would house a data center that would collect, validate and maintain key data to perform its mission, including a central database to map the interconnections between financial institutions, along with details on their transactions and positions, and their valuation of their assets and liabilities. By working with banks and other firms to standardize the format of such data and by providing standard reference data, such as databases of legal entities and financial products, the Institute would reduce the costs to regulators and financial institutions from the currently fragmented and disorganized systems used to collect and store such information.

Second, the Institute would contain a research and analysis center to develop the needed metrics and then measure and monitor systemic risk posed by individual firms and markets. This new Institute would house some of the country's most-well-respected researchers to collect and analyze the data needed to understand what is happening in our financial markets, to conduct investigations of market disruptions, and to work with regulators to identify new and dangerous trends.

It would conduct and help coordinate applied research on financial markets and systemic risk, a field that is not well-represented right now at the Federal Reserve or within our other regulatory agencies. It would also develop the metrics and tools our regulators need to measure and monitor systemic risk and help policymakers by conducting studies and providing advice on the impact of government policies on systemic risk.

Finally, the Institute would provide independent periodic reports to Congress on the state of the financial system, ensuring that we are kept apprised of the overall picture of our markets more effectively than we have been in the past. The domino effect caused by the recession will continue to cripple Rhode Island families and Americans across the country unless we put in place a strong new infrastructure and shore up our financial markets.

I hope my colleagues will join me in strengthening our financial system by cosponsoring this legislation and supporting 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. 3005

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Institute of Finance Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is experiencing the worst economic and financial crisis since the Great Depression. The nature of the current crisis is systemic. It was set in motion not by the actions of any single entity, but by a loss of confidence throughout the financial system as a whole.

(2) Such catastrophic events revealed significant shortcomings in the legal tools available to financial policymakers. The scale and systemic nature of the crisis calls for a thorough review of the United States' system of financial regulation, to assess its capacity to understand, monitor, and respond to systemic threats. It is critical that financial regulators have the legal tools they need to act quickly, decisively, effectively, and when appropriate, preemptively, to prevent systemic financial crises in the future and to mitigate their negative impact, should they recur.

(3) The recent catastrophic events in financial markets also revealed significant gaps in the information and analytic tools available to regulators and policymakers charged with ensuring the health of the financial system.

(4) Systemic risk involves interactions among financial entities in addition to features of individual firms. Therefore, to understand and monitor the buildup of systemic risk in the financial system requires information about such interactions among institutions.

(5) Operational methods do not exist by which to measure systemic risks in the United States financial system. Nor do proven operational techniques exist by which regulators can identify the buildup of systemic risks in the United States financial system.

(6) Regulators do not have effective methodologies for assessing the effects of particular regulatory actions or approaches on the overall health of the financial system.

(7) Financial regulators do not have the data needed to map the networks of counterparty relationships through which systemic contagion could spread. Nor do they have the analytic tools required to translate such data into useful, actionable information.

(8) Notwithstanding noteworthy efforts from the research community, sustained, large-scale programs of applied research and development necessary to create operational systems for understanding, measuring, and monitoring systemic risk in financial systems have not emerged.

(9) There is a substantial amount of high-quality research in academia in relevant disciplines, including financial economics, statistics, and operations research, but such research tends to focus on theoretical or conceptual innovations that are not immediately reducible to operational practice.

(10) The incentives confronting academic researchers work against the production of research that does not yield novel theoretical insights or computational techniques.

(11) The challenges of gaining access to data and obtaining funding from government and industry for academic research severely restrict the number of academics working on understanding and monitoring systemic risk in the financial markets.

(12) Some of the largest commercial firms make substantial investments in research and development in the area of quantitative finance, but such commercial research programs are targeted almost exclusively at applications that create commercial value for the firms undertaking the substantial investments necessary to support the programs, and focus primarily on techniques for pricing particular financial instruments and managing firm-specific risks.

(13) Financial institutions that sponsor research programs usually protect the results of investigations as commercial trade secrets. Even those results that might be useful in application to the analysis of systemic risk are generally not available to the public.

(14) No organization anywhere has access to the comprehensive transaction-level data that are necessary to map the network of counterparty relationships in the financial system. Absent such data, it is not possible to evaluate the primary counterparty risks, the extent to which any given firm is vulnerable to the failure of one of its counterparties, or broader counterparty network risks.

(15) It is not possible to understand, assess, or predict how the collapse of one or more institutions might set off a cascade of failure that destabilizes the entire financial system.

(16) Without intelligence about the network of counterparty relationships and the liquidity provided by the members of the counterparty network, it is difficult even to identify reliably the set of institutions that regulators should deem to be systemically important.

(17) Notwithstanding statutory mandates that call for sharing of information among regulatory agencies, United States financial regulators do not require that firms report data in a uniform standard format. The lack of compatibility in the data formats used by different agencies implies in practice that agencies find it difficult and expensive to integrate data from multiple sources.

(18) In periods of financial crisis such as that experienced in the 2 years preceding the date of enactment of this Act, absence of data comparability becomes a critical handicap, in that dispersed information cannot quickly be integrated into a comprehensive framework that could help reveal the condition of the financial system as a whole. Without a capacity quickly to compare and integrate financial data of diverse types from multiple sources, regulators are unable to analyze the state of the financial system accurately and comprehensively. Nor are they able to foresee, and potentially head off, the onset of a financial crisis.

(19) The events of September 2008 offer a sobering example of the consequences that can flow from an inability quickly to integrate financial data from diverse sources. During several critical days in that month, senior Government officials contemplated the possible consequences of allowing the failure of Lehman Brothers Holdings, Inc. Insofar as the content of their deliberations is accessible in the public record, there is little evidence that such officials had at their disposal an intelligence system that could illuminate the potential consequences of alternative choices. Notwithstanding that the United States Government, through its several agencies, collects a broad range of information from financial firms, the events of September 2008 revealed that, at this most critical juncture, these data and accompanying analytics could not provide financial officials with the information they needed.

(20) The creation of a system for collecting and organizing a comprehensive financial transaction database that employs standardized formats is feasible.

(21) The Enterprise Data Management Council, an industry consortium, is on record as advocating both the feasibility and desirability of bringing uniform standards to the collection, reporting, and management of financial transaction data.

(22) A leading financial firm has developed for its internal use a system that incorporates comprehensive reference databases of all legal entities in its counterparty network and of all of the many types of financial instruments in which it transacts. Using the system, the firm can compute its exposure to many of their counterparties within an hour.

(23) A leading information technology firm has developed a prototype of an operational system that would support a comprehensive database of financial instruments and transactions across the entire economy, and in collaboration with other private sector firms and public sector entities, is in the process of developing a prototype system for maintaining the needed system-wide reference databases.

(24) The community of financial regulators can realize substantial benefits by consolidating into one entity the highly technical tasks of establishing and maintaining uniform standards for reporting financial data, organizing and managing high-volume flows of financial data, providing analytic and high performance computational services, performing applied research and development activities, and conducting, coordinating, and sponsoring essential long term, fundamental research in the field of financial analysis and regulatory intelligence.

(25) Such technical tasks benefit from increasing economies of scale, the total cost of providing such services to the regulatory community promises to be lower if one agency is tasked to provide all of such data, instead of creating redundant and less effective units in each of the several financial regulatory agencies.

(26) An entity that provides access to data and analytic tools to all regulatory agencies on a common basis would help to ensure that all agencies are receiving accurate, consistent, comparable data and analytic tools that can be modified for agency-specific needs.

(27) The creation of an entity that creates shared data and analytic services will provide a natural and regular vehicle for the exchange of research and collaboration between regulatory agencies.

(28) The emergence of uniform standards for referencing and reporting financial transactions would generate substantial benefits for the financial services industry. There is, at present, no consistent, comprehensive, and universal system for coding, transmitting, and storing financial transaction data. Data reside typically in unconnected databases and spreadsheets, using multiple formats and inconsistent definitions. The routine conduct of business obliges firms to incur substantial costs to translate and transfer data among otherwise incompatible systems. In addition, this data incomparability impedes the ability of companies to assess their risks accurately. The adoption of a common language for data coding and handling would dramatically reduce costs for processing transactions and carrying out other administrative tasks. Standardized reporting would also enable firms to map their counterparty relationships more clearly and more easily understand their

credit exposures to other firms, a development that promises improvements in risk management practices across the industry.

(29) In August 2008, the Counterparty Risk Management Policy Group called for the financial industry to move rapidly toward real-time reconciliation and confirmation of financial transactions. Industry experts believe that this change would yield substantial benefits to firms individually, to the financial services industry, and to the economy as a whole. Achieving this goal would not be possible, however, without industry-wide adoption of common standards for coding and handling financial transaction data. Despite the clear benefits of data standardization and despite years of effort by the industry, through consortia such as the Enterprise Data Management Council, the financial services industry has not been able to make meaningful progress towards the goal of universal adoption of uniform, consistent standards for data handling.

(30) Efforts to see a common set of standards for financial data adopted universally are impeded by so-called ''network effects''. The benefits of adoption for any one firm depend on the extent to which other firms adopt the same common language. For any one institution, the full benefits are distinctly limited until a critical number of participants in the industry adopt the same standards. In light of these network effects, the adoption of a single data handling standard by all industry participants presents a daunting coordination challenge. Each individual firm is discouraged from making the substantial investments required to upgrade its own systems, unless and until they receive assurance that others in the industry will follow suit. Many firms are deferring significant upgrades to their systems until well-defined industry-wide standards are accepted.

(31) The financial services industry's historical experience strongly suggests that the industry is unlikely to achieve universal adoption of a single data-handling standard on its own initiative, through either the decentralized actions of industry participants or through voluntary coordination at the urging of industry consortia or trade associations. Standardization of financial data will require an external mandate.

(32) The new data standards promulgated for reporting by firms will emerge as the de facto standard for data management in the finance industry, a standard on which firms could converge. Firms could then be confident of realizing a significant return on the investment needed to update their internal systems, knowing that other industry participants were doing likewise.

(33) The establishment of Federal requirements for the maintenance and provision of reference databases and reporting of transactions and position data to a central repository would assure individual institutions of a significant return on the investment needed to update their internal systems. Firms would benefit from not having to maintain their own unique reference databases, standardized reporting would greatly reduce the cost of reconciling trades and other back office activities, and it would give firms a clear map of their counterparty relationships, which would facilitate better risk management across the industry.

(34) Once achieved, the universal adoption of standard protocols for handling financial transaction data promises to generate significant and sustained improvements in the efficiency and productivity of the financial services industry in the United States. Such improvements will help to secure and maintain the international leadership position of United States capital markets.

(35) United States regulators must never again find themselves confronting a financial crisis without the full set of legal, data, and analytic tools they need to understand, measure, monitor, and respond intelligently to systemic risks that threaten the stability (of the United States financial system.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the financial regulatory community is equipped fully with the data and analytic tools it needs to fulfill its responsibility to safeguard the United States financial system;

(2) to reduce the likelihood of another systemic financial crisis occurring;

(3) to restore integrity and confidence to the financial markets of the United States;

(4) to provide for the security of the United States economy from potential external threats to the United States financial system;

(5) to improve the efficiency of the financial markets in the United States;

(6) to reduce the cost and increase the effectiveness of coordinated financial regulation in the United States;

(7) to help maintain the leadership position of the United States as home to the most efficient, competitive, and productive capital markets in the world; and

(8) to help restore and maintain conditions in the United States financial system that will support the creation of wealth and prosperity in the United States.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) FINANCIAL REGULATORY AGENCY.—The term ''financial regulatory agency'' means any Federal regulatory agency or body charged with regulating, examining, or supervising a financial entity or activity, including any financial systemic risk council or agency established by Congress.

(2) INSTITUTE; DIRECTOR; BOARD OF DIRECTORS.—The terms ''Institute'', ''Director'', and ''Board of Directors'' mean the National Institute of Finance, the Director thereof, and the Board of Directors thereof, respectively.

(3) FINANCIAL ENTITY.—

(A) IN GENERAL.—The term ''financial entity'' means any corporation, partnership, individual, or other organizational form, whether public or private, used to engage in any type of financial activity that may contribute to systemic risk, including any bank, savings association, credit union, industrial loan company, trust, pension fund, holding company, lender, finance company, mortgage broker, broker-dealer, mutual fund or other investment company, investment adviser, hedge fund, insurance company, clearinghouse or other central counterparty, exchange, and any other entity or institution that the Director determines, at the formation of the Institute, are necessary for the Institute to complete its duties under this Act.

(B) DIRECTOR AUTHORITY.—The Director may, by rule, add new types of entities or institutions to be treated as financial entities for purposes of this Act.

(4) SYSTEMIC RISK.—The term ''systemic risk'' means the risk that a failure or default by a financial entity or entities, or exposures to a financial product or products or activity will produce—

(A) significant disruptions to the operations of financial markets;

(B) the spreading of financial losses and failures through the financial system; or

(C) significant disruption to the broader economy.

(5) FINANCIAL CONTRACT.—The term ''financial contract'' mean a legally binding agreement between 2 or more counterparties, describing rights, and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties.

(6) FINANCIAL INSTRUMENT.—The term ''financial instrument'' means a financial contract in which the terms and conditions are publicly available, and the roles of 1 or more of the counterparties are assignable without the consent of any of the other counterparties, including common stock of a publicly traded company, government bonds, and exchange traded futures and options contracts.

(7) FINANCIAL ENTITY REFERENCE DATABASE.—The term ''financial entity reference database'' means a comprehensive list of financial entities that may be counterparties to financial transactions or referenced in the contractual structure of a financial instrument. For each financial entity, the database shall include, but not be limited to a unique identifier, and sufficient information to differentiate the entity from every other entity, including an exact legal name and an address for each company, and an exact legal name and a social security number for each American citizen. For financial entities that are legally owned by or otherwise contained within other financial entities, the database shall include such information.

(8) FINANCIAL INSTRUMENT REFERENCE DATABASE.—The term ''financial instrument reference database'' means a comprehensive list of unique financial instruments. For each financial instrument, the database shall include a unique identifier and a comprehensive description of the contractual structure of the instrument as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include the financial and economic obligations and rights, both express and implied, and including through legal agreements such as netting agreements, established among all of the counterparties having identified roles in the contract, including advisors, principals, trustees, custodians, guarantors, prime brokers, executing brokers, clearing brokers, and issuers of securities. An electronic copy of the prospectus for each financial instrument for which a prospectus was created or distributed shall also be contained in the database.

(9) FINANCIAL TRANSACTION DATA.—The term ''financial transaction'' means the explicit or implicit creation of a financial contract where at least one of the counterparties is required to report to the Institute. The data describing the transaction shall include the structure of the contract created in the transaction, as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include clearly identified counterparties, clearly identified financial instruments (when used as part of the structure of the contract), and the financial and economic obligations and rights, both express and implied, established among all of the counterparties with identified roles in the contract.

(10) POSITION DATA.—The term ''position'' means a financial asset or liability held on the balance sheet of a financial entity. A new position is created, or the quantity of an existing position is changed, by the execution of a financial transaction involving the financial entity as a counterparty. Position data include—

(A) the counterparty identifier;

(B) a contract identifier;

(C) the role of the counterparty on the transaction;

(D) a quantity, if applicable;

(E) a location, if applicable; and

(F) the valuation of the position for the purposes of the books and records of the financial entity.

SEC. 4. ESTABLISHMENT OF NATIONAL INSTITUTE OF FINANCE; ADMINISTRATIVE MATTERS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the National Institute of Finance, which shall be an independent establishment, as that term is defined in section 104 of title 5, United States Code.

(2) MISSION.—The mission of the Institute is to support the Federal financial regulatory agencies, including any systemic risk council or agency established by Congress, by—

(A) collecting and providing data;

(B) standardizing the types and formats of data reported and collected;

(C) performing applied research and essential long-term research;

(D) developing tools for risk measurement and monitoring;

(E) performing other related services; and

(F) making the results of its activities available to financial regulatory agencies.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 15 years.

(3) EXECUTIVE LEVEL AND PENSION.—The position of the Director shall be at level II of the Executive Schedule, and a Director who serves a full term, or becomes disabled and unable to fulfill the responsibilities of the Director after serving at least 10 years, shall receive a pension at retirement equal to the salary of that person in the last year of the term, and that pension shall increase in subsequent years with the increase in the cost of living.

(4) VACANCY.—In the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the new Director is appointed and confirmed.

(5) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(6) RESPONSIBILITIES, DUTIES AND AUTHORITY.—The Director shall have sole discretion to fulfill the responsibilities and duties and exercise the authorities described in this Act, except in cases where specific authorities have been given to the Board of Directors.

(c) BOARD OF DIRECTORS.—The Board of Directors of the Institute shall be comprised of the Director, the Secretary of the Treasury, and the head of each financial regulatory agency.

(d) MEMBERSHIP OF THE DIRECTOR ON THE BOARD OF DIRECTORS.—The Director shall serve as a voting member of the Board of Directors and as a member of any financial systemic risk regulatory council or agency established by Congress.

(e) FUNDING.—

(1) ANNUAL BUDGET.—The Director, in consultation with the Board of Directors shall establish the initial annual budget. For all other annual budgets, the Director shall submit an annual budget for the Institute to the Board of Directors not later than April 30 of each year. The Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. Each time a budget is rejected, the Director shall submit a revised budget to the Board of Directors within 60 days, and the Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. If the Board of Directors fails to reject the budget within 60 days of submission by the Director, the budget shall be automatically approved. If a new budget is not approved before the existing budget expires, the most recent approved budget shall continue on a pro rata basis. Each submitted budget and all votes by the Board of Directors on each budget shall be part of the public record of the Board of Directors.

(2) ASSESSMENTS.—The Institute shall be funded through assessments on the financial entities required to report data to the Institute. The formula by which the budgetary costs are allocated among the reporting entities shall be determined by the Board of Directors. If the Board of Directors fails to establish the formula within 60 days of submission of a budget by the Director, the Director shall determine the formula by which the budgetary costs are allocated among the reporting entities for that year.

(3) INITIAL FUNDING AND START UP.—During the first 4 years of the operation of the Institute, the Institute shall have authority to borrow against future assessment revenue from the Federal Financing Bank. Such borrowed funds shall be paid back to the Federal Financing Bank over a term not to exceed 20 years. The Secretary of the Treasury, and any financial regulatory agency, may second personnel to the Institute to assist the operations of the Institute.

(f) EXCEPTED SERVICE AGENCY.—The Institute shall be an excepted service agency.

(g) PERSONNEL.—The Board of Directors may fix the compensation of Institute personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates. The rates of pay and benefits shall be competitive with and comparable to the rates of pay and benefits at Federal financial regulatory agencies that are not covered by title 5, United States Code.

(h) NON-COMPETE.—The Director and staff of the Institute, who have had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Institute, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial entity, regardless of whether it is required to report to the Institute. Individual staff members who notify the Director of their intention to terminate their employment with the Institute and to seek employment with a prohibited employer or in a prohibited activity, shall be transferred for a period of 12 months to a position that does not provide access to transaction or position data or other business confidential information. For staff whose access to business confidential information was limited, the Board of Directors may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) ADVISORY BOARDS.—The Institute shall maintain any advisory boards that the Director determines are needed to complete the mission of the Institute.

(j) FELLOWSHIP PROGRAM.—The Institute may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Institute, to perform research and to provide advanced training for Institute personnel.

(k) EXECUTIVE SCHEDULE MATTERS.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of the National Institute of Finance.''.

SEC. 5. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.

(a) IN GENERAL.—The Institute shall carry out its programmatic responsibilities through—

(1) the Federal Financial Data Center (in this Act referred to as the '' 'Data Center' ''); and

(2) the Federal Financial Research and Analysis Center (in this Act referred to as the '' 'Research Center' '').

(b) FEDERAL FINANCIAL DATA CENTER.—

(1) GENERAL DUTIES.—The Data Center shall collect, validate, and maintain all data necessary to carry out its duties, as described in this Act.

(2) RESPONSIBILITIES.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(A) a financial entity reference database;

(B) a financial instrument reference database; and

(C) formats and standards for reporting financial transaction and position data to the Institute.

(3) DATA TO BE COLLECTED.—Data referred to in paragraph (1)—

(A) shall include for each financial entity—

(i) comprehensive financial transaction data on a schedule determined by the Director;

(ii) comprehensive position data on a schedule determined by the Director;

(iii) for each financial instrument in the financial instrument reference database or for any other obligation of a financial entity that is contingent on the value of an observable event, where the observable event is not widely available to the public, the level and changes in the level of these observable events, on a schedule determined by the Director; and

(iv) any other data that are considered by the Director to be important for measuring and monitoring systemic risk, or for determining the soundness of individual financial entities; and

(B) may include data regarding policies and procedures, governance, incentives, compensation practices, contractual relationships, and any other information deemed by the Director to be necessary in order for the Institute to carry out its responsibilities under this Act; and

(C) the Board of Directors may, by a two-thirds vote, exclude financial entities, which, as a group, will not contribute to systemic risk for reasons such as size, nature of their assets and liabilities, volume of transactions, or other reasonable purposes, from reporting data. Notwithstanding such exclusions, financial entities shall comply with all reporting requirements or ensure that reporting requirements are met for any assets or part of their balance sheets that are sold to create a financial instrument or obligation, as described in subparagraph (A)(iii).

(4) INFORMATION SECURITY.—The Director and the Board of Directors shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(5) CATALOGUE OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalogue of the financial entities and instruments reported to the Institute.

(6) AVAILABILITY TO THE FINANCIAL REGULATORY AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to any financial regulatory agency represented on the Board of Directors, as needed to support the regulatory responsibilities of such agency.

(7) OTHER RESPONSIBILITIES.—The Data Center shall oversee the management of the

data supply chain, from the point of issuance, in order to ensure the quality of all data required to be submitted to the Institute.

(8) OTHER AUTHORITY.—The Institute shall, after consultation with the Board of Directors provide certain data to financial industry participants and the general public to increase market transparency and facilitate research on the financial system, so long as intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system.

(c) FEDERAL FINANCIAL RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research Center shall develop and maintain the independent analytical capabilities and computing resources—

(A) to measure and monitor systemic risk;

(B) to perform independent risk assessments of individual financial entities and markets;

(C) to analyze and investigate relationships between the soundness of individual financial entities and markets and the soundness of the financial system together as a whole; and

(D) to provide advice on the financial system.

(2) RESPONSIBILITIES.—The Research Center shall—

(A) develop and maintain metrics and risk reporting systems for system-wide risk;

(B) develop and maintain metrics and risk reporting systems for determining the soundness of financial entities;

(C) monitor, investigate, and report changes in system-wide risk levels and patterns to the Board of Directors and Congress, including through the collection of additional information that the Director deems necessary to understand such changes;

(D) conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(E) benchmark financial risk management practices and promote best practices for financial risk management;

(F) at the direction of the Board of Directors, or any member of the Board of Directors, for firms under that member's purview, develop, oversee, and report on stress tests or other tests of the valuation and risk management systems of any of the financial entities required to report to the Institute;

(G) maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(H) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on financial markets and products, including advice regarding risks to consumers posed by financial products and practices;

(I) at the direction of the Director, at the discretion of the Board of Directors, or at the request of Congress, investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Board of Directors and Congress; and

(J) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on the impact of policies related to systemic risk.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORT.—Commencing 2 years after the date of the establishment of the Institute, the Institute shall prepare and submit an annual report to Congress, not later than 120 days after the end of each fiscal year.

(2) CONTENT.—The report required by this subsection shall assess the state of the financial system, including an analysis of any threats to the financial system, the status of the Institute's efforts in meeting its mission, and key findings from its research and analysis of the financial system.

(3) ADDITIONAL REPORTS.—At the sole discretion of the Director, the Director may initiate and provide additional reports to Congress regarding the state of the financial system. The Director shall notify the Board of Directors of any additional reports provided to Congress.

SEC. 6. ADMINISTRATIVE AUTHORITIES OF THE INSTITUTE.

The Institute may—

(1) require financial entities to report all data and information in conformance with reporting standards, as determined by the Institute, that are necessary to fulfill the responsibilities of the Institute under this Act;

(2) require reporting on a worldwide basis from the financial entities and affiliates thereof that are organized in the United States;

(3) require reporting of United States-based activities by financial entities that are not organized in the United States;

(4) enforce and apply sanctions on all financial entities required to report to the Institute that fail to report data requested by and in standards, frequency, and time frames, as determined by rule or regulation by the Institute;

(5) share data and information, as well as software developed by the Institute, with other financial regulatory agencies, as determined appropriate by the Board of Directors, where the shared data and software shall be maintained with at least the same level of security as is used by the Institute, and may not be shared with any individuals or entities without the permission of the Board of Directors;

(6) purchase and lease software;

(7) sponsor and conduct research projects; and

(8) assist, on a reimbursable basis, with financial analyses undertaken at the request of governmental agencies, other than financial regulatory agencies.

SEC. 7. CIVIL PENALTIES.

Any person or entity that violates this Act or fails to comply with a rule, regulation, or order of the Institute issued under this Act shall be subject to a civil penalty in an amount established by the Institute and published in the Code of Federal Regulations. Each such violation or failure shall constitute a separate civil offense.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—CONGRATULATING THE CONCORDIA UNIVERSITY-ST. PAUL VOLLEYBALL TEAM ON WINNING THEIR THIRD CONSECUTIVE NCAA DIVISION II WOMEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 407

Whereas on December 5, 2009, Concordia University won the 2009 NCAA Division II Women's Volleyball National Championship;

Whereas the victory marks the third straight NCAA Division II Women's Volleyball National Championship for Concordia University;

Whereas the Concordia University program is the first in the history of Division I or II women's volleyball to win 3 consecutive National Championships;

Whereas Concordia University won the match against Western Texas A&M in 3 straight sets, capping off a perfect 37-0 season and continuing the NCAA-record 74 match win streak for Concordia University;

Whereas on November 7, 2009, Concordia University won their 7th consecutive Northern Sun Intercollegiate Conference Volleyball Championship;

Whereas with the undefeated season, head coach Brady Starkey's career record with Concordia University is 240-20;

Whereas Concordia University had 5 players named to the 2009 NCAA Women's Volleyball Championship All-Tournament Team, Maggie McNamara, Mary Slinger, Cassie Haag, Emily Palkert, and Megan Carlson; and

Whereas nearly 2000 fans attended the championship match in support of the Concordia University team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; and

(2) recognizes—

(A) the achievements of the players, coaches, students, and staff whose hard work and dedication helped Concordia University win the 2009 NCAA Division II Women's Volleyball National Championship; and

(B) Concordia University President Dr. Robert Holst and Athletic Director Tom Rubbelke, who both have shown great leadership in bringing success to Concordia University.

SENATE RESOLUTION 408—DESIGNATING FEBRUARY 3, 2010, AS "NATIONAL WOMEN AND GIRLS IN SPORTS DAY"

Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 408

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true

meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 3, 2010, as ''National Women and Girls in Sports Day''; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe ''National Women and Girls in Sports Day'' with appropriate ceremonies and activities.

Ms. SNOWE. Mr. President, I rise to submit the National Women and Girls in Sports Day resolution. As we celebrate the 24th anniversary of National Girls and Women in Sports Day, I am pleased to be joined by colleagues, Senator MURRAY, Senator MIKULSKI, and Senator BINGAMAN.

The celebration of National Girls and Women in Sports Day began in remembrance of Olympic volleyball player Flo Hyman for her athletic achievements and her commitment to ensuring equality for women's sports. Tragically, Hyman died of Marfan's Syndrome in 1986 while competing in a volleyball tournament. In that same year, I introduced a joint resolution commemorating the first National Women in Sports Day in 1987. With today marking the 24th anniversary of this celebration, we continue to honor all girls and women, recognizing past and current achievements in athletics, as well as the positive influence of sports participation and the continuing struggle for equality and access for women in sports.

We undoubtedly have a plethora of women athletes who deserve our admiration and appreciation with the upcoming 2010 Winter Olympics in Vancouver. Just a few weeks ago, the most decorated female skier in U.S. history Lindsey Vonn was named the 2009 Sports Woman of the Year by the United States Olympic Committee. That remarkable achievement occurred on the heels of earning the distinction of Female Athlete of the Decade by NBC's Universal Sports. While her athletic talent alone make both these awards certainly well-deserved, Ms. Vonn is also widely respected for her indomitable tenacity and resilience: In the 2006 Olympic Winter Games she continued her race despite a horrific crash and earned the Olympic Spirit Award. No doubt she will carry her ''Olympic Spirit'' in this year's competition as well.

It is clear that while we celebrate the tremendous progress women's sports have made since the commencement of National Girls and Women in Sports Day, we cannot sit on the sidelines. As reflected in this year's theme, ''Stay Strong, Play On'', we must continue to build on the outstanding successes in sports participation by girls and women over the past several decades. Again, I applaud the girls and women across the state of Maine and our country for their participation and leadership in athletics as we celebrate National Girls and Women in Sports Day—today and every day.

SENATE RESOLUTION 409—CALLING ON MEMBERS OF THE PARLIAMENT IN UGANDA TO REJECT THE PROPOSED ''ANTI-HOMOSEXUALITY BILL'', AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 409

Whereas a bill introduced on October 14, 2009, by a member of Parliament in Uganda would expand penalties for homosexuality to include the death penalty and requires citizens to report information about homosexuality to the police or face imprisonment;

Whereas many countries criminalize homosexuality, and in some countries, such as Iran, Nigeria, Saudi Arabia, and Sudan, the penalty for homosexuality includes the death penalty;

Whereas the United States, in seeking to promote the core American principles of equality and ''Life, Liberty, and the pursuit of Happiness,'' has long championed the universality of human rights;

Whereas religious leaders in the United States, along with representatives from the Vatican and the Anglican Church, have stated that laws criminalizing homosexuality are unjust; and

Whereas the people and Government of the United States recognize that such laws undermine our commitment to combating HIV/AIDS globally through the President's Emergency Plan for AIDS Relief (PEPFAR) by stigmatizing and criminalizing vulnerable communities: Now, therefore, be it

Resolved, That the Senate—

(1) calls on members of the Parliament in Uganda to reject the ''Anti-Homosexuality Bill'' recently proposed in that country;

(2) urges the governments of all countries to reject and repeal similar criminalization laws; and

(3) encourages the Secretary of State to closely monitor human rights abuses that occur because of sexual orientation and to encourage the repeal or reform of laws such as the proposed ''Anti-Homosexuality Bill'' in Uganda that permit such abuses.

SENATE RESOLUTION 410—SUPPORTING AND RECOGNIZING THE GOALS AND IDEALS OF ''RV CENTENNIAL CELEBRATION MONTH'' TO COMMEMORATE 100 YEARS OF ENJOYMENT OF RECREATION VEHICLES IN THE UNITED STATES

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States own a recreation vehicle (referred to in this preamble as an ''RV''), and over 30,000,000 RV enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas RV vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including RV manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in good-paying jobs across all 50 states;

Whereas traveling in an RV offers the freedom, comfort, and flexibility to see all parts of the United States, from historic landmarks and National Parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the RV into the marketplace in the United States will be celebrated June 7, 2010, at the RV/MH Hall of Fame in Elkhart, Indiana: Now, therefore, be it

Resolved, That the Senate—

(1) supports and recognizes the goals and ideals of ''RV Centennial Celebration Month'' to commemorate 100 years of enjoyment of recreation vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreation vehicle vacations.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources

The hearing will be held on Monday, February 15, 2010 at 2:30 p.m., at the Corbett Center (Ballroom-Eastside) on the campus of New Mexico State University, in Las Cruces, New Mexico.

The purpose of the hearing is to receive testimony on S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 10:30 a.m., to conduct a hearing entitled ''Prohibiting Certain High-Risk Investment Activities by Banks and Bank Holding Companies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 4, 2010 in room S–216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Fiscal Year 2011 Budget.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 9:30 a.m., to conduct a hearing entitled ''Keeping Foreign Corruption Out of the United States: Four Case Histories.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Comcast/NBC Universal Merger: What Does the Future Hold for Competition and Consumers?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on February 4 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 4, 2010, at 3 p.m., to hold an International Development and Foreign Assistance Subcommittee hearing entitled ''Haiti Reconstruction: Smart Planning Moving Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CRAIG BECKER TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Mr. President, I ask unanimous consent that it be in order to move to executive session to consider Calendar No. 688, the nomination of Craig Becker.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Benjamin L. Cardin, Debbie Stabenow, Bill Nelson, Al Franken, Barbara Boxer, Amy Klobuchar, Mark Begich, Byron L. Dorgan, Dianne Feinstein, John D. Rockefeller IV, Edward E. Kaufman, Roland W. Burris, Daniel K. Akaka, Sheldon Whitehouse, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 2 p.m., Monday, February 8, the Senate proceed to executive session and resume consideration of Calendar Nos. 468 and 688, with the time until 5 p.m. equally divided and controlled between the leaders or their designees; and that the debate time run concurrently with respect to Calendar No. 468 and the cloture motion with respect to Calendar No. 688; that at 5 p.m., the Senate proceed to vote on confirmation of the nomination of Joseph Greenaway; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action; that upon disposition of the Greenaway nomination, the Senate then proceed to vote on the motion to invoke cloture on the Becker nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY, FEBRUARY 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, February 8; 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 executive session, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will debate, concurrently, the nominations of Joseph Greenaway to be U.S. circuit judge for the Third Circuit and Craig Becker to be a member of the National Labor Relations

Board until 5 p.m., with the time equally divided and controlled between the two leaders or their designees.

At 5 p.m., the Senate will proceed to vote on the confirmation of the Greenaway nomination and then immediately proceed to a cloture motion on the Becker nomination.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATOR PAUL KIRK

Mr. DODD. Mr. President, first I wanted to say a few words to welcome our new colleague, SCOTT BROWN, who has joined our ranks as a Member of the Senate from the Commonwealth of Massachusetts. I wasn't able to be here at 5 p.m. when he was sworn into office, but I wish him the very best. I had a good conversation with him a couple weeks ago after his election and look forward to serving with him.

I rise this evening to honor a good friend and a legendary public servant. Although he only served here a short time, PAUL KIRK has been a public servant for decades. I wish to tell him and his wife Gail and their family what a remarkable contribution in a few short weeks PAUL KIRK has made as a Member of the Senate.

PAUL is an American who will never get the kind of attention he deserves for the rich life of public service he has led throughout his career. That won't bother him one bit because that is who PAUL KIRK is. For over half a century, he has been motivated not by a desire to seek recognition or to receive it but by a passion for progress and a deep love of his own country.

PAUL came to Washington last fall with the impossible task of succeeding our dear friend Ted Kennedy as Senator from Massachusetts. PAUL did so not in the hopes of filling Teddy's shoes but in continuing to blaze the path forward that Ted Kennedy forged more than four decades ago when he arrived as a new Member of this body. As a U.S. Senator, PAUL KIRK has served the Commonwealth with great dignity and humility. Although he was only among our ranks for a few short months, all of us will miss him in this Chamber. He left such a good and lasting impression of his service.

PAUL's time here is just one of many roles he has played in service to our Nation and our democracy. In 1965, many years ago, PAUL KIRK entered public service as an assistant district attorney in Massachusetts. But it wasn't long before PAUL's story became intertwined with the Kennedy family in Massachusetts.

In 1968, PAUL worked on Robert Kennedy's Presidential campaign, and the very next year he joined the Senate staff of Bob's brother Ted. Thus began the kind of a partnership that has moved mountains throughout our history. As a Senate staffer, the political director of Teddy's Presidential campaign, and the chairman of our own Democratic Party, PAUL served alongside Ted Kennedy as Teddy and his remarkable staff over those four decades fought battle after battle on behalf of the American people.

PAUL has always understood the importance and power of the American story. That is why he has served for a decade as chairman of the National Democratic Institute of International Affairs, working to spread and support democracy around the world so that every nation could know what it is to be truly free. And he has worked to strengthen our own democracy as well, as the longtime cochairman of the Commission on Presidential Debates.

As we all know, PAUL KIRK is a very proud Democrat, but he is even prouder as an American. In an age when it seems as if partisanship can overwhelm even our most fundamental Democratic values, PAUL KIRK has stood for fair play and open debate for decades.

Many Americans first met PAUL KIRK after Teddy passed away, when PAUL so elegantly conducted that remarkable memorial service at the Kennedy Library in Boston. They saw in him the passion that led him to join Ted Kennedy in the cause of progress and also the quiet dignity of a man for whom the work would go on, even after the passing of his very dear friend.

As a U.S. Senator, they have seen him take up the torch of issues that mattered to Teddy and to the people of Massachusetts and to the American people, none more important, of course, or dear to PAUL's heart than the fight to reform our health care system, a fight that will have to continue in his absence.

PAUL has been assisted in this difficult job by a core of public servants, the names of whom are unfamiliar to most and the likes of which we might not see again, the staff he inherited from Ted Kennedy. Whether you are a Democrat or Republican—I say this to new Members—the older Members of this Chamber, Democrats and Republicans, will tell you that to know the Kennedy staff was to respect how talented and professional that staff was, how fairly they treated every Member of this body and every staff member. It was the core reason for their success legislatively, because they had such respect for individual Members, the staff who works here, and for the ideas people brought to the debate. They too, of course, deserve our appreciation and recognition as well.

I congratulate Senator SCOTT BROWN and welcome him to this Chamber. It is a remarkable opportunity he will have to represent the Commonwealth of Massachusetts. I look forward to working with him in the coming days and weeks. Senator BROWN comes to fill a seat from which great things have been done for the people of Massachusetts and our country. I think there might be no greater compliment I can pay to the man whom we welcomed last year than to say to Senator BROWN: We wish you the very best in filling Ted Kennedy's shoes and PAUL KIRK's shoes as well.

To my friend PAUL, I thank you for your service, not just the service you performed in this Chamber but a lifetime of service you have given to our country and the many more years of service I know you will be able to provide. To his wife Gail, I thank you for sharing your husband with the country over these past months. I wish you all the best as you look forward as well to the future.

To our colleagues who have come to know PAUL's decency and professionalism, I urge we follow his example, not just in dogged pursuit of good legislation that moves our country forward but in the effort to make this Chamber a place where good ideas and good conscience can once again trump pettiness and partisanship. Let us be guided in our work not just by Teddy's passion but by the selfless spirit of service that has made PAUL KIRK such a fine U.S. Senator and a very good American.

I thank PAUL for his service. I said to him the other day that my only regret is that he hasn't been able to serve here a longer time because I think he would have made a remarkable contribution to our country. He did in a short time, but I have a feeling that had he been here for a number of years, the country would be a better place today. It already is because of his service. It could have been even better. I wish him the very best.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 8, 2010, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, February 8, 2010.

Thereupon, the Senate, at 6:54 p.m., adjourned until Monday, February 8, 2010, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

MARINE MAMMAL COMMISSION

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2013. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

LARRY ROBINSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM J. BRENNAN, RESIGNED.

THE JUDICIARY

ELIZABETH ERNY FOOTE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE TUCKER L. MELANCON, RETIRED.

MARK A. GOLDSMITH, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE JOHN CORBETT O'MEARA, RETIRED.

MARC T. TREADWELL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE HUGH LAWSON, RETIRED.

JOSEPHINE STATON TUCKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE ALICEMARIE H. STOTLER, RETIRED.

DEPARTMENT OF JUSTICE

DAVID B. FEIN, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE KEVIN J. O'CONNOR, RESIGNED.

TIMOTHY Q. PURDON, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE DREW HOWARD WRIGLEY.

PARKER LOREN CARL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DENNIS MICHAEL KLEIN.

KERRY JOSEPH FORESTAL, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE PETER MANSON SWAIM.

GERALD SIDNEY HOLT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE G. WAYNE PIKE.

CLIFTON TIMOTHY MASSANELLI, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT GIDEON HOWARD, JR.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE CLYDE R. COOK, JR.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. SALLY BRICE-O'HARA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. ROBERT C. PARKER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WALTER T. ANDERSON
MATTHEW J. ANS
JOHN G. BAKER
JAVIER J. BALL
JAY M. BARGERON
RICHARD T. BEW
EDWARD W. BLIGH
BRANTLEY A. BOND
ROBERT V. BOUCHER
CHAD M. BREEDEN
RANDOLPH J. BRESNIK
LEX A. BROWN
RICKY F. BROWN
PETER D. BUCK
PATRICK C. BYRON
JAMES C. CALEY
AARONPAUL CAMELE
MICHAEL L. CARTER
DAVID P. CASEY
MICHAEL S. CEDERHOLM
ROGER L. CORDELL
ROBERT P. COTE
JOSEPH A. CRAFT
MICHAEL T. CUCCIO
STEVEN M. CUNNINGHAM
KEITH M. CUTLER
JAMES D. DAVIS
DAN E. DOWSE
TERENCE J. DUNNE
DAVID J. ESKELUND
MATTHEW D. FERINGA
JAMES G. FLYNN
ALLEN S. FORD
TIMOTHY C. FRANTZ
MICHAEL J. GANN II
BRADFORD J. GERING
JOHN R. GILTZ
JAMES F. GLYNN
ROBERTO J. GOMEZ
JEFFERY O. GOODES
MICHAEL J. GOUGH
CHARLES S. GRAY
DUDLEY R. GRIGGS
JIMMIE G. GRUNY
ROBERT M. HAGAN
STEPHEN W. HALL
JAMES B. HANLON
HUNTER H. HOBSON
ADAM P. HOLMES
SCOTT S. JENSEN
MATTHEW L. JONES
ROBERT W. JONES
RONALD F. JONES
CHRISTOPHER A. KEANE
KURT A. KEMPSTER
JAMES R. KENNEDY
JEFFREY S. KOJAC
DAVID A. KREBS
GERRY W. LEONARD, JR.
WILLIAM R. LIEBLEIN
WILLIAM S. LUCAS
WILLIAM J. MACKEY
ROBERT L. MANION, JR.
JOSEPH A. MATOS III
BRENDAN B. MCBREEN
ROGER J. MCFADDEN
FRANK N. MCKENZIE
ANDRE L. MERCIER
PAUL D. MONTANUS
JAMES M. MORRISROE
NATHAN I. NASTASE
DWIGHT C. NEELEY
RONALD D. NEFF
MARK W. NELSON
KYLE J. NICKEL
SEAN P. ODOHERTY
DANIEL P. OHORA
TIMOTHY J. OLIVER
RICHARD T. OSTERMEYER
JOHN A. OSTROWSKI
DAVID M. OWEN
MICHAEL S. PALERMO, JR.
CHRISTOPHER J. PARKHURST
ALEX G. PETERSON
NEAL F. PUGLIESE
ROBERT L. RAUENHORST
JAMES P. RETHWISCH
DOMINIC E. ROBERTS
MICHAEL D. ROBINSON
PAUL P. RYAN
NEIL C. SCHUEHLE
SUSAN B. SEAMAN
WILLIAM H. SEELY III
ROBERT C. SHERRILL
OLIVER B. SPENCER
NICHOLAS A. SPIGNESI
MATTHEW G. STCLAIR
KRIS J. STILLINGS
JAMES B. STOPA
VICTOR S. STOVER
ROBERT L. TANZOLA III
CHRISTOPHER D. TAYLOR
WILLIAM R. TIBBS
TERENCE D. TRENCHARD
ROGER B. TURNER, JR.
RICK A. URIBE
HAROLD R. VANOPDORP, JR.
JOHN C. VARA
PATRICK L. WALL
MARK M. WALTER
ANNE M. WEINBERG
CLIFFORD J. WEINSTEIN
FRANK E. WENDLING
CHARLES A. WESTERN
JOSEPH S. WHITAKER
CURTIS L. WILLIAMSON III
KENNETH M. WOODARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEPHEN J. ACOSTA
AARON W. ADAMS
BRAD J. AIELLO
DAVID M. ANGERSBACH
MIGUEL A. AVILA
RAYMOND P. AYRES III
BRANDEN G. BAILEY
ROBERT O. BAILEY
TIMOTHY M. BAIRSTOW
DANIEL J. BAKER
HEZEKIAH BARGE, JR.
WILLIAM J. BARTOLOMEA
CHARLES J. BASHAM
DANIEL L. BATES
ARTHUR R. BEHNKE, JR.
ROBERT H. BELKNAP II
CLAY A. BERARDI
GUY G. BERRY
CEDRIC C. BEVIS, JR.
ETHAN C. BISHOP
PETER D. BLADES, JR.
JEFFREY M. BOLDUC
DANIEL J. BRADLEY
PHILLIP M. BRAGG
HENRY J. BREZILLAC
NGAIO I. BROWN
STEPHEN C. BRZOSTOWSKI
MICHAEL S. BURKS
ALBERT S. CALAMUG
TOMAS CARLOS
JANO R. CARLSON
CHARLES R. CASSIDY
MICHAEL S. CASTELLANO
THOMAS H. CHALKLEY
ANDREW G. CHAPMAN
MICHAEL M. CHO
KEVIN E. CLARK
CRAIG C. CLEMANS
BRIAN CLEMENS
DEVIN L. CLEPPER
KEVIN G. COLLINS
CHAD J. COMUNALE
JAMES B. COOKSEY
AARON M. CUNNINGHAM
ALISON L. DALY
EDWARD J. DANIELSON
VALERIE C. DANYLUK
JEFFREY L. DAVIS
WILLIAM R. DELORENZO
DOUGLAS S. DEWOLFE
STEPHEN M. DICKERSON
JASON P. DOIRON
MARK T. DONAR
DARRYL W. DOTSON
DOUGLAS D. DOWNEY
DARREN E. DOYLE
ERIC R. DROWN
KEVIN M. DUFFY
MATTHEW A. DUMENIGO
WADE J. DUNFORD
THOMAS J. DUNN III
JUSTIN S. DUNNE
PETER C. DUNNING
JOHN R. DUPREE
BRIAN M. DWYER
BRIAN W. ECARIUS
BRIAN D. EHRLICH
JERRY J. ESTELL
BRIAN W. EVANS
DAVID R. EVERLY
HOWARD C. EYTH III
ROBERT B. FANNING
SEAN B. FILSON
ROBERT B. FINNERAN
PATRICK L. FITZGERALD
SHAUN T. FITZPATRICK
JOHN D. FLEMING
JEFFREY M. GAGNON
KELVIN W. GALLMAN
PATRICK C. GALLOGLY
RAYMUNDO R. GAMBOL
HARRY L. GARDNER
ROBERT J. GEORGE
HIETH D. GIBLER
CLIFFORD W. GILMORE
BRETT A. GIORDANO
MICHAEL D. GONZALEZ
CHRISTEON C. GRIFFIN
JEFFREY D. GROHARING
DARRY W. GROSSNICKLE
JASON S. GUELLO
TREVOR HALL
ERIC J. HAMSTRA
EDDY I. HANSEN III
BRIAN J. HARDY
ROGER A. HARDY
BRADLEY J. HARMS
BRENDON G. HARPER
TIFFANY N. HARRIS
DANIEL P. HARVEY
GREGORY R. HAUCK
RICHARD HAWKINS
EDWARD J. HEALEY, JR.
KEVIN M. HEARTWELL
SHAWN R. HERMLEY
MANLEE J. HERRINGTON
GLEN R. HINES, JR.
SHANNON V. HOLLOWAY
DANNY L. HOWARD, JR.
DARYL S. HURST
KEVIN H. HUTCHISON
JAMES M. ISAACS
ERIC S. JAKUBOWSKI
THOMAS F. JASPER, JR.
SHANNON L. JOHNSON
WILLIAM W. JOHNSON
GREGG M. JOHNSTON
GILBERT D. JUAREZ
JASON W. JULIAN
HENRY JUNE, JR.
IVAN J. KANAPATHY
TRAVIS S. KELLEY
JESSE A. KEMP
MICHAEL G. KERKHOVE
CHRISTOPHER A. KRAJACICH
MICHAEL R. KROHMER
ROBERT M. KUDELKO, JR.
DWAINE D. LAMIGO
KRISTEN A. LASICAKHANER
JON M. LAUDER
RICHARD B. LAWSON
WILBUR LEE
DOUGLAS LEMOTT, JR.
DANIEL J. LEVASSEUR
JASON A. LEVY
JOHN C. LEWIS
DEVIN O. LICKLIDER
MATTHEW E. LIMBERT
GLEN P. LINDSTROM
JOSE M. LOPEZ II
CHRISTOPHER C. LYNCH
PAUL D. MACKENZIE
GIAN F. MACONE
VICTOR I. MADUKA

BRADLEY M. MAGRATH
PETER J. MAHONEY
AIMEE G. MARES
RICHARD E. MARIGLIANO
FRANK Q. MARILAO
ROBERTO J. MARTINEZ
JOHN J. MAZZARELLA
PATRICK W. MCCUEN
SCOTT D. MCDONALD
MATTHEW R. MCGATH
HEIDI J. MCKENNA
JAMES A. MCLAUGHLIN
ROBERT T. MEADE
PAUL F. MEAGHER
SCOTT O. MEREDITH
NATHAN M. MILLER
ODELL MILLER III
TODD M. MILLER
SCOTT C. MITCHELL
DARON M. MIZELL
MARTA J. MOELLENDICK
ROSS A. MONTA
KEVIN L. MOODY
BILLY R. MOORE, JR.
DAVID E. MOORE
JAY E. MOORMAN
COBY M. MORAN
PATRICK C. MORAN
NICHOLAS A. MORRIS
MATTHEW T. MORRISSEY
DAVID C. MORZENTI
JEFFREY V. MUNOZ
KEVIN F. MURRAY
KYLE D. MURRAY
MICHAEL D. MYERS
MATTHEW R. NATION
SCOTT A. NICHOLSEN
PAUL D. NOYES
GEORGE NUNEZ
DOUGLAS B. OGDEN
MATTHEW J. PALMA
JEFFREY B. PALMER
ROBERT G. PALMER
KEITH A. PARRELLA
BREVEN C. PARSONS
TROY M. PEHRSON
BRADLEY S. PENNELLA
JASON S. PERRY
KRISTIAN D. PFEIFFER
MARK A. PICKETT
TIM B. POCHOP
MICHAEL D. PORTER
ANDREW T. PRIDDY
STEPHEN PRITCHARD
EDWARD L. QUINN, JR.
CHRISTOPHER K. RAIBLE
WILLIAM A. RASGORSHEK
HUGH J. REDMAN
JACKSON L. REESE
MATTHEW A. REILEY
MICHAEL D. REILLY
RYAN W. REILLY
ROBERT F. REVOIR
STEPHEN C. RIFFER
JAMES A. RIGHTER
MATTHEW B. ROBBINS
GEORGE M. ROBINSON
CESAR RODRIGUEZ
JAMES A. RYANS II
MATTHEW R. SALE
TODD B. SANDERS
MATTHEW R. SASSE
BRIAN S. SCHENK
SCOTT D. SCHOEMAN
WILLIAM A. SCHUTZ II
HECTOR SHEPPARD, JR.
BRAD J. SHERMAN
ROBERT W. SHERWOOD
JOHN R. SIARY
CORY G. SIMMONS
CHARLES E. SMITH
JASON E. SMITH
JOHN E. SMITH
PHILIP B. SMITH
PAUL F. SPANGENBERGER
DEMETRY P. SPIROPOULOS
DAMIAN L. SPOONER
DAVID M. STEELE
KYLE M. STODDARD
KARL J. STOETZER
MATTHEW W. STOVER
CHAD M. SUND
CHRISTOPHER J. TEAGUE
JAMES J. TOTH
JAMES R. TRAVER
PHILIP J. TREGLIA
STEVEN R. TURNER
MICHAEL S. TYSON
MARK E. VANSKIKE
VERNON T. VEGGEBERG
SCOTT A. VOIGTS
ROBERT S. VOLKERT
KIPP A. WAHLGREN
JORDAN D. WALZER
ANDREW B. WARREN
LAWRENCE A. WASHINGTON
DEREK J. WASTILA
PATRICK D. WAUGH
BRENT A. WEATHERS
DAVID A. WEINSTEIN
BENJAMIN D. WILD
MICHAEL F. WILONSKY
ANDREW R. WINTHROP
DANIEL J. WITTNAM
THOMAS D. WOOD
MATTHEW A. WOODHEAD
HAROLD C. YOUNG
LUIS R. ZAMARRIPA

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, February 4, 2010:

GENERAL SERVICES ADMINISTRATION

MARTHA N. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF GENERAL SERVICES.

DEPARTMENT OF LABOR

M. PATRICIA SMITH, OF NEW YORK, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING MEKONG PLAZA AND ITS CELEBRATION OF THE VIETNAMESE TET NEW YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize the many contributions that the Mekong Plaza has made to the City of Mesa and surrounding communities. In just over a year since its Grand Opening, Mekong Plaza has proven to be a distinctive and uniquely wonderful element of Mesa's community. The grocery story and many shops and restaurants serve as a window into the Southeast Asian culture, showcasing Vietnamese food, clothing, culture and hospitality.

I especially want to recognize that, this year, all of the proceeds from Mekong Plaza's annual Vietnamese Tet New Year Celebration—the largest such event in Arizona—will be donated to provide services to the needy and to assist public safety through the non-profit CARE Partnership and the Mesa Public Safety Foundation.

I am truly privileged to represent such a strong cultural fixture in our district and will continue to treasure the plaza's addition to Mesa's diversity. As many in the Vietnamese community decorate their homes with flowers and share special cuisine to start the New Year, I am honored to share in their celebration. Again, I am proud to serve the Mekong Plaza and am eager to see its continued success and growth.

I urge you, Madam Speaker, to join me in rising to congratulate the tenants and management team at Mekong Plaza for their tremendous service and contributions to Mesa and the surrounding community.

RECOGNIZING OF THE COLUMBUS DOWNTOWN LIONS CLUB

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Columbus Downtown Lions Club for its dedication to the improvement of the Columbus area. The Columbus Downtown Lions Club, which was officially re-chartered by Lions Club International on December 9, 2009, is committed to building a safer, healthier, and stronger community through volunteerism and support for local initiatives.

The Lions Club International was founded in 1917 and today is the world's largest service club organization. The club, originally known for fighting blindness, continues that legacy today by conducting vision screenings, equipping hospitals and clinics, distributing medicine and raising awareness of eye disease. Lions Club International also supports community projects for children and schools through scholarships, recreation programs and mentoring.

The Columbus Downtown Lions Club was originally chartered on June 17, 1920, and served the local community for over eighty years until it was disbanded in 2007 due to insufficient membership. I am proud of the individuals who have restarted this organization and committed themselves to continuing its legacy of volunteerism and generosity. I am excited and thankful in anticipation of the valuable service that this club will provide to our community.

In the long-standing tradition of Lions Club involvement in central Ohio, the Columbus Downtown Lions Club has already begun to build relationships that will foster future volunteer activities. This Saturday, during the Downtown club's official charter celebration, the Downtown club will make a contribution to Honor Flight, an organization that pays for and organizes trips for our World War II veterans so that they can see firsthand our Nation's capital and their monuments. The members of the Columbus Downtown Lions Club are building a valuable network of service-minded individuals who will serve as role models and leaders in our community for decades to come.

With the re-chartering of the Columbus Downtown Lions Club, the Lions community has once again demonstrated its generosity, compassion, and commitment to making a difference in the city of Columbus. I am proud to recognize and honor this organization and all of its dedicated volunteers for their exemplary record of service and their future contributions to the betterment of central Ohio.

IN HONOR OF THE LIFE'S WORK OF SARAH D. ''SALLY'' STEWART

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. SPEIER. Madam Speaker, it is with an abundance of appreciation and admiration that I pay tribute to the life's work of Dr. Sarah D. ''Sally'' Stewart, who recently retired—after 26 years—from the Sequoia Union High School District Board of Trustees. She leaves the district having served longer than any other trustee in the district's history and, prior to her service there, served eight years on the Board of the Portola Valley School District.

During her impressive tenure, Sally became known as a thoughtful and energetic board member who always saw the big picture. Educational opportunities, principles and challenges have evolved quite a bit over the past three-plus decades and Sally always kept one step ahead, urging her colleagues to embrace new ideas and ever striving to serve the myriad needs of students, parents, educators and the community.

Sally distinguished herself through her passionate contributions to the underserved youth of East Palo Alto. She provided leadership and guidance to the Youth Court and was instrumental in the founding of two nonprofit organizations, including what eventually became EdSource, a foundation dedicated to providing access to quality education for all children and encouraging an informed and involved citizenry to strengthen California's schools.

Dr. Stewart's commitment to education transcended the boundaries of her own community. She served on the San Mateo County School Boards Association, where she instituted the J. Russell Kent Awards to recognize the work of area teachers. She served as President of the California School Boards Association and the California Commission on Teacher Credentialing and has given her time, energy and intellect to numerous charities, causes and campaigns that benefit children and education at all levels.

Next month, Sally will be duly honored with her induction into the San Mateo County Women's Hall of Fame.

Sally was born in Albany, New York in 1932 and received her Bachelor of Arts from New York's Smith College. She also received a Ph.D. in Medical Microbiology from Stanford University.

Madam Speaker, Sally Stewart is one of those rare public servants whose quiet and competent leadership gives others something to aspire to. For decades I have stood in awe of her capacity to understand the intricacies of school finance and the subtleties of achieving district-wide academic excellence. While I regret to see her go, she has certainly earned her retirement. No doubt she will spend her newly-found free time doing more reading, walking her beloved dog and continually pushing for reforms that improve California's educational system.

Our nation owes Sally Stewart a debt of gratitude. I would also like to extend my thanks to her sons—Ed and Willie—and her two grandchildren—Teddy and Sam—for sharing this remarkable woman with the greater community for so many years.

Imagine how much better our nation's schools would be if every community had a Sally Stewart. But since there is only one, I am selfishly grateful that she chose the San Francisco Peninsula to call home.

HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE-AMERICANS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. ALTMIRE. Madam Speaker, I would like to wish the Pittsburgh Chapter of the Organization of Chinese-Americans a happy and healthy New Year for the year 4708, the year of the Tiger.

I hope this New Year brings the Chinese-American community of Pittsburgh much joy

and thanksgiving. I am thankful for the positive impact this organization has had on the lives of Chinese-Americans and Pittsburgh as a whole. Chinese-Americans have greatly contributed to the progress of Pittsburgh as well as the entire nation. I am very honored for this opportunity to wish them a very happy 4708.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the Organization of Chinese-Americans a very happy and prosperous New Year.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: O&M, Air National Guard

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $2,160,000 for the South Carolina Air National Guard Controlled Humidity Protection. CHP will be used to control humidity in aviation support facilities that house spare parts, tools, support and test equipment, munitions, and weapons. Traditional methods of corrosion control primarily mitigate the effect of moisture by employing corrective technologies to counteract existing corrosion damage. Such corrective methods are expensive, time consuming, and create additional serious challenges such as excess hazardous materials and hazardous waste. The most cost effective solution to the corrosion problem is through prevention, not correction. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: AGY Holding Corporation

Address of Requesting Entity: 2556 Wagener Rd., Aiken, SC 29801

Description of Request: I have secured $1,600,000 for the AGY Holding Corporation's Next Generation High Strength Glass Fibers for Ballistic Armor Applications. This program accelerates the development of next generation high strength glass fibers used in composite armoring materials. This means lighter, stronger composite vehicle armor without sacrificing the ballistic protection needed to maximize soldier survivability. Additionally, this program supports the domestic industrial base for armor materials production. Some of the glass fiber used in composite vehicle armors is manufactured outside the U.S. Developing the next generation high strength glass fibers at AGY will reduce dependency on foreign sources for a critical material, and also save U.S. jobs. Next generation high strength glass fibers can also be utilized by the commercial sector to lighten and improve armoring used on law enforcement vehicles and armored bank cars, resulting in better protection for personnel, improved fuel economy, and reduced emissions. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: XRD Inc. (XRDi)

Address of Requesting Entity: 103 Industrial Village Rd., Beaufort, SC 29906

Description of Request: I have secured $1,600,000 for XRDi's Tactical Unmanned Aerial Vehicle (UAV) Heavy Fuel Engine. Funding would be use for implementing XRDi's lightweight military fuel engine for a Tactical UAV Heavy Fuel Engine program. The scope would include building sufficient engines to flight test and evaluate this technology for use in the U.S. Military environment. The funding would support economic development in the region and create more jobs for Beaufort, South Carolina by replacing an engine that is currently purchased from a foreign entity and is not heavy fuel capable. The funds would also support further development, design, and implementation of the manufacturing process to build this engine to military standards and support criteria. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

THE MORE MEMORIALS TO OUR MILITARY THE BETTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. POE of Texas. Madam Speaker, as I mentioned yesterday, Corporal Frank Buckles is the last surviving doughboy that served in World War I. He is 109 years old this week. To put things in perspective, he has lived half of America's history since the signing of the Constitution.

At the age of 16, he enlisted to serve in World War I. He lied to be able to serve his country. He was a corporal in the U.S. Army in Europe.

After the war was over he later found himself in the Philippines at the start of WWII. The day after the attack on Pearl Harbor Frank Buckles was captured by the Japanese and became a prisoner of war. He was a POW for 39 months. After WWII was over he went to West Virginia where he lives on his farm to this day.

The United States has memorials, museums, and tributes to the Americans who have served in all of our wars. There are even WWI memorials in other places in the country such as the one in Kansas City.

However, there is not one on the National Mall in the Nation's Capitol for all WWI Veterans. On the National Mall there are memorials that pay tribute to 3 of the great wars in the past century. They were built in reverse order to honor those who sacrificed to protect America's freedom and liberty. They are the Vietnam Memorial, the Korean War Memorial and WWII memorial.

I do not believe we can build too many monuments in honor of our Veterans. We need to build a memorial on the National Mall commemorating the World War I Veterans and thus complete the tribute to those who have served in all 4 of the major wars of the last century. This memorial will be built using private donations not taxpayer's money.

We owe it to all those who gave their lives to protect ours; we owe it to those who served in WWI and to the last surviving doughboy of that war, Corporal Frank Buckles, to build this memorial on the national mall.

And that's just the way it is.

CONGRATULATING THE BOY SCOUTS OF AMERICAN AND THE NORTHEAST ILLINOIS COUNCIL OF THE BOY SCOUTS OF AMERICA ON THE 100 YEAR ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. BEAN. Madam Speaker, I rise today to congratulate the Boy Scouts of America and all current and former Scouts across the world, on the occasion of the organization's 100 year anniversary. This Sunday, I will join the Northeast Illinois Council of the Boy Scouts of America as they celebrate with a Centennial Concert and Talent Show in Lake Villa located in Illinois' Eighth Congressional District.

Partnering with local churches, schools, businesses, and other community organizations, the Boy Scouts have touched the lives of tens of millions of young people throughout the past century. Young men involved in Scouting are taught valuable skills in the areas of personal leadership, career development, and outdoor survival. In addition, Scouting offers participants the opportunity to form lifelong friendships and benefit from the guidance of positive adult role models serving as troop leaders.

The Boy Scouts program teaches young men the values of responsible citizenship and community service. Year after year, I am impressed by the number of projects benefiting my district undertaken by area Scouts. It is especially inspiring to see those young men hoping to become Eagle Scouts take it upon themselves to develop a service project and organize their peers to carry it out. It comes as no surprise that such a high number of former Scouts go on to serve as leaders in our armed forces, government, businesses and community organizations across the country.

Once again, I congratulate the Boy Scouts on reaching such an impressive milestone and the Northeast Illinois Council for organizing Sunday's celebration. I look forward to watching today's Scouts become tomorrow's leaders.

RECOGNIZING THE ACHIEVEMENTS OF THE UNION CITY TORNADOES

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. TANNER. Madam Speaker, I rise today to honor the Union City High School football team on its first-ever state championship in the 2009 Class 1A Blue Cross Blue Shield Bowl held in December. The Tornadoes beat the four-time state champions, the South Pittsburg Pirates, by a score of 31–29.

The Purple and Gold were down the entire game, until Keylon Hyde intercepted the ball in the third quarter, which started a 67-yard drive that put the Tornadoes ahead 28–21.

Following a touchdown by South Pittsburg in the fourth quarter, Union City was down 28–29 with 3:25 left to play. Union City struck back with a 68 yard 12-play drive which set up a field goal opportunity for the Tornadoes' kicker, Jorge Guerris. Guerris scored a 22-yard field goal with only two seconds left in the game and clinched the championship title for the team.

The Tornadoes have done exceptionally well with a final record of 12–2. The state championship win marked the team's ninth straight victory of the season. This win was also the first time a rural West Tennessee public school had won the Class 1A championship in 20 years.

I would like to specifically applaud Coach Darren Bowling for leading this exceptional team and fullback Josh Nicks for setting a state championship game record of 47 carries and for being the offensive MVP of the game.

As an alumnus of Union City High School, I am proud of the accomplishments the Tornadoes have made this year, and I look forward to rooting on the Purple and Gold next season.

RECOGNIZING THE LIFE OF ARTHUR WILLIAMS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Arthur Williams, a World War II veteran, a Tuskegee Airman, and a true American hero. Arthur spent a lifetime dedicated to his country, his community, and a loving father, and I am proud to honor his life of service.

Born in 1918 in Hattiesburg, Mississippi, Arthur grew up and lived in Pensacola, Florida. He joined the Army Air Corps at the height of World War II in 1942, hoping to become a pilot. A color blindness kept Arthur out of the sky, but would not keep him from serving his country. He entered the Army Air Corps Mechanic Training School in Lincoln, Nebraska, and graduated number one in his class in 1943. Arthur became a mechanic for the revered Tuskegee Airmen out of Tuscaloosa, Alabama, where he served honorably until 1946. These Airmen flew 1,500 combat missions during World War II and received 95 Distinguished Flying Cross awards among them. For his service as part of the Tuskegee Airmen, Arthur was awarded the Congressional Gold Medal, our nation's highest civilian honor, in 2007.

After his military duty, Arthur continued to serve his country. In 1963, he became the first African-American supervisor at the Pensacola Naval Air Station Reworks facility. He went back to school to earn his Associate in Arts degree from Pensacola Junior College and became a licensed real estate broker. An active member of the community, Arthur enjoyed singing in the Mount Zion Baptist Church choir and being a part of the American Legion Post 193. In April of 2008, Arthur was one of the veterans who participated in the inaugural Emerald Coast Honor Flight Program to bring WWII veterans from Northwest Florida to Washington, D.C. to see their memorial.

Madam Speaker, on behalf of the United States Congress, I am humbled to recognize Arthur Williams as a World War II hero and a community leader. Our nation is proud and grateful for his courage, service, and patriotism. My wife Vicki and I offer our prayers for his entire family, including his son, Charles, his six grandchildren, two great-grandchildren, and entire extended family and friends as we remember and honor the life of Arthur Williams. He will be truly missed.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I secured as part of H.R. 3326 (Conference Report).

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force

Legal Name of Requesting Entity: American Freedom Fuels and Chemicals, LLC

Address of Requesting Entity: 2704 Old Rosebud Drive, Suite 160; Lexington, KY 40509

Description of Request: Appropriate $3,920,000 for development of a single clean fuel for the Department of Defense (DOD). Seventy-four percent of DOD's energy consumption is for mobility. From sixty to seventy-six percent of total DOD petroleum product purchases are for jet fuel. JP–8, primarily used for air operations, makes up about fifty percent of the total fuel product purchased by DOD. A $10 per barrel increase in the price of oil adds $600 million/year to the cost of Air Force operations.

The benefit to DOD and the taxpayer is reduced fuel costs, particularly for aviation. Additionally, development of a viable synthetic fuel has the potential to eliminate DOD's historic reliance on costly petroleum from foreign sources.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. KINGSTON. Madam Speaker, I submit the following:

Nanophotonic Biosensor Detection of Bioagents and Pathogens

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3326, Department of Defense Appropriations Bill, FY 2010

Account: Research, Development, Test, and Evaluation for the Army

Legal Name of Requesting Entity: The University of Georgia

Address of Requesting Entity: 111 Carlton St.—AHRC, Athens, GA 30602

Description of Request: The funding would be used to develop a rapid and sensitive means of detecting bioagents and pathogens that cause disease and rising mortality rates, particularly those that pose threats as agents for bioterrorism and military personnel. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

A TRIBUTE TO CLOVERPORT, KENTUCKY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a historic and beautiful place in the Commonwealth of Kentucky—Cloverport. On Wednesday, February 11, 2010, Cloverport will celebrate the 150th anniversary of its incorporation.

Cloverport, originally a pioneer community called Joe's Landing, was established by Joe Huston in 1798 and renamed Cloverport in 1828.

Like many other places in the Commonwealth, Cloverport is rich in history, especially Civil War history. Joseph Holt, a major figure in the Civil War, was born and is buried six miles north of Cloverport. Holt was Postmaster General and briefly served President James Buchanan as Secretary of War. He also served Abraham Lincoln as his Judge Advocate General.

I always enjoy visiting Cloverport. Cloverport Days is one of my favorite fall events, giving the town an opportunity to come together and showcase its incredible hospitality and all it has to offer.

I am proud to represent the citizens of Cloverport and they should be celebrated for their contributions for making Kentucky such a wonderful place to live and visit. Madam Speaker, I ask my colleagues to join me in honoring Cloverport and congratulating them on 150 amazing years.

RECOGNIZING THE SERVICE OF SPECIALIST DAVID OLIVER

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. MCCLINTOCK. Madam Speaker, today I honor the service of one of our nation's brave soldiers, Specialist David Oliver. Spc. Oliver was severely injured in Afghanistan during operation Enduring Freedom and is currently undergoing a lengthy rehabilitation at Walter Reed Medical Center here in D.C.

A graduate of Casa Roble High School, Specialist Oliver enlisted in the Army immediately upon graduation eager to serve his country and continue his family's tradition of service—David's father was a firefighter in Sacramento County, his brother serves in the Marines and his sister in the Air Force. After enlisting, Specialist Oliver was deployed to Iraq and upon completion of his assignment there he volunteered to serve in Afghanistan where he suffered his wounds.

I am extremely humbled to know there are men and women of his caliber who are so willing to risk their lives in order to protect our great country. I consider it a great honor and privilege to represent Specialist David Oliver and I urge my colleagues to join me in recognizing his great service and sacrifice.

CYBERSECURITY ENHANCEMENT ACT OF 2009

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes:

Ms. ESHOO. Madam Chair, I rise today in support of H.R. 4061, the Cybersecurity Enhancement Act of 2009. First, my thanks to Chairman GORDON and Representative LIPINSKI for their work on this bill. The Cybersecurity Enhancement Act coordinates federal research and development in cybersecurity, focuses on developing a skilled cybersecurity workforce, and prominently positions the U.S. in the development of international cybersecurity technical standards. These areas should be priorities for all agencies in the federal government.

While these investments and initiatives will move us toward the goal of protecting our nation's information infrastructure and assets, there is more we must do to protect these essential resources.

There's been an alarming increase in the number of cyberattacks launched on the U.S. information technology industry, their employees, customers, and the U.S. citizens that leverage these innovative tools. In addition, many countries are beginning to implement specific regulations that discriminate against the U.S. by requiring our innovators to reveal the blueprints of their success as a condition of market entry. This is essentially the ''hijacking'' of intellectual property and is widespread around the world.

As a result, the attacks on these uniquely American assets not only jeopardize U.S. economic security, but our national security is also at risk. This is a threat to the continued economic growth and job creation by the information technology industry, much of which comes from my district. It also undermines the integrity of the networks across the globe which the U.S. depends on to secure sensitive information.

The cybersecurity initiatives in this legislation are a worthwhile effort which I support. It also is imperative that the growth engine of our innovation economy—our information technology that is delivered seamlessly and securely around the globe—is defended and protected by the U.S. government when a foreign entity attempts to compromise it.

Congress must move aggressively to ensure that any attempt at cyberattacks or ''high-tech robbery'' on any U.S. enterprise here and abroad is dealt with strongly and swiftly by the United States Government.

Madam Speaker, I urge the adoption of the bill.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. WOOLSEY. Madam Speaker, on February 3, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 34. Had I been present, I would have voted:

Rollcall No. 34: Yes—Hastings of Florida Amendment.

TRIBUTE TO RECREATIONAL EQUIPMENT, INC. (REI)

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. REICHERT. Madam Speaker, I rise today to recognize a company headquartered in the Eighth Congressional District that has been recognized this month by Fortune magazine as one of the ''100 Best Companies to Work For.'' Recreational Equipment, Inc., REI, was ranked 14th on Fortune's 2010 list. With this year's acknowledgment, REI is now one of only five companies nationwide to appear on Fortune's list every year since it was first unveiled in 1998.

Headquartered in Kent, Washington, REI employs 9,137 people across the country and takes care of them through a variety of health care options, store discounts, paid sabbaticals for veteran employees, and generous retirement plan contributions. REI produces state-of-the-art outdoor equipment and clothing for people to enjoy everything our country's landscape has to offer. Additionally, the company promotes a culture of sustainability and is committed to protecting our precious natural resources and lush, open spaces.

In selecting companies for this list, Fortune collects random employee interviews and written surveys to determine an organization's willingness and ability to care for its employees. REI's consistent recognition is a testament not only to its sound business model but also its dedication to providing for the well-being of its people. Businesses like REI are the heart and soul of the American economy. We should do everything possible to promote the innovation and sound practices of our job creators, and I believe Fortune's ''100 Best'' list is a valuable tool to do that. I offer my heartfelt congratulations and thanks to President and CEO Sally Jewell and her many employees for setting the gold standard that other companies would be wise to follow.

HONORING ERIC DAVID BROOKS, INTEL SCIENCE TALENT SEARCH FINALIST

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize my constituent Eric David Brooks and congratulate him as a finalist in the Intel Science Talent Search 2010. The Intel Science Talent Search is America's most prestigious science competition for high school seniors. Eric is one of only 40 Finalists nationwide.

Eric's project, ''Transition from Indolent to Metastatic Prostate Cancer Characterized through the Health Disparity between African American and Caucasian American Men,'' studied the racial and genetic factors affecting the metastatic potential of prostate cancer.

As a student at George W. Hewlett High School, Eric participates in numerous activities and clubs. He is a member of the Math Olympiads and Mock Trial Team. Eric is also the news editor of the school newspaper. In addition, he is a cellist with the Long Island Youth Orchestra and part of the chamber and pit orchestras at George W. Hewlett High School. As a senior member of the Education and Labor Committee, I am truly impressed by Eric's accomplishments.

Madam Speaker, it is with pride and admiration I offer my congratulations to Eric David Brooks and commend his dedication to education and science.

IN MEMORY OF MS. PAULA SMITH

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. CLAY. Madam Speaker, I rise today in honor of Ms. Paula Smith, a trail-blazing business woman and beloved member of the St. Louis community, who recently passed, on January 28, 2010, at 76. Ms. Smith devoted over 30 years of her life to public service and worked tirelessly to better the lives of those around her.

At the age of 16, Ms. Smith dropped out of high school, but she later earned a high school equivalency diploma and then went on to receive a degree in economics from Washington University. Ms. Smith's education did not end here; she earned a master's in business administration from St. Louis University and did graduate work at Harvard. Ms. Smith's dedication to her education was a testament

to her entrepreneurial spirit and allowed her to contribute to the St. Louis community, as well as to society as a whole.

Ms. Smith's career in public service began in 1981, when then Governor Christopher S. ''Kit'' Bond appointed her director of the state Department of Labor and Industrial Relations. At that time she was the only woman and the only African-American in the Governor's cabinet. Throughout her career Ms. Smith broke barriers and defied expectations, proving to those around her that she was capable of making an impact in the most profound way.

After serving the Governor for several years Ms. Smith was summoned to Washington by President Ronald Reagan to run the Wage and Hour Division of the Department of Labor. In 1990 Ms. Smith returned to St. Louis and started her own business: she opened a consulting company and used her years of experience in Washington and as an employee of Kit Bond to make a difference in St. Louis.

Throughout her life Ms. Smith demonstrated a commitment to improving life for those around her; she strove for social justice and fought to ensure equality for all. She was passionate about her civic and philanthropic work and determined to make a profound impact in her own community. Ms. Smith's powerful legacy lives on through her three children. Her daughter, Cheryl Walker of St. Louis, is now a lawyer and her two sons, Dwayne and Dwight Bosman, are both well-known jazz musicians.

Madam Speaker, I am honored to pay tribute to Ms. Smith; a woman who always strove to make a difference and succeeded. I ask my colleagues to join me in honoring Ms. Paula Smith, an amazing woman whose legacy will forever be remembered. I extend my sincerest condolences to her family and friends. She will be greatly missed.

ACKNOWLEDGING CORPORAL PATRICK C. FIELDS FOR HIS OUTSTANDING SERVICE

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. McCLINTOCK. Madam Speaker, I rise to acknowledge Corporal Patrick C. Fields for his outstanding service in the United States Marine Corps Reserve and his work in my DC office. In 2003, after playing football for the Ducks, Corporal Fields graduated from the University of Oregon with a Bachelor of Science in Political Science. In 2005, he enlisted in the United States Marine Corps Reserve and after graduating Recruit Training, and Marine Combat Training Patrick joined the 3rd Civil Affairs Group, Camp Pendleton, California to work as a Field Radio Operator.

In 2006, Corporal Fields was assigned to Detachment One, Team Two and deployed to Al Anbar Province, Iraq, in support of Operation Iraqi Freedom as a Radio Operator and a Civil Affairs Non-Commissioned Officer, and became Team Chief for Det One Team 2-2 in the City of Karabilah.

After returning from Iraq, Cpl. Fields deployed in support of Cobra Gold in 2007 (Thailand), MedFlag in 2008 (Republic of Mali), and Balikatan in 2009 (Philippines). He served in a variety of billets ranging from Radio Operator to Civil Affairs Team Chief during that time and worked with various foreign and U.S. forces and agencies related to the civil affairs mission.

Cpl. Fields was promoted to his present rank in October of 2008, and maintains the billet of Civil Affairs Non-Commissioned Officer. His personal decorations include the Navy and Marine Corps Achievement Medal and the Army Achievement Medal. In his civilian occupation, Cpl. Fields was a Field Engineer for ARB Inc., a heavy industrial construction firm that specializes in power plant, refinery and pipeline construction.

Corporal Fields did all of this before coming to Washington, DC to work in my office during the fall/winter of 2009. From day one, Patrick developed a great rapport with the rest of the staff and all constituents who came in the door or who he spoke to on the phone. His positive attitude and friendly personality made him a favorite tour guide and great addition to the office.

Cpl. Fields is now scheduled to be mobilized in support of Operation Enduring Freedom with eventual deployment to the Afghan Theater of Operations. I appreciate his brave service in defense of our freedom and wish him the best and continued safety in his next assignment.

RECOGNIZING BELMONT CITY MANAGER JACK CRIST

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Jack Crist, who recently retired from his post as City Manager of Belmont, California.

Jack has served his Nation and his community in many ways. In 1965, he joined the United States Army, earning his Army Aviator wings a year later. He went on to fly 375 combat missions in Vietnam, resupplying Special Forces units along the treacherous border between Vietnam and Cambodia. Upon returning home, Jack trained pilots at Fort Ord before being discharged in 1969.

He graduated from San Jose State University with a degree in Economics and upon earning his CPA license, joined the City of Sacramento as Chief Accountant. His excellent work in that rapidly growing city inspired the local leaders to promote him to the post of Director of Finance, a job he held for ten years before being named Deputy City Manager. After a long run in that post, Jack moved to Modesto to become City Manager, finally landing in the post for which I honor him tonight: City Manager of Belmont.

During Jack's tenure, he oversaw the reorganization of the fire department through the establishment of a Joint Partnership Agreement with neighboring San Carlos. He also helped the City Council draft and implement the Nation's strictest no-smoking ordinance.

Jack and Margaret, his wife of more than forty years, are tireless travelers and no doubt, Jack's retirement will afford them time for more adventures. A consummate family-man who spends his free time plotting the Crist genealogy, he will surely be able to spend more time in Ohio—with daughter Patricia, her husband Roger and grandkids Kyle and Jack—and Texas, where daughter Jacklyn lives with her husband Michael and baby Nicolas.

Madam Speaker, City Manager Jack Crist has served his fellow citizens to the utmost of his ability, whether in municipal government or wearing the uniform of the Unites States Army. For these reasons and so many more, I commend him and wish him a long, healthy and fascinating retirement.

TRIBUTE TO ANNE HINES FARISH—''THE MATRIARCH OF MONROEVILLE''

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BONNER. Madam Speaker, it is with sadness and many fond memories that I rise today to acknowledge the recent passing of Anne Hines Farish of Monroeville, Alabama, a dear friend and extraordinary public servant.

Anne Farish passed away January 18, 2010, at her home after a battle with cancer. She was 83.

Her hometown newspaper, The Monroe Journal, called Anne Farish the ''Matriarch of Monroeville.'' For the former mayor, who viewed everyone in her hometown as family, this title is certainly well chosen.

A native of Monroeville, Anne grew up the oldest of four daughters of the late Dr. Jack and Mrs. Irma Hines. Dr. Hines was Monroeville's mayor for 16 years and his presence no doubt had an influence upon his eldest daughter, who eventually followed in his footsteps.

Anne graduated from Monroe County High School in the same class as Nelle Harper Lee, another beloved daughter of Monroeville and Pulitzer Prize winning author of ''To Kill a Mockingbird.'' Upon graduation, Anne attended Auburn University, and her late husband, Dick, served as Monroeville's postmaster for many years.

Anne will be remembered for so many things. She was indeed a political trail blazer. She was the first woman elected to the Monroeville City Council—serving from 1984 to 1992. Following that, she was the first woman elected as mayor of Monroeville—where she led the city for four terms (1992 to 2008).

During her tenure, Monroeville built its first industrial park, added to its recreational parks and constructed a new City Hall and police station.

Anne was also a successful businesswoman, owning her own brokerage firm, The Farish Agency.

As I noted when Anne retired from public service in 2008, she was the epitome of a ''Steel Magnolia,'' a real southern lady, strong and persevering and someone who was truly an institution among the residents of Monroeville.

Everyone who knew Anne will surely miss her. Monroeville has truly lost a beloved member of its family. My condolences and prayers go out to her family, including her son, William Clifford (Christie) Farish; sisters, Rose Marie Hines Bush, Temple Hudson Hines Lazenby, Irma Jacqueline Hines Nobles; her two grandchildren and extended family.

I join with all of Monroeville and Monroe County in mourning the loss of this remarkable lady and very dear friend.

CYBERSECURITY ENHANCEMENT ACT OF 2009

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes:

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 4061, The Cybersecurity Enhancement Act of 2009. This legislation both addresses immediate national needs, and invests in the future. It will help protect the networks that power the nation's defense, underlie the nation's economy, and strengthen the connections of families across the nation. This legislation also helps develop our workforce for the jobs of the future, supporting Scholarships for Service to develop the next generation of network defenders.

I have the honor and pleasure of representing both Fort Bragg and Pope Air Force Base, and I understand that our national defense requires secure networks. Trustworthy networking can be a matter of life and death for soldiers in the field and our intelligence at home.

Beyond securing military networks, this bill moves forward to protect all the critical information on the nation's networks. Our family photos, our children's grades, our life histories, our credit histories, and our retirement accounts all deserve a trustworthy network. Cybersecurity is not just a national security issue, it is an economic issue. The initiatives in this legislation will help those who participate in social networks, ecommerce, and online investments to better protect their virtual selves, their very real money, and even their children's digital domains.

Cybersecurity is also about American competitiveness and creating and preserving American jobs. As the former school superintendent in North Carolina, I know that education is the key to the future, both for students and our nation. This bill prioritizes funding for scholarships and training, so that today's students can fill tomorrow's jobs. I am pleased that the manager's amendment expanded funding for undergraduate scholarships in cybersecurity to support needed training to meet our national needs. I also applaud the expansion of Scholarships for Service. This initiative offers Americans who want to expand their skills a fair bargain: for every day we help pay for your education; you commit a day to defending the Federal networks.

This legislation will enhance our national understanding of the threats to public and private networks, and help develop the tools to address those threats. It will also enhance the ongoing efforts of the National Science Foundation and National Institute of Science and Technology to secure our digital lives.

Madam Speaker, H.R. 4061 will help protect our nation's infrastructure, and our nation's future. I urge my colleagues to join me in supporting H.R. 4061.

IN TRIBUTE THE LOS PADRES COUNCIL, BOY SCOUTS OF AMERICA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute the Los Padres Council, Boy Scouts of America, as the Boy Scouts celebrate 100 years on February 8, 2010.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.

Today's Boy Scouts are tomorrow's leaders, as evidenced by the fact that more than 200 members of the 111th Congress were Boy Scouts or adult leaders, including myself. Boy Scouts alumni also include 179 U.S. astronauts, 35.5 percent of the United States Military Academy cadets, 30.5 percent of United States Air Force Academy cadets and 25 percent of United States Naval Academy midshipmen.

In 2005, the Boy Scouts of America and the Youth and Family Research Center produced a report on the ''Values of Americans, A Study of Ethics and Character.'' The report found:

''Compared with men who were never Scouts, men who were Scouts five or more years as youth are more satisfied with their present lives and occupations, have sustained lifelong friendships, and place a higher value on family relationships. Men who were Scouts also earn higher incomes, achieve higher levels of education, and attend religious services more often then men who were never Scouts.

''Boys who are or were Scouts also agree that Scouting is a positive influence in their life. Scouting has helped them gain self-confidence, leadership skills, determination, and social interaction skills. Scouting has also impacted their academic skills. Scouting activities have helped Scouts improve their reading, science, engineering, physical fitness, and emergency preparedness skills. In addition, boys who are Scouts report earning higher grades than do boys who were never Scouts.''

Furthermore, the report also found that, ''Scouts are also more likely to make the most ethical decisions, not the easiest. Scouts are more likely to volunteer to be a leader, practice responsible recycling procedures, and take part in community service. They are also more likely to report a classmate with a gun and are less likely than non-Scouts to drink alcohol.''

It is clear that the Boy Scouts of America has had a positive impact on our youth for a century. The Los Padres Council, which reaches across Santa Barbara and San Luis Obispo Counties, is at the forefront of training tomorrow's leaders by serving more than 9,000 Cub Scouts, Boy Scouts, and Venturers.

Madam Speaker, I know my colleagues will join me in paying tribute to the Boy Scouts of America and the Los Padres Council for their dedication to molding our youth into responsible and high-achieving citizens.

CONGRATULATING WHITE RIVER VALLEY HIGH SCHOOL

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate White River Valley High School in Switz City, Indiana for being recognized as one of the top high schools in the nation by U.S. News & World Report.

White River Valley High School has developed a well-deserved reputation of academic excellence in Greene County and beyond. Students have maintained a 90.7 percent average on state tests and nearly 96 percent of them graduate. With success like this, it is no surprise that White River Valley High School is one of only 30 high schools in Indiana to be recognized this year.

The students sitting in classrooms today will be the scientists, engineers, teachers and leaders of tomorrow. The quality of education they receive has a direct impact on the strength of our economy, our communities, and our country in the future. If their success so far is any indication, I think that future looks bright.

White River Valley High School is preparing students in Greene County to go out and make a difference in our world. I am proud of their accomplishments and grateful for their continued contributions to the Switz City community.

ON 17TH ANNIVERSARY OF ENACTMENT OF THE FAMILY AND MEDICAL LEAVE ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. WOOLSEY. Madam Speaker, tomorrow is the 17th anniversary of the enactment of the Family and Medical Leave Act (FMLA). This landmark legislation, signed by President Clinton, established for the first time a minimum labor protection to help families balance their work and family lives. Under the law today, covered workers are entitled to up to twelve weeks of job-protected unpaid leave for the birth or adoption of a child, or to care for themselves or for a seriously ill family member.

Recently, legislation authored by Senator CHRISTOPHER DODD and myself to provide FMLA for military families has been signed into law. These are the only changes to the FMLA in its history, but as a result covered workers are entitled to up to twenty-six weeks of unpaid leave to care for seriously injured or ill family members in the armed services. In addition, workers are also entitled to up to twelve weeks of leave for matters relating to the deployment of a family member. And in 2009, President Barack Obama signed into law provisions Senator DODD and I had introduced in this Congress entitling family members of wounded or ill veterans the same twenty-six weeks of leave accorded active servicemembers.

More than hundred million job-protected leaves have been taken as a result of the

FMLA. However, only a small percentage of those workers entitled to the leave actually utilize it, and the number one reason why is that it is unpaid.

We lag far behind other countries in providing "family friendly" policies, such as paid leave, to our workers. That's why in successive Congresses I have introduced H.R. 3047, The Balancing Act, which establishes a host of supports families need to balance their work and family lives.

President Obama recognizes the need for "family-friendly" supports, and I was also pleased to learn that his budget for Fiscal Year 2011 proposes $50 million for a State Paid Leave Fund that will provide competitive grants to help states launch paid-leave programs. In May 2009, I introduced H.R. 2339, the Family Income to Respond to Significant Transitions (FIRST) Act, which provides $1.5 billion to states to start or improve paid-leave programs

On this anniversary of the FMLA, it's good to reflect on how far we have come. But with half of women in the workplace, we need to move forward and enact legislation that provides paid leave and other supports to working families.

"YOU CAN'T SUCCEED AT DEFICIT REDUCTION WITHOUT REALLY TRYING"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. FRANK of Massachusetts. Madam Speaker, there is wide agreement that we should be taking tough measures to reduce the budget deficit. There appears at present to be a powerful myth that this can be done without attacking the biggest single area of increase in the federal budget in recent years, the military budget.

The transition from the Clinton to the Bush administration, which meant a transition from a surplus to a deficit situation, had as its single most important cause a decision by President Bush to fight two wars with five tax cuts. While President Obama has not repeated that same pattern, his announcement that he is going to begin deficit reduction, while exempting the ever-increasing military budget from the same scrutiny that goes to other Federal expenditures, means either that deficit reduction in both the near and long term is either doomed to failure, or that devastating cuts will occur in virtually every Federal program that aims at improving the quality of our lives.

I intend to work with many others to make the case that over the next 10 years we can save substantial amounts of money—a trillion or more of currently proposed expenditures—by reexamining some of the fundamental premises of American military policy. Some of those are based on Cold War assumptions—the need for three separate delivery systems for several nuclear weapons, which was designed in an era of confrontation with the Soviet Union. We also must suggest the notion that America can be the world's pacifier, policemen etc. Our security interest must be protected, and there are beleaguered nations threatened with hostile, foreign assaults where our support is justified. But our range of commitments goes far beyond that and must be scaled back.

There are also obviously places where the current military budget can be cut, even before we begin to reduce the level of commitments. In the very useful publication Congress Daily for Monday, February 1st a thoughtful and experienced journalist, who is an expert on the military budget, George C. Wilson, cogently rebuts the President's assertion that military requirements mean that we cannot subject the huge and growing Pentagon budget to the kind of scrutiny that goes elsewhere. Note that Mr. Wilson is talking primarily about a budget aimed at the current level commitments. A serious review of those commitments, which should result in a reduction in their scope, would allow us to go much further in reduction, reaching the magnitude of savings that are needed for us to be able to have the military budget make a substantial contribution to deficit reduction.

Madam Speaker, no issue before us is more important than the need for people to include a realistic assessment of military spending in any effort to reduce the deficit much less this year, or over the next ten. I ask that George C. Wilson's extremely well-argued article, which makes such an essential contribution in this debate, be printed here.

[From the Forward Observer, Feb. 1, 2010]

FATTEST LADY SINGING

(By George C. Wilson)

In declaring in his State of the Union address that he won't cut the Pentagon budget, President Obama is like a trainer telling the fattest lady in his class that she need not do her exercises. Why didn't Obama order the fat Defense Department to join the government-wide effort to reduce the deficit by killing off weapons that no longer make sense?

Two-thirds of our casualties in the Iraq War were inflicted by hidden bombs that the bad guys set off by cell phones or other simple devices available at Radio Shack. Neither our new aircraft carriers costing $12 billion apiece nor our new F–22 fighter aircraft costing $350 million a plane can keep our troops from being killed or wounded by cheap improvised explosive devices.

This doesn't mean that deficit cutters should cancel such super weapons willy nilly. More conventional wars than the ones in Iraq and Afghanistan may well be in America's future. But Obama and Congress should at least order Defense Secretary Gates and his deputies to justify every major weapon by explaining what red-hot threat out there justifies spending fresh billions on it.

The GAO drew a good road map for conducting such a review last year in its devastating report on Pentagon cost overruns. Entitled "Defense Acquisitions: Assessments of Selected Weapon Programs; the GAO studied 96 major weapons in 2008 and discovered that the contractors' original price tag had nothing to do with reality.

The cost overruns on the weapons studied totaled $296.4 billion. Just making the contractors, not the taxpayers, eat their own cost overruns would reduce the deficit by almost $300 billion.

Instead of making such a demand, Obama last Wednesday gave defense contractors, their overseers in the Pentagon and Congress a pass: "Starting in 2011 we are prepared to freeze government spending for three years. Spending related to our national security, Medicare, Medicaid and Social Security will not be affected. But all other discretionary government programs will."

Where is Congress in this supposed war against the deficit that Obama just declared? The Founding Fathers in Article I, Section 8 of the U.S. Constitution gave Congress the power to "provide for the common defense," not the president.

When are the lawmakers going to start cutting Pentagon programs like outrageously expensive warships, planes that soar over the price tags contractors originally put on them and missile defenses that have a lot bigger flaws than Toyota's stuck gas pedals?

"Never," is the answer I get from some of the walking wounded who fought in past battles of the Pentagon budget. They say any weapons, whether justified by today's threats or not, get protected by lawmakers as long as they provide jobs back home.

Congress, these vets contend, to reassert its constitutional right to provide for the common defense, should deny money to produce any weapon before it is thoroughly tested; forbid congressional add-ons to the Pentagon budget unless CBO and GAO have determined what the pet project would cost and, if deemed worthy, conduct an open competition to build it; forbid any congressional staffer from vaulting to a job in the Pentagon or defense industry.

Obama did take one step toward making congressional wheeling and dealing on add-ons more transparent by declaring in his address that "I'm calling on Congress to publish all earmark requests on a single Web site before there's a vote so that the American people can see how their money is being spent." That might help some but not much. Voters in the lawmaker's district or state might not object to getting earmarked for goodies.

As one who has studied the military-industrial-political-intelligence complex for almost 50 years now from the front row seat a defense reporter gets, I think the deficit, unemployment, cost overruns on weapons that don't work and/or have nothing to do with winning the war against terrorists—along with voter disgust with Washington's spending binge—will eventually force the president and Congress to rein in their spending on dubious weapons.

The overseers will realize that real national security means fixing the national economy, not letting the Defense secretary and Army, Navy, Air Force, and Marine Corps continue to drive the taxpayers to the poor house in Cadillacs.

As one who spent seven and a half months on an aircraft carrier, let me fuel the eventual battle of the Pentagon budget by asking right here and now whether it makes sense in these economic times to build all three of the new carriers of the class named after the late President Gerald R. Ford.

In its latest Selected Acquisition Report, the Pentagon projects that three of these Ford class carriers will cost a total of $35 billion, or almost $12 billion each. A pilot who really knows carriers from taking off and landing on them thousands of times told me that the bad guys could disable the carrier flight deck with comparatively cheap missiles or do what our own Navy frogmen have already done: Sneak aboard a carrier at night undetected by climbing up its steel sides on magnetic shoes. "They can make it rain longer than we can swim; the pilot said of those bent on dethroning the queen of the Navy fleet.

CYBERSECURITY ENHANCEMENT ACT OF 2009

SPEECH OF

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes:

Mr. POLIS. Madam Chair, I rise today to offer an amendment to H.R. 4061, the Cybersecurity Act of 2009.

I would like to thank Chairman GORDON, his staff, and Representative LIPINSKI for their leadership on a critical, bipartisan bill that will train the experts we need to tackle tomorrow's challenges and enable the United States to stay competitive in the realm of cybersecurity.

In a world of blogs and widgets, smart phones and e-mail, we are a global community growing ever closer and interconnected. The average citizen cannot help but be a part of an extended electronic family. Technological progress has enhanced our personal and work lives, regardless of our job or position.

As someone who has founded and run several small businesses, I can speak to the advantages of working in this age of e-commerce and how it has improved my ability to represent Colorado's Second Congressional District.

My amendment expands the proposed internship opportunities available to participants in the Federal Cyber Scholarship for Service Program to include placements in the private sector. I believe it will serve tomorrow's cybersecurity professionals and our national security interests to open up this program to a diversity of experience. For the future recipients of these scholarships, it will provide the occasion to serve not only in the Federal technology workforce, but also at the abundance of small, medium, and large businesses that help to make up our nation's economy.

My district provides a clear illustration of where institutions of higher education, small businesses, and the Federal Government can cooperate to benefit each other and the rest of the nation.

We have a thriving community of startups, lower than average unemployment, and a history of growing small businesses. With the collaboration of budding cybersecurity professionals from the University of Colorado, in Boulder, these companies can benefit from their education and, in turn, impart the practical knowledge that will build each student's portfolio of experiences.

Having gained and grown from these experiences, I am positive that their education in the private sector will help to provide unique solutions to daunting tasks during their time in the Federal Government. What originally seemed like a strategy only applicable to a small high-tech company in Boulder, can now serve as a useful tool when confronted with the task of fending off cyber attacks.

The state of cybersecurity is fast becoming one of the great challenges of the 21st century. It is apparent that despite increased spending on research and development, our technological infrastructure is still vulnerable. China's recent intrusion into Google's operations should serve as a call to preparedness for both the private sector and the Federal Government.

This past May, President Obama's ''Cyberspace Policy Review'' highlighted the importance of developing partnerships between the Federal Government and the private sector. We must heed his call to broaden the scope of our experience. The limits of cyber growth are constantly expanding and, consequently, so must our plans to address the plethora of issues that crop up.

As Secretary Clinton put it recently, ''the Internet, though a blessing, can be a threat to those who would fall prey to cyber terrorism.'' It is our job as inventors and stewards of the Internet to ensure unhindered access to information and technology that enriches the lives of everyone. By boosting our training capabilities we are ensuring a safe and free Internet experience, informed by the latest discoveries and implemented by practiced professionals.

This amendment helps to guarantee that we are addressing the long-term challenges inherent to cyber security. It will create ties with the private sector and cultivate a workforce with a skill set that will serve in a variety of scenarios.

Madam Chair, this amendment and this bill are critical to protecting our nation's sensitive information, ensuring a competent cybersecurity workforce and boosting our economic competitiveness. I urge passage of this amendment and the underlying bill.

HONORING THE LIFE OF M. HOLLIS CURL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BONNER. Madam Speaker, I rise today to express my deep personal sadness at the passing of M. Hollis Curl, a longtime friend, an award winning journalist, and perhaps Wilcox County, Alabama's greatest advocate.

Hollis, the editor and publisher of The Wilcox Progressive Era in my hometown of Camden, Alabama, passed away on February 2, 2010 at the age of 74.

It's been said that real newspapermen bleed ink. I have no doubt that Hollis would fit into that category. While he would downplay his life's work as mere ''newspapering,'' no one could ever question that Hollis was a consummate professional born with a lifetime love for print journalism and a remarkable passion for his community.

Hollis began his ''newspapering'' career as a young man by hawking copies of his hometown paper, The Red Bay News, from a shoeshine stand. During World War II, his family moved to Oak Ridge, Tennessee, where he got a paper route carrying the Knoxville News Sentinel. Not satisfied with selling other people's papers, he soon started his own neighborhood publication—a single sheet which he sold for five cents a copy.

Hollis attended Ole Miss and following college, he worked at newspapers in Tennessee before returning to Alabama in 1960 to join The Dothan Eagle. From there, he moved to Butler, where he served as publisher for The Choctaw Advocate and began winning awards from the Alabama Press Association (APA). He purchased The Choctaw Advocate in 1968, and later, he co-owned The Demopolis Times.

In 1969, he and his wonderful wife, Glenda, bought The Wilcox Progressive Era in Camden, a newspaper that decades earlier had been in my family. Throughout the years, Hollis Curl also owned newspapers in Montevallo and Marion.

Hollis gained national recognition in 1997 when he was selected by Sigma Delta Chi as the first weekly newspaper editor to receive the Ethics in Journalism Award presented at the National Press Club in Washington, D.C. In addition, the Alabama Press Association awarded Hollis with its first Lifetime Achievement Award.

Over his four-decade-long career in Camden, Hollis took more than a few politicians to task on his editorial page and in his award-winning, weekly column, ''For What It's Worth.'' A proud and lifelong Democrat, Hollis penned the very first editorial endorsement for my candidacy for Congress back in 2002, even though I was running as a Republican in a congressional district that was different from his own.

Hollis was perhaps best known to those outside of Wilcox County for the national publicity he received for his tireless efforts to restore ferry service to Gee's Bend, Alabama—an area that for nearly 40 years had been isolated from the county seat of Camden. The resumption of the ferry—which took many years of hard lobbying on the part of local residents, backed by Hollis' powerful voice—meant the prospect of a better life for many.

Madam Speaker, I join all of Wilcox County—and everyone else who was privileged to call Hollis a friend—in expressing my deepest sympathies to his wife, Glenda, their children, Mark and Julie, and their grandchildren. Thank you for sharing this extraordinary person with us for all these years. You all are in our prayers.

ACADEMY NOMINEES FOR 2010 11TH CONGRESSIONAL DISTRICT NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

My Academy Review Board is composed of six local citizens (several of whom are Academy graduates and veterans) who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 60 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year our board interviewed 38 applicants. Nominations included 10 to the Naval Academy, 9 to the Military Academy, 7 to the Merchant Marine Academy, and 9 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2010
11TH CONGRESSIONAL DISTRICT NEW JERSEY

Air Force Academy

Michael J. Crampton, Kinnelon, Kinnelon H.S.

Ian R. Enriquez, Long Valley, West Morris Central H.S.

Menachem M. Feltzenberg, West Point, Homeschooled

Sergio R. Jimenez, Lake Hopatcong, Jefferson H.S.

Andrew Lim, Randolph, Randolph H.S.

Rebecca M. Lobrovich, Montville, Montville H.S.

Michael M. Longhi, Succasunna, Seton Hall Prep

Jacob H. Podolnick, Flanders, Mt. Olive H.S.

Jaemin Seo, Whippany, Whippany Park H.S.

Merchant Marine Academy

Vincent M. Falcone, Short Hills, Millburn H.S.

Robert A. Femia, Jr., Kinnelon, Georgetown Prep

Dalton R. Harbula, Parsippany, Parsippany Hills H.S.

Brandon Hatzel, Montville, Montville H.S.

Andrew J. Kratsch, Caldwell, James Caldwell H.S.

Daniel P. Pierce, Caldwell, James Caldwell H.S.

John C. Ramirez, Morris Plains, Seton Hall Prep

Military Academy

Kimberly M. An, Oak Ridge, Jefferson H.S.

Austen Boroff, Chatham, Chatham H.S.

Lindsey G. Danilack, Montville, Montville H.S.

Timothy A. Dore, Madison, Madison H.S.

Kung Min Han, Short Hills, Millburn H.S.

Tyler M. Lahey, Chester, West Morris Mendham H.S.

Danielle E. Martinez, East Hanover, Academy of St. Elizabeth's

Natalie R. Miller, Chester, West Morris Mendham H.S.

Stasia M. Rogacki, North Caldwell, Mt. St. Dominic's Academy

Naval Academy

Brayden R. Abbey, Sparta, Pope John XXIII H.S.

Charles D. Boles, Chatham, Chatham H.S.

David A. Guerin, Millington, Koinonia Academy

Matthew Infante, Chester, Delbarton School

Marykate B. Moore, Chatham, Villa Walsh Academy

John E. Muti, Mountain Lakes, Mountain Lakes H.S.

Gregory Oh, Madison, Madison H.S.

Christopher M. Rec, Long Valley, West Morris Central H.S.

Mark J. Santamaria, Randolph, Randolph H.S.

Kevin C. Sullivan, Mountain Lakes, Mountain Lakes H.S.

THE BENEFITS OF FEDERAL INVESTMENT IN THE DEVELOPMENT OF SILICON CARBIDE POWER MODULES AND NANOTECHNOLOGY FOR ANTI-REVERSE ENGINEERING

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BOOZMAN. Madam Speaker, contained in H.R. 3326, the Department of Defense Appropriations Act for FY 2010, is funding for investment in projects in Arkansas, which I requested for FY 2010. The legislation contains funding for the development of Nanotechnology for Anti-Reverse Engineering in the FY10 Defense Appropriations bill, Research, Development Test & Evaluation, Navy, account by Space Photonics, Inc., 700 Research Center Blvd., Fayetteville, AR 72701. This project will develop and integrate nanotechnology-based anti tamper solutions for unmanned aerial vehicles and prepare for flight qualification. Anti tamper capability is required for all DoD new start programs as of 2001, all pre-planned product improvement (P3I) or technology insertion efforts, and all programs that did not reach Milestone B by May 1, 2000. U.S. anti tamper technology must continually evolve and improve to keep ahead of the capabilities of our adversaries. As such, developing and maintaining a strong technology base is a stated objective for the DoD anti tamper program. Electronics are a major area of vulnerability in weapon systems, particularly advanced microchip and circuit design used on sensors and communications equipment flying on UAVs.

Nanotechnology is proving to be a very promising area for AT solutions. Nanotechnology based technologies and techniques have the potential to be undetectable and have been demonstrated to inhibit circuit exploitation and/or reverse engineering. Nanotechnology techniques can also support passive self-destruction of devices.

Funding was also included for Silicon Carbide Power Modules for the F–35 Joint Strike Fighter by Arkansas Power Electronics International, Inc., 535 W. Research Center Blvd., Fayetteville, AR 72701. This project will produce flight-qualified silicon carbide (SiC) motor drives for aircraft flight control systems. SiC electronics are required to accommodate the high power densities and voltages necessary for motor drive operation. The Air Force's More Electric and All Electric Aircraft (MEA/AEA) design philosophy mandates the replacement of costly and bulky mechanical hydraulic aircraft flight control systems with lighter weight, high-reliability, low-maintenance electric motors and drives. SiC motor drives provide an order of magnitude size reduction and high temperature operational capability for the F–35's flight control surface actuator drives, which are critical components of the aircraft's combat performance capability.

Conversion to SiC motor drives can contribute significantly to meeting aircraft weight reduction targets for the production version of the F–35, as well as enable improved performance of UAVs and hybrid electric military vehicles. For these reasons, I believe these to be an appropriate investment of taxpayer dollars.

DIXIE-NARCO ADDS JOBS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. WILSON of South Carolina. Madam Speaker, Dixie-Narco, Inc. is a company in South Carolina's Second District that produces vending machines. In late 2007, Dixie-Narco Company was acquired by Crane Corporation and they make 65 percent of all of the vending machines in North America.

I want to thank Dixie-Narco for their economic commitment to our great state and I look forward to working with them to continue to grow jobs in South Carolina. I have enjoyed working with business, state and local officials to help secure these jobs led by Eric Fast, President, CEO, and Director of Crane Company, Marty Martin of Barnwell County Development Commission, Mayor Tommy Rivers of Williston, Danny Black and Kay Maxwell of Southern Carolina Alliance, and Joe Taylor of the State Department of Commerce. But mostly, I want to thank the employees at Dixie-Narco's Williston facility for their strong work ethic—which led to the company's expansion from 500 employees to now nearly doubling.

100 millions Americans use vending machines each day and companies like Dixie-Narco are revolutionizing the industry. They offer substantial design improvements for increased volumes, dependable reliability, and increased productivity.

We appreciate Dixie-Narco adapting to this changing economy and working to promote this green industry that doesn't require customers to drive from the workplace or school for products.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

TRIBUTE TO WILLIAM EDWARDS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. REICHERT. Madam Speaker, today I rise to speak about a young man in the Eighth Congressional District who earned recognition as a semifinalist in this year's Intel Science Talent Search.

Intel's Science Talent Search is our country's oldest and most prestigious pre-college science competition, and attracts some of the brightest students across the nation. Intel provides each semifinalist with a $1,000 award and does the same for each individual school represented.

William Edwards, a student at Bonney Lake High School and a resident of Lake Tapps, WA, earned his place on this prestigious list along with 299 other innovative and inventive minds from around our Nation. It is a thrill to congratulate a hard-working and intelligent young man, William, for standing alongside the best our Nation has to offer in the fields of math, science and technology. William serves as an example of excellence, and encourages a spirit of curiosity and innovation that we must continue to foster among young people across this great nation.

The competition encourages students to tackle the challenging scientific questions of both the present and the future. I thank Intel for its leadership in this endeavor and congratulate their success in this annual competition.

HONORING THE LIFE OF THE REVEREND FATHER JOSEPH W. KUKURA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to honor the extraordinary life of Father Joseph Kukura, President of the Catholic Health Care Partnership of New Jersey, who passed away on February 1, 2010.

Fr. Kukura was a scholar, an ethicist, a trusted counselor, a generous and intelligent man of faith, and a friend to many. As a parish priest at Corpus Christi in Hasbrouck Heights, as director of the Bergen County Catholic Youth Organization and through his role with the Catholic Health Care Partnership of New Jersey he served the people of my district and the entire state of New Jersey for many years. He will be greatly missed.

Madam Speaker, I know that my colleagues will join with me in honoring the life of this special man. We should all be so fortunate to leave such a wonderful legacy. I enter his obituary, which appeared in the Newark Star-Ledger on February 3, 2010, into the RECORD.

[From the Newark Star-Ledger, Feb. 3, 2010]

Rev. Joseph W. Kukura, 69, formerly of Hasbrouck Heights, a priest of the Archdiocese of Newark for 43 years, entered eternal life on Feb. 1, 2010. Rev. Kukura was the current president of the Catholic Health Care Partnership of New Jersey in Princeton, where he served for the past 10 years. ''Father Joe,'' as he was affectionately known, was a graduate of St. Peter's Prep High School in Jersey City, and attended Seton Hall University and the Catholic University in Leuven, Belgium. Father Joe was ordained into the priesthood on June 24, 1967. As a young priest, he served at Corpus Christi R.C. Church in Hasbrouck Heights for five years, focused on youth and family ministry, and soon gained a large and faithful following in the parish. As director of the C.Y.O. in the early 1970's, he initiated powerful and popular retreat programs for high school youth. He also served as a member of the team ministry at St. Joseph's R.C. Church in Oradell. Father Joe then entered the doctoral program in moral theology at Catholic University in Washington, D.C. From there, he joined the faculty at Immaculate Conception Seminary, where he taught Christian Ethics for 15 years. He left the seminary to serve for 10 years as vice president for pastoral services at the Catholic Health Association, a national organization of Roman Catholic hospitals, headquartered in St. Louis, Mo. Father Joe returned to New Jersey in 1994, and continued his service through the Catholic Health Care Partnership of N.J., where he provided ethical consultation to New Jersey's Catholic hospitals. Father Joe served in various parishes as a visiting weekend priest, including Blessed Kateri Tekakwitha in Sparta, St. Pio in Lavallette and St. Aloysius in Jackson. He maintained contact with many of his former parishioners, officiating at their weddings, baptizing their children, burying their loved ones, and attending special events. Always there when needed, his generous and loving spirit drew people close to him and his Christ-like example drew them closer to God. His motto was ''it's the little things that count'' and he lived it by his thoughtful and loving presence in the lives of those who shared his love and became his ''parish.'' Father Joe was the loving son of the late Anna and Joseph Kukura of Bloomfield, and a dear friend to many.

HONORING THE WORK OF POLLY DYER, A WASHINGTON STATE ENVIRONMENTAL LEADER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. INSLEE. Madam Speaker, I rise today to honor Polly Dyer for her more than fifty years of leadership and hard work improving and protecting the environment of our nation.

Polly, along with her husband John, played a leading role in the passage of the 1964 Wilderness Act, which preserved millions of acres of land throughout the nation—the equivalent of almost 10 percent of Washington's land mass. She has made a special contribution to the protection and enhancement of the Olympic National Park and to the underwater domains of the Pacific Coast National Marine Sanctuary. Her efforts directly contributed to the development and preservation of the North Cascades National Park. She had a major role in the creation of the North Cascades Conservation Council, the Puget Sound Alliance, and was a key player in the formation of the Puget Sound Water Quality Authority.

My family and I have hiked the trails and slept under the stars on land she fought hard to save for future generations. We know and honor the great heritage she is preserving for our nation.

Polly Dyer has mentored, inspired and nurtured several generations of wilderness leaders in Washington State. On and off the trail, in and out of the halls of Congress, Polly Dyer is the exemplar of a wilderness leader. Thank you, Polly Dyer, for everything that you have done.

RECOGNIZING THE TRANSPORTATION TRADES DEPARTMENT, AFL–CIO ON ITS 20TH ANNIVERSARY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. LoBIONDO. Madam Speaker, I rise today to recognize the Transportation Trades Department, AFL–CIO as it marks its 20th anniversary as an advocate for our Nation's transportation workers. TTD serves an important role in helping policymakers and the American public understand the critical need to improve transportation and to support the men and women who help keep our Nation moving.

As the Representative for the 2nd Congressional District of New Jersey, transportation is

one of my top priorities. My State's transportation needs are growing and ever-changing. I frequently hear my constituents speak of their frustration at the steep personal and financial costs of transportation delays and inefficiencies. Our Nation's quality of life and our economic vitality are closely linked to the quality of our transportation networks. As Ranking Member of the Subcommittee on Coast Guard & Maritime Transportation, I know how important it is to have safe and secure ports and waterways. It is critical that our Nation invest in this vital part of our economy, and that the men and women who work in the maritime industry are given the respect and support that they need to carry out their important work.

I am proud to work closely with TTD in pursuit of these shared goals. TTD is a serious, substantive organization—one truly committed to achieving results, not scoring political points. TTD understands that the transportation needs of our Nation know no partisan boundaries, whether it is average Americans traveling or commuting to work, or businesses needing reliable delivery of goods and services. Our entire Nation, regardless of region and local leadership, stands to gain from a safer, more modern transportation network, run by experienced, well-trained workers. TTD recognizes this and helps guide our shared bipartisan commitment to sensible transportation policies.

I congratulate TTD for its many accomplishments during its 20-year history. Transportation workers are at the core of our Nation's economic engine, and they have a well-respected voice and ally in the Transportation Trades Department, AFL–CIO. I look forward to continuing to work closely with them in the years to come.

FAFSA SEASON

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to draw attention to the Free Application for Federal Student Aid, FAFSA, which helps make college a possibility for many young Americans.

The 2010–2011 form is now available and has been improved by eliminating 22 questions and 17 Web screens from the overall application.

These improvements—which will lessen obstacles for accessibility and financial aid—will help achieve President Obama's goal of generating the highest number of college graduates by 2020.

The Student Aid and Fiscal Responsibility Act which I proudly supported, further enhances FAFSA and brings us a step closer towards accomplishing the President's goal.

Every student, regardless of their parents' economic status, should be able to attend college.

For years I have teamed up with schools and stakeholders to sponsor ''FAFSA Nights'' for parents and students; in my district.

This year I will hold a total of three ''FAFSA Nights'' in my district. The first two events drew close to 500 people and we anticipate that over 300 will attend the third event.

I encourage my colleagues to hold similar events.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, February 2, 2010 and Wednesday, February 3, 2010.

For Tuesday, February 2, 2010, I would have voted ''Aye'' on Rollcall vote #26 (on motion to suspend the rules and agree to H.R. 4495), ''Aye'' on Rollcall vote #27 (on motion to suspend the rules and agree to H. Res. 957), ''Aye'' on Rollcall vote #28 (on motion to suspend the rules and agree to H. Res. 1014).

For Wednesday, February 3, 2010, I would have voted ''No'' on Rollcall vote #29 (on ordering the Previous Question to H. Res. 1051), ''No'' on Rollcall vote #30 (on agreeing to H. Res. 1051, which provides for consideration of H.R. 4061), ''Aye'' on Rollcall vote #31 (on motion to suspend the rules and agree to H. Res. 1043), ''Aye'' on Rollcall vote #32 (on motion to suspend the rules and agree to H. Res. 901), ''Aye'' on Rollcall vote #33 (on motion to suspend the rules and agree to H. Res. 1044), ''Aye'' on Rollcall vote #34 (on agreeing to the Hastings (FL) amendment to H.R. 4061), Aye'' on Rollcall vote #35 (on agreeing to the Flake amendment to H.R. 4061), Aye'' on Rollcall vote #36 (on agreeing to the Dahlkemper amendment to H.R. 4061), Aye'' on Rollcall vote #37 (on agreeing to the Cuellar amendment to H.R. 4061), Aye'' on Rollcall vote #38 (on agreeing to the Connolly (VA) amendment to HR. 4061).

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS AS THEY CELEBRATE THEIR 90TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to the League of Women Voters as they celebrate their 90th anniversary. This is a remarkable milestone for this outstanding organization and I am glad to have this opportunity to pay tribute to their many invaluable contributions.

Founded in 1920, just before the 19th Amendment was ratified, the League of Women Voters was designed to help women carry out their new responsibilities as voters—to engage them in government and to encourage them to use their newfound rights to shape public policy. Though they encourage their members to be political themselves, this grassroots organization has a long and proud history of nonpartisanship which has allowed them to play a unique role in our communities and the national debate. At its core, the League has always been about educating voters and sharing with them how their voice can impact public policy at every level of government.

What began as a ''mighty political experiment'' has grown into one of the most respected and dynamic advocacy organizations in the country. With more than 900 state and local leagues—represented in each of the fifty states as well as the District of Columbia, Puerto Rico, the Virgin Islands, and Hong Kong—the League continues to build on the successes of the past. Through its grassroots citizen network, the League and its members are making innumerable contributions to our communities. Whether sponsoring local candidate forums or weighing in on the issues facing our nation, the organization is remaining true to its most basic purpose—to make democracy work for all citizens.

Though it grew out of the women's suffrage movement, over its ninety year history the League of Women Voters has grown into an advocacy organization for all of America's citizens. It has remained committed to ensuring that Americans fully participate in the political process and use their power as voters to effect meaningful change in public policy. It is organizations like the League of Women Voters that make our nation—our democracy—so strong.

Today, as they reflect on the ninety years that have passed, the League of Women Voters can be proud of all that they have accomplished. I wish them all the best as they celebrate their 90th anniversary and extend my deepest thanks and appreciation to the organization and its thousands of members for their dedication, commitment and good work.

THE 150TH ANNIVERSARY OF THE FOUNDING OF THE IMMACULATA CATHOLIC CHURCH IN CINCINNATI

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mrs. SCHMIDT. Madam Speaker, I rise to recognize the 150th Anniversary of the founding of the Immaculata Catholic Church in Cincinnati.

On December 9, 1860, Archbishop John B. Purcell celebrated the Immaculata Church during a special High Mass. This first mass marked the fulfillment of a heavenly promise that Archbishop Purcell made as a passenger aboard a ship sailing through a storm. As the storm raged, he promised to build a church on the most prominent point in Cincinnati.

While most Catholic churches were built by local communities, the Immaculata Church was quite different. Archbishop Purcell actually purchased the land, donated the stone, and supervised construction from start to finish. And, just to be certain that his promise was fulfilled, he urged parishioners to walk up the hill where the church was being built, and pray for its success along the way.

In 1970, the Immaculata Parish joined together with neighboring Holy Cross Parish. While the parish's name changed to Holy Cross Immaculata, its traditions continued. Each year, an estimated 10,000 individuals walk up the church's steps on Good Friday, stopping to say a prayer on each step.

Madam Speaker, I ask you to join me in celebrating the 150th Anniversary of the Immaculata Church and wish the parish continued success in the future.

COMMENDING THE LORD'S PLACE FOR ITS 3RD ANNUAL SLEEPOUT EVENT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commend the astonishing accomplishments of The Lord's Place, a nonprofit organization dedicated to saving hundreds of thousands of men, women, and children from the unrelenting grasp of homelessness. Currently our Nation is faced with the sad reality of more than half a million Americans without a place to call home, and some without any shelter at all. To make my district aware of the sheer magnitude of this problem, The Lord's Place will host its 3rd Annual SleepOut event on February 5, 2010, aimed at both fundraising for a solution and giving Americans a glimpse into the lives of the thousands of homeless men, women, and children sleeping either in a shelter or on the streets every night.

For decades now, the steps taken by The Lord's Place have improved the lives of homeless families and individuals throughout Palm Beach County. The organization's main goal is to provide and secure economic stability for homeless men, women, and children, and for 30 years they have hosted events and organized programs aimed directly at fulfilling their mission. I admire the work of the volunteers and staff members at The Lord's Place. On a daily basis these hardworking and devoted individuals organize programs, which leave the most forgotten members of our society with a place to call home every night and walk away with something far more valuable than a hefty paycheck.

This Friday night, the dedicated staff members and volunteers of The Lord's Place will aim to make the more fortunate members of our community aware of a typical night endured by homeless families and individuals. The 3rd Annual SleepOut in downtown West Palm Beach will feature a performance, presentation, and finally a movie before the participants call it a night and attempt to sleep through the bitter cold conditions faced by so many homeless men, women, or children. The main focus of the SleepOut is what The Lord's Place calls the "2% Solution." If just 2 percent of our community commits to addressing the problem of homelessness, this critical issue can and will be resolved as a result of the community's hard work.

I would like to extend my gratitude to those men and women who stepped out of their comfort zones and helped raise both awareness and funds for the mission of The Lord's Place. I commend The Lord's Place for helping to break the vicious cycle that has created homelessness in our community. It is because of their perseverance and compassion that a future in which the right to basic shelter is available to every man, woman, and child in Palm Beach County.

As American citizens, it is not only our desire to help those in need. It is our duty to provide every homeless man, woman, and child with a warm place to sleep at night and an opportunity to sustain economic stability.

Madam Speaker, I am truly honored to recognize The Lord's Place for all that they do to help the Palm Beach County community and I wish them much success during their 3rd Annual SleepOut.

EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF MILDRED ''BILLIE'' FRAUMAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Mildred ''Billie'' Frauman who passed away on January 25, 2010.

Mrs. Frauman was always conscious of the community around her and never faltered in her civic duty. She was born in 1921 and received degrees from the University of Chicago and Oklahoma University, and after settling in Dallas she became an advocate for racial tolerance and understanding in a city that was becoming increasingly diverse. She served as the area director of the American Jewish Committee and was later honored by this group with its Community Relations Achievement Award. Additionally, she was an officer on the board of Temple Emanu-El and served as its Sisterhood president.

One of the most remarkable things about Mrs. Frauman was her ability to confront difficult situations with strength, ease, and grace. At a racially volatile time in Dallas, she conducted several workshops for the city of Dallas, the Dallas Police Department, and the Dallas Independent School District on ways to meet the challenges of change in a diverse community. This service benefitted Dallas immensely and helped to make it a more understanding and cosmopolitan city.

Madam Speaker, I ask my fellow colleagues to join me today in recognizing Mrs. Frauman whose work and commitment to Dallas will never be forgotten.

THANKING THE JUNIOR CLASS OF HAY SPRINGS HIGH SCHOOL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. SMITH of Nebraska. Madam Speaker, I would like to take the time to recognize a group of students from Nebraska's Third District, who have decided to put aside personal benefit in order to help those in need. The junior class at Hay Springs High School, like high schools throughout the nation, spent the school year raising funds for their annual prom. However, this class has decided to forgo their ''expensive'' prom to help the less fortunate.

A destructive earthquake struck the island of Haiti in January, causing tremendous damage and loss of human life. The survivors now face collapsed buildings, limited resources, and a ruined country.

For the entire school year, the junior class have sold magazines, offered soup suppers, and held raffles to help finance prom. Their fund raising efforts earned them more than $5,000, but this money will not be used to support their prom. Rather, it has been designated for a non-profit organization helping in the recovery by setting up hospitals and schools in Haiti.

When such a devastating event takes place, we must come together as a people in order to help the less fortunate. I want to take this opportunity to thank the junior class of Hay Springs High School for their selflessness and their willingness to help in a time of crisis.

CYBERSECURITY ENHANCEMENT ACT OF 2009

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes:

Mr. VAN HOLLEN. Madam Chair, I rise in support of H.R. 4061, the Cybersecurity Enhancement Act of 2009.

I'd like to thank Representative LIPINSKI, Chairman GORDON and Ranking Member HALL for crafting this important piece of bi-partisan legislation.

Cybersecurity is a critical issue in a world with increasing reliance on information systems. So much of our personal lives, from bank accounts to medical records are online. And much of our world, from traffic signals to water purification, operate with industrial control systems that are vulnerable to hacking. Indeed, a Wall Street Journal article in April of this year reported that cyberspies had penetrated the U.S. electrical grid and left behind potentially-disruptive software programs and, more recently, the Chinese government was accused of being behind a number of cybersecurity attacks which targeted U.S. networks, including a breach of Lockheed Martin's F–35 fighter development program.

Congress takes this growing threat to the Nation's cyber network seriously and has gathered here today to consider a bill designed to harness relevant U.S. government resources into a coordinated approach to the problem.

The Cybersecurity Enhancement Act of 2009 authorizes $395 million for the National Science Foundation programs aimed at improving cybersecurity research—$69 million in FY 2010, $73.5 million in FY 2011, $79 million in FY 2012, $84 million in FY 2013, and $90 million in FY 2014. It reauthorizes existing research and development programs and includes ''identity management'' as a new supported research area.

The bill reauthorizes cybersecurity workforce and traineeship programs at NSF, as well as cybersecurity research program, and authorizes $609 million in FY 2010 through FY 2014, and $319 million after FY 2014, for NSF programs.

A key player in the Nation's cybersecurity effort will be National Institute of Standards and Technology, which has already done pioneering work in information security. I am proud to have NIST in my Congressional district.

This measure places a number of new requirements on NIST, which is responsible for

setting cybersecurity standards for nonclassified Federal networks. Among its many important provisions is a requirement for NIST to develop a coordinated plan for U.S. involvement in the development of international cybersecurity technical standards that ensures adequate U.S. Government representation; the bill requires NIST to develop a cybersecurity awareness and education program that would disseminate best practices and technical standards for individuals, small businesses, state and local governments, and educational institutions; NIST is required to engage in research and development programs to improve identity management systems, which include health information technology systems; and, NIST is required to establish technical standards to improve interoperability, authentication methods, privacy protection, and usability of identity management systems.

The bill authorizes $30 million in FY 2010 through FY 2014 for these programs.

According to the Office of Management and Budget and The Government Accountability Office, despite spending an estimated $6 billion a year protecting nearly $72 billion in information technology infrastructure and more than $350 million in cybersecurity research and development each year, U.S. information technology infrastructure remains vulnerable to attacks, and agencies tasked with its protection are not fulfilling their responsibilities.

Dennis Blair, the director of national intelligence, told members of the Senate Select Intelligence Committee yesterday, that ''in the dynamic of cyberspace, the technology balance right now favors malicious actors rather than legal actors, and is likely to continue that way for quite some time.''

Madam Chair, this bill and the important amendments we will also consider today are part of Congress's ongoing efforts to meet this growing challenge to the cyber and national security infrastructure of the country. I encourage my colleagues to join me in supporting the bill.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on February 2, 2009. If I were present for rollcall votes, I would have voted ''yea'' on each of the following:

Roll 26, February 2, 2010: On Motion to Suspend the Rules and Pass: H.R. 4495, To designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the Jim Kolbe Post Office.

Roll 27, February 2, 2010: On Motion to Suspend the Rules and Agree: H. Res. 957, Honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion.

Roll 28, February 2, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1014, Recognizing and supporting the goals and ideals of North American Inclusion Month.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the RECORD regarding the conference report on H.R. 3326, Department of Defense Appropriations Act, 2010.

Project: Adaptive-Defense HIPPIE (High-speed Internet Protocol Packet Inspection Engine) on a Chip.

Account: Department of Defense, Army, RDT&E

Legal Name of Requesting Entity: TechGuard Security, LLC

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005

Description of Request: Provide $1,004,000 to enhance the Army's Cyber Security. This project puts the rapid and power-conserving High-speed Internet Protocol Packet Inspection Engine's (HIPPIE) security capability on a silicon chip. This funding will allow for development of a Nano-power supply and a nano-memory capability. It will enhance the coalition warrior and the U.S. Warfighter's communication security and access control through discreet deployment with secure remote-controlled chip-level destruction in the event a device is compromised. This enhanced capability at the chip-level allows for deployment directly into the hands of the warfighter engaged in traditional and irregular warfare.

Project: Aircrew Body Armor and Load Carriage Vest System

Account: Other Procurement—U.S. Air Force

Legal Name of Requesting Entity: Eagle Industries.

Address of Requesting Entity: 1000 Biltmore Drive, Fenton, MO 63026

Description of Request: To provide $2,400,000 to issue the Aircrew Body Armor Load Carriage Vest System, an integrated body armor vest system, to aircrew personnel. The system provides fire retardancy and ballistics protection from a wide array of threats including small arms fire, fragmenting shrapnel and spall, while decreasing the heat stress and weight burdens faced by airmen. Currently issued aircrew flight equipment survival vests are not body armor-compatible due to weight, heat, and survivability concerns. Current issue is not fire retardant and fails to meet the present needs of the U.S. Air Force. Of the $3 million, approximately 25 percent is for materials; 25 percent is for labor; and 50 percent is for armor and armor integration.

This request is consistent with the intended and authorized purpose of the U.S. Air Force—Other Procurement account. If funded in full, this is a one-time funding request with the goal of the Air Force using internally budgeted funding to continue fielding the system to aircrew personnel.

Project: Air Filtrations Systems for Helicopters

Account: Department of Defense, Army, Aircraft Modifications

Legal Name of Requesting Entity: Aerospace Filtration Systems, Inc.

Address of Requesting Entity: 4 Research Park Dr, Suite 200, St. Charles, MO, USA

Description of Request: To provide $800,000 to install barrier filtration systems on National Guard aircraft. This request would allow the National Guard to obtain dramatic savings by reducing engine replacements and thus maintenance, keeping overall engine performance from being reduced due to erosion and Foreign Object damage (FOD), and increasing readiness rates of the ARNG fleet. The earmark will address a portion of the ARNG fleet to include: AH–64A APU Barrier Filter—32 Aircraft, AH–64D APU Barrier Filter—48 Aircraft, CH–47 APU Barrier Filter—80 Aircraft, and OH–58A/C Engine Barrier Filter—50 Aircraft.

AFS Barrier Filtration Systems capture 99 percent of the dirt and debris that would otherwise enter the engine or APU and cause a significant loss of performance. This prevents engines/APU's from being removed from the aircraft for costly maintenance or overhaul. Engine overhaul costs could cost as much as $300,000 on one engine. By extending the life of the engine/APU up to 11 times, the savings from one installation kit could be as high as $6.6M on one AH–64 helicopter alone. AFS barrier Filters in use by the U.S. Army in the deserts of Iraq and Afghanistan have been proven extremely effective. These kits have allowed engines to reach TBO and have been a major part of unprecedented readiness rates for the aircraft fleets.

Project: Backpack Medical Oxygen System (BMOS)

Account: Department of Defense, Air Force, RDT&E

Legal Name of Requesting Entity: Essex Cryogenics of Missouri Inc.

Address of Requesting Entity: 8007 Chivvis Drive St. Louis, MO 63123–2395

Description of Request: To provide $800,000 for improving Air Force oxygen generation technology for emergency field medical rescues. With modification, the Backpack Medical Oxygen System (BMOS) is the system that satisfies the USAF Requirement for a small deployable oxygen generator system. This spiral development program for the BMOS system will significantly decrease the time and funds required to field critical capabilities needed today by our warfighters. The U.S. Air Force requirement for oxygen is a minimum of 93 percent pure oxygen at 6 liters per minute for critically injured personnel and the BMOS satisfies that requirement.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER–IFP)

Account: Department of Defense, Army, RDT&E, (CERDEC, NVESD, Special Projects)

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: To provide $1,600,000 for the Hyper-IFP (Hyper spectral Sensor for Improved Force Protection) Program. The introduction of a Hyper–IFP in FY08 is allowing the detection and recognition of humans (with a near zero false alarm rate) and providing indication of other certain physiological triggers that can indicate that a person is under extreme stress such as contemplating ''bad'' behavior. To date successful development, test and evaluation has been done in the lab, though these systems have not been fully optimized for theatre operation or for costs. The continued funding of Hyper–IFP will operationalize and integrate the knowledge

gain in the lab and apply it in a true-fielded application at an affordable cost. The Hyper–IFP system will also be environmentally hardened to allow field deployment and allow integration with other FP sensors in the last quarter of 2009. Hyper–IFP is focused on the missions of Perimeter Security, Suicide Bomb Detection and Urban Route Recon. Utility will be demonstrated through an evaluation in both the Southwest border and contingency mission in Southwest Asia. This effort will require leveraging the current Force Protection sensor suite designs for the missions cites to maintain interoperability. In the end, this request focuses on both achieving data verification, and the delivery of sufficient hardware to validate the Technical Data package for re-procurement as well as demonstrate the system's ability to deploy to DoD/DHS users for the missions described. The Night Vision Electronic Sensors Directorate, Ft. Belvoir Virginia, is very supportive of this project.

HONORING THE TALL PINE COUNCIL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Tall Pine Council as they celebrate the 100th anniversary of the Boy Scouts of America. To mark the occasion an exhibition at the Alfred P. Sloan Museum in Flint, Michigan will begin on Monday, February 8th to honor the contributions of Boy Scouts and the Tall Pine Council.

W.D. Boyce incorporated the Boy Scouts of America on February 8, 1910 and a tradition of service, character development, citizenship and physical fitness began. The Boy Scouts of America spread and by 1912 there were troops in all states. Over the past 100 years the Boy Scouts of America has performed invaluable service to the people of our nation. They provided nationwide service during the 1918 influenza epidemic and collected over 1 million items of food and clothing to help the needy and suffering during the 1930s. Boy Scouts worked with the Office of Civil Defense Mobilization as messengers, emergency medical personnel and firewatchers during World War II. This tradition of service continues today with the Boy Scouts of America partnering with the Salvation Army, the American Red Cross and Habitat for Humanity for the national Good Turn for America program to address the problems of hunger, homelessness and poor health. In addition, Boy Scouts are assisting with relief efforts for the victims of the earthquake in Haiti.

The first troop in the Flint area was formed in 1912 at the Oak Park Methodist Church. Troops operated independently until 1917 when the Flint Council was formed. Approximately 248 scouts participated in activities during this time. During the Council's first five years there were 63 units formed and 2,720 boys participated including spending time at the Boy Scout Camp on Lobdell Lake. The Flint Council quickly grew and eventually covered Genesee, Lapeer and Shiawassee Counties. In 1937 the Council was renamed the Tall Pine Council. Currently the Tall Pine Council operates Camp Holaka near Lapeer and Camp Tapico near Kalkaska.

Over the past 100 years the Boy Scouts of the Tall Pine Council have joined their fellow scouts working for our nation by selling bonds during the two World Wars, distributing get-out-the-vote door hangers, collecting food and working on community beautification projects. They raise money through their annual popcorn sales to support their packs and troops. During 2009, the Tall Pine Council served over 11,000 youngsters, 77 boys earned the Eagle Scout distinction and 200 boys earned the Cub Scout's Arrow of Light Award. More than 3,000 adults serve as role models and mentors, I have served as a Boy Scout adult volunteer, and a member of my staff, Lucetia Manwaring, is currently a Cub Scout Den Mother.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the achievements, perseverance and pride of the Tall Pine Council and the Boy Scouts of America. For 100 years they have helped youngsters grow into enthusiastic, caring men committed to community service, and preserving our natural resources. I commend them for the wonderful work they do and hope they will continue for many, many years to come.

ON THE RETIREMENT OF JOHN HOSKINS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. SKELTON. Madam Speaker, it has come to my attention that John Hoskins has recently retired as the Director of Missouri's Department of Conservation after a career in conservation that spans more than three decades. A steadfast steward of Missouri's beautiful natural resources, Mr. Hoskins has spent his life protecting our environment so that future generations may enjoy Missouri's God-given beauty.

A lifelong Missourian, Mr. Hoskins grew up on a small Ozark farm where he learned the value of a clean environment and the special connection we enjoy with our natural surroundings. After graduating with a bachelor's degree from Southeast Missouri State University in 1975, he went on to complete a Master of Public Administration degree at my alma mater, the University of Missouri.

Throughout his tenure with the department, Mr. Hoskins has balanced competing priorities with a fixed budget. Under his leadership, the department has expanded conservation education facilities across the state and created new school programs to teach young Missourians the importance of caring for our precious natural resources.

On a personal note, the magazine of the Department of Conservation, the Missouri Conservationist, has been a mainstay of my office for many years now. My fellow Missourians and I have long enjoyed the magazine's interesting articles and the beautiful pictures of Missouri's great outdoors.

Madam Speaker, I trust my fellow members of the House will join me in recognizing John Hoskins, a man who has dedicated his life to the effective stewardship of Missouri's environment.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE TRANSPORTATION TRADES DEPARTMENT, AFL–CIO

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. THOMPSON OF MISSISSIPPI. Madam Speaker, this year marks the 20th anniversary of the Transportation Trades Department of the AFL–CIO (TTD). It is my distinct pleasure to honor TTD, as it has firmly established itself as an effective advocate for American workers and is a well-respected leader in transportation policy debates.

The threats facing the United States in the 21st Century require all of us to be on the frontlines. Accordingly, TTD has brought workers together from across all sectors of the transportation industry. From aviation to surface transportation, threats to transportation security are broad and cross-cutting, and TTD has helped to bring diverse groups of workers together to speak with a clear, strong voice on issues of common concern.

As Chairman of the House Committee on Homeland Security, I know how important transportation workers are to the National homeland security mission. On September 11, 2001, transportation workers witnessed the destruction firsthand, and some workers' lives were, unfortunately, cut short. Since that day, under the leadership of TTD, these men and women have become educated and effective allies and advocates in improving our homeland security. TTD workers are on the front lines, working under stressful, rapidly-changing conditions. Under my leadership, the Committee has taken efforts to support these tireless and dedicated workers by providing them with the tools, training, and protections they deserve. To keep our homeland secure, transportation workers must be trained, prepared, and supported.

TTD has been a strong advocate for ensuring that workers have the training and tools they need to protect their passengers from harm, and their freight shipments from foul play. It has helped workers be free to identify security gaps in an appropriate manner without fear of retribution from their employer. TTD has also been a leading proponent for a strong federal investment in transportation security, one that recognizes that all modes must be fully secured. And it has been invaluable as background check and security credential programs are created for workers—making certain that we are improving security, not just making it more difficult for people to do their jobs.

We are continually reminded that our efforts to strengthen transportation security are far from complete. In these complicated times, the bold and effective voice of TTD is needed more than ever. I congratulate TTD on the important progress it has made on behalf of workers in its first 20 years, and look forward to working with them in the years ahead.

SUPPORT FOR NORTH AMERICAN INCLUSION MONTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to commend Representative TOWNS on H.R. 1014 which recognizes and supports the goals and ideals of North American Inclusion Month. I urge my colleagues to support this resolution which demonstrates Congress' support for ensuring that all individuals are included in communities across the Nation. I would also like to commend Yachad and the Union of Orthodox Jewish Congregations of America for their continued support of disabled Americans.

I recently introduced two bills that support the ideals and goals of North American Inclusion Month, H.R. 4533, the Technology Bill of Rights and H.R. 1408, the Inclusive Home Design Act.

The Technology Bill of Rights would allow the blind and visually impaired equal access to rapidly advancing electronics, which millions of Americans use every day. Because the blind are currently not able to interact with many new technologies, they must overcome barriers of which other Americans may not even be aware.

The visually impaired are not able to use touch screens and visual displays, which have replaced knobs and buttons on many appliances. They face challenges in choosing new stoves, microwaves, fax machines, and cell phones. These technologies have become essential for many Americans, and inaccessibility has challenged the independence of and work opportunities of the blind. Even in good economic times, the blind face enormous barriers in their attempts to join the workforce, because of the inability to use many office technologies that require visual interaction. The recent economic downturn has amplified these hurdles to employment.

H.R 4533 would ensure blind and visually impaired Americans equal access to these new technologies. The bill would mandate that consumer electronics, home appliances, kiosks, and electronic office technology are designed with nonvisual access components so that they are usable by all people. There are already inexpensive mechanisms that have been created which manufacturers can use to ensure equal access. This includes text-to-speech technology that has unfortunately not seen widespread implementation. This bill would increase the implementation of existing technologies and create new jobs as new technologies are developed to ensure that products are accessible for the visually impaired.

The Inclusive Home Design Act would mandate that all new homes built with the assistance of Federal funds would be accessible for the disabled. This legislation is based on the principle of integrating basic accessibility, establishing ''visitability'' standards, and allowing elderly Americans to ''age in place'' rather than being forced to move, be institutionalized, or spend thousands of dollars on home renovations. This is a sustainable, affordable, and inclusive design approach. It would require the new homes to meet four accessibility standards. First, it would require at minimum one accessible entrance into the home. Second, doorways on the first floor must be large enough to accommodate wheelchairs. Third, at least one bathroom must be wheelchair accessible. Finally, the light switch and thermostats are required to be at a reachable height for those in a wheelchair. I am proud to have the support of Access Living and the Paralyzed Veterans of America in passing this legislation.

I encourage my colleagues to support the resolution recognizing North American Inclusion Month, and I look forward to continuing to work with them to ensure equal access for all.

HONORING THE LIFE OF RICHARD ''DICK'' SPOTO, FORMER PRINCIPAL AND HEADMASTER

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the life and contributions of Richard ''Dick'' Spoto—and to acknowledge his dedication to the teachers, students and his neighbors in the Tampa Bay Area.

Mr. Spoto was born in Tampa, Florida in 1917. He was the youngest of 13 children born to Guiseppina and Pietro Spoto. He started his 41-year career in education as the assistant football coach at Hillsborough High and then the head coach at Jefferson High until he became the county's first director of health and physical education in 1949. Shortly after, Mr. Spoto returned to school and received his master's degree in administration from the University of Florida in 1952.

Mr. Spoto realized soon after receiving his masters that his true calling resided in the school system. So he returned to become principal of Tampa Bay Boulevard Elementary from 1953–1961, then Sligh Junior High from 1961–1966 and finally Hillsborough High from 1966–1970. After leaving the school district, he went to work as headmaster at Saint Mary's Episcopal Day School before retiring in 1980.

For 41 years, Mr. Spoto was dedicated to enriching the lives of his students and colleagues. His mentor and friend Richard ''Norm'' Pettigrew, with whom he created the group Athletes from the Past, described him as ''a friend to everyone—an inspiration really . . . he would instill good habits and kept you on track.''

While Mr. Spoto may be gone his lifelong commitment to athletics and education has been celebrated with many honors, culminating in 2005 with the dedication of Richard C. Spoto High School.

Mr. Spoto is survived by his two daughters, Susan Spoto Shobe, Elizabeth ''B.J.'' Spoto-Russell along with his four grandchildren, Ashley Shobe Gilkison, David C. Shobe Jr., Kathleen Elizabeth Johns, and Allison Elayne Russell and his two great-grandchildren, Richard ''Bo'' Gilkison and Elizabeth Marie Johns. The Tampa community honors the life of Mr. Spoto for his outstanding contributions as an educator.

His service to the Tampa Bay community has made a lasting mark that will not soon be forgotten.

THE RENEWABLE ENERGY EXPANSION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BLUMENAUER. Madam Speaker, the impacts of a changing climate are far-reaching, representing a threat not only to our natural ecosystems but to our national security as well. To help avoid the worst effects of carbon pollution, consumers must have a dependable supply of energy that is clean, renewable, and American. The right combination of tax incentives, regulatory changes, and investment in research and development for cleaner energy can expand the renewable energy market, put renewable energy on an equal footing with traditional fossil fuels, and create good domestic jobs in the clean energy industry.

During the economic crisis, renewable energy investors were unable to take advantage of tax credits offered by the federal government to spur renewable energy investment and production. For example, many industry analysts anticipated that in 2009 wind power development would drop by as much as 50% from 2008 levels, with equivalent job losses.

To avoid this outcome, the federal government shifted its tax credit contribution to these projects into cash grants for qualifying projects. This program was extremely successful: in 2009, as a result of these policies, the U.S. wind industry broke all previous records by installing nearly 10,000 megawatts of new generating capacity in 2009. Other renewable energy providers reported similar gains.

This grant program expires on December 31, 2010. The legislation that I am introducing today, the Renewable Energy Expansion Act, will ensure that these benefits are not lost and will ensure that consumers continue to gain better access to sources of clean, renewable energy.

The Renewable Energy Expansion Act allows taxpayers to elect to receive a tax credit that functions as a direct payment for investing in or producing renewable energy. The amount of the payment is tailored to equal the subsidy provided under the American Recovery and Reinvestment Act's energy grant program. The legislation provides taxpayers the option to receive this new credit or to use the ARRA-created grant program, depending on which program best matches their needs. The legislation also ensures the smooth continuation of our underlying commitment to clean, renewable energy by carrying forward existing guidance and making technical changes to improve the underlying program. Finally, the legislation extends the credit until January 1, 2013.

The legislation makes several technical improvements to the underlying grant program. First, it eliminates an unintended consequence of the normalization rules that limited the ability of regulated utilities to develop renewable power facilities, even if the project otherwise met the prudency tests required by their public utilities commissions. I look forward to seeing added renewable power capacity in my state as a result.

Second, the legislation also improves the investment climate for renewable projects by streamlining access to these investments by

investment funds with tax-exempt investors. The proportional disallowance rules that are part of the legislation provide an important balance between protecting federal investments while opening up increased sources of development capital for renewable power developers. In that same vein, this legislation adopts changes that will increase the ability for real estate investment trusts to access these investments and I look forward to an expanding pool of investment capital for these projects in the future.

Finally, it is important to emphasize that the regulatory guidance that has been developed under the American Revitalization and Recovery Act's section 1603 grant program will be adopted by this legislation. It is important for the renewable energy industry—and for the investment community that supports it—to have certainty in the nature of the federal commitment. Having built a smoothly functioning guidance structure under the 1603 program, it provides no benefit to unsettle that understanding. It is my expectation that within 60 days of the enactment of this legislation the Treasury Department will issue guidance integrating the existing guidance into this new framework.

This legislation will help transition America to a clean energy economy. I look forward to working with my colleagues to realize that goal.

HONORING KATHERINE O. HENDERSON, RECIPIENT OF THE 2009 MILKEN EDUCATOR AWARD

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Katherine O. Henderson for receiving the 2009 Milken Education Family Foundation National Educator Award.

Ms. Henderson, a teacher at West Ashley High School in Charleston, joins a prestigious group of Milken Educator Award recipients, and I am proud to have one of my constituents recognized as one of these talented educators. She has made a remarkable impact on the youth of South Carolina through her innovative teaching strategies and inspirational teaching quality. Not only has she provided models of excellence for the profession, but has motivated students, colleagues and members throughout her community.

The Milken Educator Awards motto states, "The future belongs to the educated." With that said, thank you, Katherine O. Henderson, for your outstanding commitment and influence on the future generations of South Carolina's First District.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding projects received as part of the Department of Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army.

Legal Name of Receiving Entity: Auburn University/Frontier Technology, Inc.

Address of Receiving Entity: 102 Samford Hall, Auburn, AL 36849/1400 Commerce Blvd., #27, Anniston, AL 36207

Description of Request: Provide $2,800,000 for the Enhanced Military Vehicle Maintenance System Demonstration Project. Auburn University and partner Frontier Technology, Inc. will partner and use these funding will go towards system analysis, development, integration, validation and training, as well as toward field installation, optimization and support. Additionally, these efforts should create new high tech jobs, and will continue to demonstrate that Auburn University is a premier research and development university. The Enhanced Military Vehicle Maintenance System identities difficult to detect failure modes that must be serviced while the vehicle is undergoing maintenance. It models vehicle conditions to ensure that the vehicle is restored to an optimum state of operation prior to return to service. This technology can be modified for various military vehicles to detect problems not typically reported using threshold or trend systems. It detects problems before they happen, preventing breakdowns in battlefield environments. The system successfully verifies that vehicles repaired at the Depot have been restored to an optimum state of operation prior to redeployment. The system provides the cutting edge, cost effective technology that helps ensure more rapid and reliable deployment of critical military vehicles during this period when our equipment is under extreme and extended use. Auburn and FTI are now starting to implement the system at Anniston.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: OM, Army

Legal Name of Receiving Entity: Intergraph Corporation

Address of Receiving Entity: 170 Graphics Drive, Madison, AL 35758

Description of Request: Provide $4,000,000 for the Fort Benning National Incident Management System (NIMS)—Compliant Installation Operations Center. Funding will be used to establish a NIMS-compliant installation operations center, hardware, software, services and training at Fort Benning, Georgia. This funding will go towards meeting the implementation of a NIMS-compliant installation operations center that will directly support Homeland Security Presidential Directive (HSPD)-5 by providing interoperability and cross-jurisdiction capabilities among local and multi-state response agencies. The request will allow Fort Benning to create a NIMS-compliant state-of-the-art operations center. This system will provide Fort Benning with the critically needed capability to track and protect new incidents and existing activities. The final solution will integrate first responder force protection and the fire fighting common operational picture into one comprehensive command and control/decision support capability that will provide visibility to the commander to gain status and direct response, analyze the current anti-terrorism and force protection mission, and allow for appropriate reporting to other operations centers throughout the country.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: John C. Calhoun Community College

Address of Receiving Entity: P.O. Box 2216, Decatur, Alabama 35609

Description of Request: Provide $3,360,000 for the ART-SAM (Adaptive Robotics Technology for Space, Air and Missiles). Funding will be used to establish a national robotics Research and Development center at the Robotics Technology Park, located at Calhoun Community College, to develop robotics capability for space, air, and missile defense missions for a variety of the U.S. Army Space and Missile Defense Command (SMDC) projects, programs, and core mission needs. This funding will go towards implementation of the infrastructure and development of robotic hardware and software. This includes evaluating initial concepts for implementation, establishing operational capability, and demonstrating initial operational capability. This is the first year funding will be needed; this project will be accomplished over a three year funding cycle. Alabama's 3rd District will be impacted indirectly, and the opportunities for job creation and workforce development across the state are considerable. Additionally, the strong military-oriented mission for ART-SAM should apply directly to military operations and associated personnel in District 3. The implications of the ART-SAM vision will be readily apparent to any District 3 constituent already involved in battlefield simulation and robotics.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: QinetiQ North America—Systems Engineering Group

Address of Receiving Entity: 890 Explorer Blvd., Huntsville, AL 35806

Description of Request: Provide $3,360,000 for Scenario Generation for Integrated Air and Missile Defense Evaluation. This funding will be used for the Army Aviation and Missile Research Development and Engineering Center, Software Engineering Directorate (SED) for development of ground test scenarios required to execute the Integrated Air and Missile Defense (IAMD) Battle Command System Milestone B Test and Evaluation Master Plan (TEMP). Funding for this scenario development effort addresses a portion of a documented AMD UFR associated with System of Systems development and acquisition funding profile. Investment in this scenario development during FY10 will maintain the critical milestone schedule, including Milestone C and Initial Operational Capability (IOC).

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: PeopleTec, Inc.

Address of Receiving Entity: 4901-D Corporate Drive, Huntsville, AL 35806

Description of Request: Provide $3,120,001 for the Enhanced Rapid Tactical Integration for Fielding of Systems (ERTIFS). Funding will leverage and evolve ERTIFS developed Aviation and Missile interoperability technologies and systems. Funding will be used for engineering and development of the Army Battle Command System—Brigade Architecture (ABCS-BA), procurement, integration and testing of the ABCS-BA hardware, and ABCS-BA project to support four additional types of required interoperability Tests: 1) Individual System, 2) System of Systems (e.g., Software Blocking), 3) Backwards Compatibility—Interoperability and 4) Regression Testing.

IN RECOGNITION OF NATIONAL WEAR RED DAY TO PROMOTE WOMEN'S HEART HEALTH AND HEALTH PARITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to join me as I recognize National Wear Red Day this Friday, February 5, to raise awareness of and support women's heart health.

Heart disease is the number one killer of women. In Michigan, more than 43 women die each day from heart disease and stroke. In fact, since 1984, more women than men die of heart disease each year and the gap between men and women's survival continues to widen.

These deaths are largely preventable. For too long, medical professionals and the public at large have viewed heart disease as a ''man's disease.'' This attitude is still manifested today. Women comprise only 24 percent of participants in all heart-related studies. Women wait longer than men to go to an emergency room when having a heart attack and physicians are slower to recognize the presence of heart attacks in women because ''characteristic'' patterns of chest pain and EKG changes are less frequently present. After heart attack, women are less likely than men to receive beta blockers, ACE inhibitors and aspirin—therapies known to improve survival. This contributes to a higher rate of complications after heart attacks in women, even after adjusting for age. Consequently, 38 percent of women, compared to 25 percent of men, will die within one year of a first recognized heart attack.

Heart health is just one area of the health care disparities between men and women, so the Wear Red Campaign is critical to leveling that playing field. But along with heart health, we must do more to ensure health parity for women in all aspects of health care. So, I am so proud today to stand with the American Heart Association and the hundreds of thousands of women and men who support this important cause and I am proud to continue to fight in Congress and support health parity for women in all aspects of health care.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. NADLER of New York. Madam Speaker, due to other business, I missed one vote on February 3, 2010. Had I been able to, I would have voted ''yea'' on rollcall vote No. 34, an amendment offered by Mr. HASTINGS (D–FL) to the Cybersecurity Enhancement Act of 2009 (H.R. 4016).

INNOVATIVE EFFORT TO INCREASE EMPLOYMENT OF PEOPLE WITH DISABILITIES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. SCHAKOWSKY. Madam Speaker, I would like to draw my colleagues' attention to a new and extremely innovative campaign to encourage businesses to employ workers with disabilities. I also want to congratulate Health and Disability Advocates for overseeing the campaign. Health and Disability Advocates, a non-profit organization located in Chicago, is a leading voice on disability issues and, under the talented leadership of Barbara Otto, has been a valuable resource for Illinois and the nation.

As of December 2008, 54.4 million people in the United States—18.7 percent of our population, or nearly one in five Americans—reported some level of disability. Official figures show that unemployment among persons with a disability was 13.8 percent this past November, compared to 9.5 percent among non-disabled people, but this doesn't include many people who are too discouraged to even look for work. When disabled persons are employed, promotion opportunities may be scarce.

The cost of employing a person with a disability is minimal, averaging only $313 in 2007. Employees with disabilities had nearly identical job performance ratings to those without disabilities according to a 2007 study by DePaul University researchers. Employers say that employing a disabled person is well worth the expense, finding these individuals to be loyal, reliable, and hard-working, serving long tenures with low absenteeism rates. Additionally, hiring disabled employees serves to diversify the work environment, which has an overall positive impact.

Health and Disability Advocates has undertaken a campaign to highlight the importance of hiring people with disabilities that is imaginative and persuasive. I hope that my colleagues will take an opportunity to read the following article that ran in the New York Times on January 29 to read about it.

USING HUMOR IN A CAMPAIGN SUPPORTING DISABLED PEOPLE

A national effort to encourage businesses to employ workers with disabilities is not your father's hire the handicapped campaign.

One difference is that the new ads are paid rather than pro bono, with an estimated budget of $4 million for the first two quarters of 2010. The ads will appear on television, in print, online and outdoors; there is also a sponsorship deal with NPR.

The ads are being financed largely by agencies in 30 states that provide employment services as well as health and human services to their citizens who are disabled. The agencies have set a goal of raising $10 million for the campaign's budget for the full year.

Typically, ads that seek to make a case for employing people with disabilities run as public service announcements. That makes them dependent on the kindness of media outlets to place them prominently on television, in print or online.

''We'll never have enough money to oversaturate the media,'' said Barbara Otto, executive director at Health and Disability Advocates in Chicago, which is overseeing the campaign, ''but we wanted to do something different, something that didn't look like a P.S.A.''

To that end, the campaign takes a lighthearted tack rather than a sober or earnest tone. The ads try to challenge conventional wisdom about workers with disabilities by offering humorous examples of people with ''differences'' already employed.

For instance, in a television commercial, a worker in a wheelchair points out her colleagues who ''you could label as 'different.'" Among them are a woman dressed in a nightmare wardrobe of clashing patterns, who is ''fashion deficient''; a klutzy young man at the copier, who is ''copy incapable''; and a shouting man who suffers from ''volume control syndrome.''

The punch line of the commercial is that the worker in the wheelchair is different, too: Her skills at a basic office function are so bad that she is labeled ''coffee-making impaired.''

Print ads introduce employers to a man in a suit whose awkward dance moves make him ''rhythm impaired'' and an awkward man who is hard to understand because he is ''jargon prone.''

The text of the ads elaborates on the point the campaign strives to make.

The ad with the worker who is rhythm impaired declares: ''Just because someone moves a little differently doesn't mean they can't help move your business forward. The same goes for people with disabilities.''

The ad with the jargon-spouting worker reads: ''Just because someone talks differently doesn't mean they don't bring something of value to the conversation. The same goes for people with disabilities.''

The tongue-in-cheek differences in each ad appear as Dymo-style labels across the faces of the employees, to set up the theme of the campaign, ''Think beyond the label.'' The theme is repeated in the address of a microsite, or special Web site (thinkbeyondthelabel.com), where additional information is available about, as the home page puts it, ''just how silly labels can be.''

The concept was tested, Ms. Otto, said ''to get that employment decision-maker thinking that everyone in the workplace is different,'' but not so much that it would make anyone—with disabilities or otherwise—feel uncomfortable.

''We knew it needed to be disruptive,'' Ms. Otto said, ''but we wanted it to be tasteful.'' In the research, ''people said they liked the funny and human tone,'' she added.

The tenor of the campaign was endorsed by the actor in the wheelchair, Alana Wallace, who is an advocate for people with disabilities as well as a performer.

''I knew I needed to be a part of this campaign,'' Ms. Wallace said, because ''there were enough of the pity-party approaches'' to the subject.

The commercial ''speaks to our similarities in that we all have a label someone

could put on us,'' she added. ''We never use the word 'disability' throughout the entire ad.''

Among those collaborating on the campaign are Wirestone; Kelly, Scott & Madison; and Fuor Digital, a unit of Kelly, Scott & Madison, all based in Chicago.

''People go through life labeling other people: 'the funny guy,' 'the bald guy,' 'the girl with the glasses,' '' said Brian Addison, director for brand strategy at Wirestone. ''The labels can go from harmless to hurtful.''

''We're saying, before you label someone, think twice whether it correlates to productivity in the workplace,'' he added.

In developing the creative approach, ''we wanted it to be on that fine line of provocative but not polarizing,'' Mr. Addison said, adding that he believed the campaign accomplished being ''human instead of being overly serious.''

The ads are being concentrated in media outlets preferred by the intended audience of people who ought to, as the campaign suggests, ''evolve your work force,'' those who influence hiring decisions at small, midsize or large companies. They include senior managers, executives and staff members of human resources departments and hiring managers.

The commercial is to run during Sunday morning news programs on ABC, CBS and NBC and on cable channels like BBC America, CNN, ESPN and HLN.

The print ads are to appear in publications like Fast Company, HR Magazine, Inc., Time, The Wall Street Journal and The Week.

Among the Web sites scheduled to run the digital ads are CNN.com, ESPN.com and WSJ.com. There will also be search-engine marketing tied to keywords on Web sites like Google.

THANKING THE YOUTH OF ARNOLD, NEBRASKA, FOR DONATIONS TO HAITI

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. SMITH of Nebraska. Madam Speaker, I would like to take a few moments today to acknowledge a great group of Nebraska students who have graciously put forth efforts to aid the people of Haiti in their time of need.

After the destructive earthquake which hit the island of Haiti, many are surviving without basic necessities. A third-grade class in Arnold, Nebraska had been studying citizenship when the crisis in Haiti occurred. When a student suggested the class aid in the efforts to help Haiti recover from the earthquake, the rest of the class sprung into action.

The students gathered as many clothes, blankets, medical supplies and shoes as they could and teamed up with the Grain Train, an organization which has been sending supplies to the Haiti orphanages for years.

Their efforts should not go unnoticed, and I am grateful to have such outstanding students doing what they can to extend Nebraska's ''Good Life'' worldwide.

TRIBUTE TO WILLIAM COELHO FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the community of Milford, Connecticut as they gather to pay tribute to William ''Bill'' Coelho—an outstanding individual who has dedicated countless hours to enriching the lives of others and making his community a better place to live, work, and grow.

Bill is an extraordinary man whose generosity, compassion, and commitment to public service has touched the lives of many. He, like so many of us, learned about the importance of community service and caring for others from his parents, Rose and Julio Coelho. Bill has taken those lessons and dedicated a lifetime to improving the quality of life for friends, neighbors, and strangers alike. He is a reflection of the very best of our community.

Bill is a legend in Milford—particularly in the sports community. He was an All-State tackle and Heavyweight Division State Champion at Milford High School where the gymnasium would be packed to witness his next conquest. As an adult, raising his own family in Milford, Bill organized the Milford Raiders Football Program and started a Wrestling Clinic for young athletes. Through these programs, Bill has helped to instill in hundreds of our young people the value of team work, practice, camaraderie, sportsmanship, and commitment to excellence—skills that will serve these young people well as they begin to leave their own mark on the world.

The difference that Bill has made in the lives of others is immeasurable. However, what he means to this community is reflected in the faces of all of those who have gathered this evening to pay him tribute and support him in his time of need. Bill has been struggling with lung cancer for some eighteen months now. I have no doubt that Bill will win his battle—if nothing else, Bill is a fighter, determined to regain his health and to continue his work in our community.

For the many invaluable contributions he has made and his lifetime of service to the community, I am proud to stand today and extend my deepest thanks and appreciation to William ''Bill'' Coelho. My very best wishes to Bill, his wife, Deb, and his son, Zachary as they share this very special evening of friendship and support.

JANUARY, 2010: NATIONAL MENTORING MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. REICHERT. Madam Speaker, today I rise in support of National Mentoring Month. On the 26 of January, this House passed a resolution supporting the goals and ideals of National Mentoring Month, which we recognize each January. Last year I honored an organization that operates in and around the Eighth Congressional District that truly exemplified the spirit of selflessness and community that we look for in our Nation. This year, I've selected another honorable organization to highlight.

Big Brothers Big Sisters of Puget Sound is a wonderful organization. Despite rough economic times they have persevered and continue working to match boys and girls in Western Washington with willing and energetic mentors to build relationships that sometimes last a lifetime. In 2009 alone, Big Brothers Big Sisters of Puget Sound made and funded more than 2,000 matches in Western Washington. ''Bigs'' head to their ''littles'' schools or neighborhoods to study or play. ''Bigs'' in Western Washington may go to Safeco Field with their ''little'' to watch the Mariners play, or board a ferry to get an up-close glimpse of the beautiful Puget Sound.

It is during difficult economic times that wonderful organizations such as Big Brothers Big Sister can ''slip under the radar'' and struggle mightily—and silently—while trying to achieve their goals. I encourage everyone to support your local chapter of Big Brothers Big Sisters, and any other businesses, or nonprofit, religious or civic organizations who put the youngest among us first. We all know the devastating stories of young people whose futures are derailed because of poor decision-making, violence, or apathy. Mentoring holds a remedy. Mentoring is proven to change lives—the lives of ''bigs'' and ''littles'' alike.

In 2009, Patrick D'Amelio took over for Tina Podlowski as President and CEO of Big Brothers Big Sisters of Puget Sound. I look forward to working with Patrick on issues of mentoring and education, and I wish him all the best in the coming year. Again, I encourage this body to support mentoring across our great Nation, because the work done by our mentors is invaluable and lasting.

Daily Digest

HIGHLIGHTS

Senator-Elect Scott Brown, of Massachusetts, was administered the oath of Office by the Vice President.

Senate

Chamber Action

Routine Proceedings, pages S451–S505

Measures Introduced: Twenty four bills and five resolutions were introduced, as follows: S. 2982–3005, S.J. Res. 27, and S. Res. 407–410.

Pages S481–82

Measures Reported:

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, with an amendment in the nature of a substitute. (S. Rept. No. 111–124)

S. 952, to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events, with an amendment in the nature of a substitute. (S. Rept. No. 111–125)

Page S481

Becker Nomination—Cloture: Senate began consideration of the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board. **Page S502**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, February 8, 2010. **Page S502**

Greenaway and Becker Nominations—Agreement: A unanimous-consent agreement was reached providing that at 2 p.m., on Monday, February 8, 2010, Senate begin consideration of the nomination of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and resume consideration of the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board; with the time until 5 p.m., equally divided and controlled between the two Leaders, or their designees; and that the debate time run concurrently with respect to Joseph. A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and the motion to invoke cloture on the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board; that at 5 p.m., Senate vote on confirmation of the nomination of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit; that upon disposition of the nomination of Joseph. A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, Senate vote on the motion to invoke cloture on the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board. **Page S502**

Nominations Confirmed: Senate confirmed the following nominations:

By 60 yeas 37 nays (Vote No. EX. 18), M. Patricia Smith, of New York, to be Solicitor for the Department of Labor. **Pages S452–56, S505**

By unanimous vote of 96 yeas (Vote No. EX. 20), Martha N. Johnson, of Maryland, to be Administrator of General Services. **Pages S456–68, S505**

During consideration of this measure today, Senate also took the following action:

By 82 yeas to 16 nays (Vote No. 19), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Page S466**

Nominations Received: Senate received the following nominations:

Daryl J. Boness, of Maine, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2013.

Larry Robinson, of Hawaii, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mark A. Goldsmith, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Marc T. Treadwell, of Georgia, to be United States District Judge for the Middle District of Georgia.

Josephine Staton Tucker, of California, to be United States District Judge for the Central District of California.

David B. Fein, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Timothy Q. Purdon, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Parker Loren Carl, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

Kerry Joseph Forestal, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Gerald Sidney Holt, of Virginia, to be United States Marshal for the Western District of Virginia for the term of four years.

Clifton Timothy Massanelli, of Arkansas, to be United States Marshal for the Eastern District of Arkansas for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

3 Coast Guard nominations in the rank of admiral.

Routine lists in the Marine Corps. **Pages S503–05**

Messages from the House: **Page S480**

Measures Referred: **Page S481**

Executive Reports of Committees: **Page S481**

Additional Cosponsors: **Pages S482–84**

Statements on Introduced Bills/Resolutions: **Pages S484–S501**

Additional Statements: **Pages S479–80**

Notices of Hearings/Meetings: **Page S501**

Authorities for Committees to Meet: **Page S502**

Record Votes: Three record votes were taken today. (Total—20) **Pages S456, S466, S467**

Adjournment: Senate convened at 12 noon and adjourned at 6:54 p.m., until 2 p.m. on Monday, February 8, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S502–03.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Kevin Wolf, of Virginia, to be Assistant Secretary for Export Administration, Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, and David W. Mills, of Virginia, to be Assistant Secretary for Export Enforcement, all of the Department of Commerce, Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development, Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association, and Orlan Johnson, of Maryland, and Sharon Y. Bowen, of New York, both to be a Director of the Securities Investor Protection Corporation.

FINANCIAL STABILITY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the implications of the "Volcker Rules" for financial stability, after receiving testimony from E. Gerald Corrigan, Goldman, Sachs and Co., and John Reed, both of New York, New York; Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, and Hal S. Scott, Harvard Law School, both of Cambridge, Massachusetts; and Barry Zubrow, JPMorgan Chase, Far Hills, New Jersey.

BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request and revenue proposals for fiscal year 2011, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

FEDERAL TRADE COMMISSION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine financial services and products, focusing on the role of the Federal Trade Commission in protecting consumers, after receiving testimony from Jonathan D. Leibowitz, Chairman, Federal Trade Commission.

DEPARTMENT OF ENERGY BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

TOXIC CHEMICALS EXPOSURE

Committee on Environment and Public Works: Subcommittee on Superfund, Toxics and Environmental Health concluded a hearing to examine current science on public exposures to toxic chemicals, including the extent to which the Environmental Protection Agency incorporates information from biomonitoring studies into its assessments of chemicals, after receiving testimony from Steve Owens, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency; Henry Falk, Acting Director, National Center for Environmental Health, Centers for Disease Control and Prevention, and Agency for Toxic Substances and Disease Registry, and Linda Birnbaum, Director, National Institute of Environmental Health Sciences, National Institutes of Health, and Director, National Toxicology Program, both of the Department of Health and Human Services; John Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Kenneth A. Cook, Environmental Working Group, Washington, D.C.; Charles McKay, Hartford Hospital Department of Traumatology and Emergency Medicine, Hartford, Connecticut; Tracey J. Woodruff, University of California Department of Obstetrics, Gynecology, and Reproductive Sciences, San Francisco; and Molly Jones Gray, Seattle, Washington.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported General Services Administration (GSA) resolutions.

BUDGET

Committee on Finance: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011, after receiving testimony from Peter Orszag, Director, Office of Management and Budget.

HAITI RECONSTRUCTION

Committee on Foreign Relations: Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection concluded a hearing to examine Haiti reconstruction, focusing on smart planning moving forward, after receiving testimony from Robert Maguire, Trinity Washington University, and Mark L. Schneider, International Crisis Group, both of Washington, D.C.; and Charles MacCormack, Save the Children, Westport, Connecticut.

FOREIGN CORRUPTION

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine keeping foreign corruption out of the United States, focusing on four case histories, after receiving testimony from David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Janice Ayala, Assistant Director, Office of Investigations, United States Immigration and Customs Enforcement, Department of Homeland Security; James H. Freis, Jr., Director, Financial Crimes Enforcement Network, Department of the Treasury; Jeffery C. Birrell, The Grace Group, McLean, Virginia; William J. Fox, Bank of America, Charlotte, North Carolina; Brenda K. Cobb, Insured Aircraft Title Service, Inc., Oklahoma City, Oklahoma; Wiecher Mandemaker, HSBC Bank USA, N.A., Washington, D.C.; Michael Jay Berger, and George I. Nagler, both of Beverly Hills, California; and Neal Baddin, West Hollywood, California.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the nominations of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission, Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts, and Kathleen S. Tighe, of Virginia, to be Inspector General, Department of Education,

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, and Christopher H. Schroeder, of North Carolina, and Mary L. Smith, of Illinois, both to be an Assistant Attorney General, both of the Department of Justice.

COMCAST/UNIVERSAL MERGER

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers, after receiving testimony from Brian L. Roberts, Comcast Corporation, Philadelphia, Pennsylvania; Jeff Zucker, NBC Universal, New York, New York; Colleen Abdoulah, WOW!, Denver, Colorado; and Mark Cooper, Consumer Federation of America, and Andrew Schwartzman, Media Access Project, both of Washington, D.C.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 4594–4615; and 7 resolutions, H. Con. Res. 234 and H. Res. 1071–1076, were introduced. **Pages H601–02**

Additional Cosponsors: **Pages H602–03**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Baldwin to act as Speaker Pro Tempore for today. **Page H557**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Andrew Walton, Capitol Hill Presbyterian Church. **Page H557**

Cybersecurity Enhancement Act: The House passed H.R. 4061, to advance cybersecurity research, development, and technical standards, by a yea-and-nay vote of 422 yeas to 5 nays, Roll No. 43. Consideration of the measure began yesterday, February 3rd. **Pages H559–63**

Agreed to:

Halvorson amendment (No. 19 printed in H. Rept. 111–410) that was debated on February 3rd that adds veteran status as an additional item for consideration when selecting individuals for the Federal Cyber Scholarship for Service (by a recorded vote of 424 ayes with none voting ''no'', Roll No. 39); **Pages H559–60**

Kilroy amendment (No. 20 printed in H. Rept. 111–410) that was debated on February 3rd that amends the Federal Cyber Scholarship for Service program to include support for outreach activities that will improve the recruitment of high school and community college students into cybersecurity-related fields (by a recorded vote of 419 ayes to 4 noes, Roll No. 40); **Page H560**

Kissell amendment (No. 21 printed in H. Rept. 111–410) that was debated on February 3rd that instructs the National Science Foundation Director to include language in its Computer and Network Security Capacity Building Grants mission statement highlighting importance of curriculum on the principles and techniques of designing secure software (by a recorded vote of 423 ayes to 6 noes, Roll No. 41); and **Pages H560–61**

Owens amendment (No. 24 printed in H. Rept. 111–410) that was debated on February 3rd that requires the Cybersecurity Strategic Research and Development plan to include a component on technologies to secure sensitive information shared among Federal agencies (by a recorded vote of 430 ayes with none voting ''no'', Roll No. 42). **Pages H561–62**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H563**

H. Res. 1051, the rule providing for consideration of the bill, was agreed to yesterday, February 3rd.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, February 2nd:

Honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers: H. Res. 1022, to honor the life and sacrifice of Medgar Evers and to congratulate the United States Navy for naming a supply ship after Medgar Evers, by a 2/3 yea-and-nay vote of 426 yeas with none voting ''nay'', Roll No. 44; **Pages H571–72**

Expressing support for designation of January 2010 as ''National Stalking Awareness Month'' to raise awareness and encourage prevention of stalking: H. Res. 960, to express support for designation of January 2010 as ''National Stalking Awareness Month'' to raise awareness and encourage prevention of stalking; and **Page H593**

Criminal History Background Checks Pilot Extension Act: S. 2950, to extend the pilot program for volunteer groups to obtain criminal history background checks. **Page H594**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, February 3rd:

Social Security Disability Applicants' Access to Professional Representation Act of 2010: H.R. 4532, to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives, by a 2/3 yea-and-nay vote of 412 yeas to 6 nays, Roll No. 47.

Pages H573–74

Increasing the statutory limit on the public debt: The House agreed to the Senate amendment to H. J. Res. 45, to increase the statutory limit on the public debt. **Pages H574–93**

Pursuant to the rule, the portion of the Senate amendment prior to title I is considered as agreed to. **Page H593**

On a division of the question, the House adopted the second portion of the Senate amendment comprising titles I and II by a yea-and-nay vote of 233 yeas to 187 nays, Roll No. 48. **Page H593**

H. Res. 1065, the rule providing for consideration of the Senate amendment, was agreed to by a recorded vote of 217 ayes to 212 noes, Roll No. 46, after the previous question was ordered by a yea-and-nay vote of 233 yeas to 195 nays, Roll No. 45.

Pages H563–71, H572–73

Meeting Hour: Agreed that when the House adjourns on Friday, February 5th it adjourn to meet at 12:30 p.m. on Tuesday, February 9th for morning hour debate. **Page H594**

Quorum Calls Votes: Five yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H559–60, H560, H561, H561–62, H562–63, H571–72, H572, H573, H573–74, and H593. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:48 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies continued hearings on Science, Technology, Engineering and Math Education 2. Testimony was heard from public witnesses.

QUADRENNIAL DEFENSE REVIEW

Committee on Armed Services: Held a hearing on the 2009 Quadrennial Defense Review. Testimony was heard from the following officials of the Department of Defense: Michele A. Flourney, Under Secretary, Policy; VADM P. Stephen Stanley, USN, Director, Force Structure, Resources, and Assessment, J8, The Joint Staff; and Christine Fox, Director, Cost Assessment and Program Evaluation.

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Committee on Education and Labor: Ordered reported, as amended, H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES FY 2011 BUDGET

Committee on Energy and Commerce: Held a hearing on Department of Health and Human Services Fiscal Year 2011 Budget. Testimony was heard from Kathleen Sebelius, Secretary of Health and Human Services.

COMCAST/NBC UNIVERSAL MERGER

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing entitled ''An Examination of the Proposed Combination of Comcast and NBC Universal.'' Testimony was heard from public witnesses.

HOMELAND SECURITY EMPLOYEE TRAVEL POLICIES

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled ''Furthering the Mission or Having Fun: Lax Travel Policies Cost DHS Millions.'' Testimony was heard from the following officials of the Department of Homeland Security: Elaine Duke, Under Secretary, Management; and Carl Mann, Assistant Inspector General, Inspections, Office of Inspector General.

STATE TAXATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on State Taxation: The Role of Congress in Defining Nexus. Testimony was heard from R. Bruce Johnson, Commissioner, Tax Commission, State of Utah; and public witnesses.

CALIFORNIA DROUGHT ASSISTANCE

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on H.R. 4225, To authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production related to the drought in California. Testimony was heard from Representatives Cardoza and Nunes; Michael Connor, Commissioner, Bureau of Reclamation, Department of the Interior; John McCamman, Director, Department of

Fish and Game, State of California; and a public witness.

GEOENGINEERING

Committee on Science and Technology: Subcommittee on Energy and Environment continued hearings on Geoengineering II: The Scientific Basis and Engineering Challenges. Testimony was heard from public witnesses.

COLLEGE SCIENCE-TECH ENGINEERING-MATH EDUCATION

Committee on Science and Technology: Subcommittee on Research and Science Education, held a hearing on Strengthening Undergraduate and Graduate STEM Education. Testimony was heard from Joan Ferrini-Mundy, Acting Assistant Director, Directorate for Education and Human Resources, NSF; and public witnesses.

FAA AIRLINE SAFETY/PILOT TRAINING

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Update: The Federal Aviation Administration's Call to Action on Airline Safety and Pilot Training. Testimony was heard from the following officials of the Department of Transportation: J. Randolph Babbitt, Administrator, FAA; and Calvin L. Scovel III, Inspector General.

VA BUDGET REQUEST

Committee on Veterans' Affairs: Held a hearing on VA's Budget Request for Fiscal Year 2011 and Fiscal Year 2012. Testimony was heard from Eric K. Shinseki, Secretary of Veterans Affairs; and representative of veterans organizations.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D65)*

H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building". Signed on January 29, 2010. (Public Law 111–128)

H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office". Signed on January 29, 2010. (Public Law 111–129)

H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building". Signed on January 29, 2010. (Public Law 111–130)

H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building". Signed on January 29, 2010. (Public Law 111–131)

H.R. 3539, to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building". Signed on January 29, 2010. (Public Law 111–132)

H.R. 3667, to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building". Signed on January 29, 2010. (Public Law 111–133)

H.R. 3767, to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building". Signed on January 29, 2010. (Public Law 111–134)

H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building". Signed on January 29, 2010. (Public Law 111–135)

H.R. 4508, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. Signed on January 29, 2010. (Public Law 111–136)

H.R. 1377, to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility. Signed on February 1, 2010. (Public Law 111–137)

S. 692, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances. Signed on February 1, 2010. (Public Law 111–138)

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 5, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for January 2010, 9:30 a.m., SH–216.

CONGRESSIONAL PROGRAM AHEAD

Week of February 8 through February 13, 2010

Senate Chamber

On *Monday*, at 2 p.m., Senate will debate concurrently the nominations of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, and after a period of debate, vote on confirmation of the nomination of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and vote on the motion to invoke cloture on the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, at 5 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: February 9, to hold hearings to examine the President's proposed budget request for fiscal year 2011 for Defense Authorization and the Future Years Defense Program, 9:30 a.m., SDG–50.

February 9, Full Committee, to receive a closed briefing on policies, procedures, and practices relating to the transfer of detainees held at the Guantanamo Detention Facility, 2:30 p.m., SVC–217.

February 10, Full Committee, to receive a closed briefing on the status of the Nuclear Posture Review, 2:30 p.m., SVC–217.

February 11, Full Committee, to resume hearings to examine the "Don't Ask, Don't Tell" policy, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: February 10, Subcommittee on Security and International Trade and Finance, to hold hearings to examine equipping financial regulators with the tools necessary to monitor systemic risk, 9:30 a.m., SD–538.

Committee on the Budget: February 9, to hold hearings to examine the economic outlook and risks for the Federal budget and debt, 10 a.m., SD–608.

February 10, Full Committee, to hold hearings to examine setting and meeting an appropriate target for fiscal sustainability, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: February 9, to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation, 2:30 p.m., SR–253.

February 11, Full Committee, to hold hearings to examine aviation security, focusing on passenger screening technology and advanced screening methods, 10 a.m., SR–253.

Committee on Energy and Natural Resources: February 9, to hold hearings to examine financial transmission rights and other electricity market mechanisms, 10 a.m., SD–366.

February 9, Subcommittee on Water and Power, to hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111–11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program, 2:30 p.m., SD–366.

February 10, Full Committee, business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior, 9:30 a.m., SD–366.

February 11, Full Committee, to hold hearings to examine the Department of Energy's Loan Guarantee Program, 9:30 a.m., SD–366.

Committee on Environment and Public Works: February 9, to hold hearings to examine the nominations of William D. Magwood IV, of Maryland, William Charles Ostendorff, of Virginia, and George Apostolakis, of Massachusetts, all to be a Member of the Nuclear Regulatory Commission, 10 a.m., SD–406.

February 9, Full Committee, to hold hearings to examine the nominations of Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency, Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission, and Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission, 2:30 p.m., SD–406.

February 10, Subcommittee on Water and Wildlife, to hold hearings to examine collaborative solutions to wildlife and habitat management, 10 a.m., SD–406.

February 10, Full Committee, to hold hearings to examine the nominations of Marilyn A. Brown, of Georgia, Barbara Short Haskew, of Tennessee, Neil G. McBride, of Tennessee, and William B. Sansom, of Tennessee, all to be a Member of the Board of Directors of the Tennessee Valley Authority, 2:30 p.m., SD–406.

February 11, Full Committee, to hold hearings to examine global warming impacts, including public health, in the United States, 10 a.m., SD–406.

Committee on Foreign Relations: February 9, business meeting to consider S. 2961, to provide debt relief to Haiti, S. 1382, to improve and expand the Peace Corps for the 21st century, a simple resolution expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010 earthquake in Haiti, S. Res. 400, urging the implementation of a comprehensive strategy to address instability in Yemen, S. Res. 404, supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and the nominations of Leocadia Irine Zak, of the District of Columbia, to be Director of the

Trade and Development Agency, Walter Crawford Jones, of Maryland, to be United States Director of the African Development Bank, and Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund, and Ian Hoddy Solomon, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development, Donald E. Booth, of Virginia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Bisa Williams, of New Jersey, to be Ambassador to the Republic of Niger, Beatrice Wilkinson Welters, of Virginia, to be Ambassador to the Republic of Trinidad and Tobago, Scott H. DeLisi, of Minnesota, to be Ambassador to the Federal Democratic Republic of Nepal, Harry K. Thomas, Jr., of New York, to be Ambassador to the Republic of the Philippines, David Adelman, of Georgia, to be Ambassador to the Republic of Singapore, Rosemary Anne DiCarlo, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations, and to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Deputy Representative of the United States of America in the Security Council of the United Nations, Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, and to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, Allan J. Katz, of Florida, to be Ambassador to the Portuguese Republic, Ian C. Kelly, of Maryland, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, and Judith Ann Stewart Stock, of Virginia, to be Assistant Secretary of State for Educational and Cultural Affairs, all of the Department of State, and a promotion list in the Foreign Service, 2:15 p.m., S–116, Capitol.

February 10, Full Committee, to hold hearings to examine foreign policy priorities in the fiscal year 2011 International Affairs budget, 2:30 p.m., SH–216.

February 11, Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues, to hold hearings to examine the future of U.S. public diplomacy, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: February 11, to hold hearings to examine a stronger workforce investment system for a stronger economy, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: February 9, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine foster care and family services in the District of Columbia, focusing on challenges and solutions, 10:30 a.m., SD–342.

February 10, Full Committee, to hold hearings to examine the proposed budget request for fiscal year 2011 for the Department of Homeland Security, 9:30 a.m., SD–342.

February 11, Full Committee, to hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening, 10 a.m., SD–342.

February 11, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the census, focusing on a progress report on the Census Bureau's preparedness for the enumeration, 2:30 p.m., SD–342.

Committee on Indian Affairs: February 11, business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine the President's proposed budget request for fiscal year 2011 for tribal programs and initiatives, 2:15 p.m., SD–628.

Committee on the Judiciary: February 9, Subcommittee on Human Rights and the Law, to hold hearings to examine child prostitution and sex trafficking in the United States, 10 a.m., SD–226.

February 10, Full Committee, to hold hearings to examine combating cyber crime and identity theft in the digital age, 10 a.m., SD–226.

February 10, Full Committee, to hold hearings to examine certain nominations, 4 p.m., SD–226.

February 11, Full Committee, business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, 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. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, and the nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Genevieve Lynn May, to be United States Marshal for the Eastern District of Louisiana, and James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics, all of the Department of Justice, and Nancy D. Freudenthal, to be United

States District Judge for the District of Wyoming, Denzil Price Marshall, Jr., to be United States District Judge for the Eastern District of Arkansas, Benita Y. Pearson, to be United States District Judge for the Northern District of Ohio, and Timothy S. Black, to be United States District Judge for the Southern District of Ohio, 10 a.m., SD–226.

Committee on Veterans' Affairs: February 10, to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs, 9:30 a.m., SR–418.

Select Committee on Intelligence: February 9, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

February 11, Full Committee, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Agriculture, February 10, hearing to review U.S. Agricultural sales to Cuba, 11 a.m., 1300 Longworth.

February 11, Subcommittee on General Farm Commodities and Risk Management, hearing to review implementation of changes to the Commodity Exchange Act contained in the 2008 Farm bill, 10 a.m., 1300 Longworth.

Committee on Appropriations, February 9, Subcommittee on Homeland Security, on the FY2011 Budget Request, 3 p.m., 2359 Rayburn.

February 10, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Food and Drug Administration FY2011 Budget Request, 10 a.m., 2362A Rayburn.

February 10, Subcommittee on Commerce, Justice, Science and Related Agencies, on National Science Foundation/National Science Board, 10 a.m., and on International Trade Administration, 2 p.m., H–309 Capitol.

February 10, Subcommittee on Energy and Water Development, and Related Agencies, on U.S. Corps of Engineers, FY2011 Budget, 10 a.m., 2362B Rayburn.

February 10, Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies, on DOD Quality of Life, 10 a.m., H–143 Capitol.

February 10, Subcommittee on State, Foreign Operations and Related Programs, and Related programs, on the FY2011 Budget Request, 9:30 a.m., 2359 Rayburn.

February 11, Subcommittee on Commerce, Justice, Science, and Related Agencies, on Outside Witnesses and Members of Congress, 10 a.m., and 2 p.m., H–309 Capitol.

February 11, Subcommittee on Interior and Environment, and Related Agencies, on the FY 2011 Budget Requests, 9:30 a.m., 2359 Rayburn.

Committee on Armed Services, February 10, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on private sector perspectives on Department of Defense information technology and cybersecurity activities, 2:30 p.m., 2118 Rayburn.

February 11, full Committee, hearing on the Fiscal Year 2011 National Defense Authorization Budget Request from the Department of the Air Force, 10 a.m., 2118 Rayburn.

Committee on the Budget, February 10, hearing on the Treasury Department Fiscal Year 2011 Budget, 10 a.m., 210 Cannon.

February 11, hearing on the Department of Education Fiscal Year 2011 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, February 10, hearing on Building a Stronger Economy: Spurring Reform, and Innovation in American Education, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, February 10, Subcommittee on Energy and Environment, hearing on Oversight of the Federal Energy Regulatory Commission, 9:30 a.m., 2123 Rayburn.

February 10, Subcommittee on Health, hearing entitled Medical Radiation: An Overview of the Issues, 2 p.m., 2123 Rayburn.

February 11, Subcommittee on Commerce, Trade and Consumer Protection, hearing on Examining Domestic and International Actions on Persistent, Bioaccumulative, and Toxic Chemicals, 10 a.m., 2123 Rayburn.

Committee on Financial Services, February 10, hearing entitled ''Unwinding Emergency Federal Reserve Liquidity Programs and Implications for Economic Recovery,'' 10 a.m., 2128 Rayburn.

February 11, full Committee and the Committee on Small Business, joint hearing entitled ''Condition of Small Business and Commercial Real Estate Lending in Local Markets,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, February 10, hearing on The Google Predicament: Transforming U.S. Cyberspace Policy to Advance Democracy, Security, and Trade, 10 a.m., 2172 Rayburn.

February 10, Subcommittee on the Western Hemisphere, hearing on Haiti: Moving from Crisis to Recovery, 2 p.m., 2172 Rayburn.

February 11, Subcommittee on Africa and Global Health, hearing on Review of PEPFAR: Enhancements/Improvements in Efficiency and Quality, 10 a.m., 2172 Rayburn.

February 11, Subcommittee on Asia, the Pacific and the Global Environment, hearing on U.S.-Japan Relations: Enduring Ties, Recent Developments, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, February 11, hearing entitled ''The President's FY 2011 Budget Request for the Department of Homeland Security,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, February 10, hearing on Sharing and Analyzing Information to Prevent Terrorism, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, February 10, to mark up the following bills: H.R. 1078, Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act; H.R. 4003, Hudson River Valley Special Resource Study Act; H.R. 4192, Stornetta Public Lands Outstanding Natural Area Act of 2009; H.R. 1738, Downey Regional Water Reclamation and Groundwater Augmentation Project of 2009; H.R. 4252, Inland Empire Perchlorate Ground Water Plume

Assessment Act of 2009; H.R. 765, Nellis Dunes National Off-Highway Vehicle Recreation Area Act of 2009; H.R. 1769, Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act; H.R. 2788, Distinguished Flying Cross National Memorial Act; and H.R. 4395, To revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, 10 a.m., 1324 Longworth.

February 11, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing on the 15th Conference of the Parties to the Convention on International Trade in Endangered Species (CITES), 2 p.m., 1324 Longworth.

February 11, Subcommittee on National Parks, Forests, and Public Lands, oversight hearing on the Fiscal Year 2011 Budget Requests for National Parks Service, Forest Service and Bureau of Land Management, 10 a.m., 1324 Longworth.

February 11, Subcommittee on Water and Power, hearing on the following bills: H.R. 3671, Upper Mississippi River Basin Protection Act; H.R. 4349, Hoover Power Allocation Act of 2009; and H.R. 4579, South San Diego County Water Reclamation Project of 2009, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, February 10, hearing entitled ''Toyota Gas Pedals: Is the Public at Risk?'' 2 p.m., 2154 Rayburn.

February 10, Subcommittee on Federal Work Force, Postal Service and the District of Columbia, hearing on H.R. 4489, To amend chapter 89 of title 5, United States Code, to ensure program integrity, transparency, and cost savings in the pricing and contracting of prescription drug benefits under the Federal Employees Health Benefits Program, 10 a.m., 2154 Rayburn.

February 10, Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''The 2010 Census Communications Contract: The Media Plan in Hard to Count Areas,'' 10 a.m., 2247 Rayburn.

February 11, full Committee, to consider pending business, 10 a.m., 2154 Rayburn.

February 11, Subcommittee on National Security and Foreign Affairs, hearing entitled ''Sexual Assault in the Military Part IV: Are We Making Progress?'' 12 p.m., 2154 Rayburn.

Committee on Science and Technology, February 10, hearing on the Administration's FY 2011 Research and Development Budget Proposal, 10 a.m., 2318 Rayburn.

February 10, Subcommittee on Investigations and Oversight, hearing on Rare Earth Minerals and 21st Century Industry, 2 p.m., 2318 Rayburn.

February 11, full Committee, hearing on the Department of Energy FY 2010 Research and Development Budget Proposal, 10 a.m., 2318 Rayburn.

Committee on Small Business, February 10, hearing entitled ''Small Business Administration Budget for Fiscal Year 2011,'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, February 9, Subcommittee on Water Resources and Environment, hearing on Asian Carp and the Great Lakes, 2 p.m., 2167 Rayburn.

February 10, full Committee, hearing on Recovery Act: One-Year Progress Report for Transportation and Infrastructure Investments, 10 a.m., 2167 Rayburn.

February 11, Subcommittee on Coast Guard and Maritime Transportation, hearing on a Review of Coast Guard Acquisition Programs and Policies, 2 p.m., 2167 Rayburn.

February 11, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Reauthorization of the Surface Transportation Board, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, February 10, Subcommittee on Health, hearing on H.R. 4241, To amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments for State Veterans homes; followed by a hearing on the Veterans Health Administration's Fiscal Year 2011 Budget, 1 p.m., 334 Cannon.

February 11, Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 3257, Military Family Leave Act of 2009; H.R. 3484, To amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; H.R. 3579, To amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans, and for other purposes; H.R. 3813, Veterans Training Act; H.R. 3948, Test Prep for Heroes Act; H.R. 3979, Protecting Americans from Drug Marketing Act; H.R. 4079, To amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs; H.R. 4203, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide veterans certain educational assistance payments through direct deposit; H.R. 4359, WARMER Act; and H.R. 4469, To amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, 1 p.m., 334 Cannon.

February 11, Subcommittee on Oversight and Investigations, hearing on U.S. Department of Veterans Affairs Office of Inspector General and Office of Information Technology Budget Requests for Fiscal Year 2011, 10 a.m., 334 Cannon.

Committee on Ways and Means, February 11, hearing on The President's Fiscal Year 2011 Budget proposals for the Department of Health and Human Services, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, February 10, executive, briefing on Radicalization Analysis, 10 a.m., 304 HVC.

Select Committee on Energy Independence and Global Warming, February 11, hearing entitled ''Clearing the Smoke: Understanding the Impacts of Black Carbon Pollution,'' 9:30 a.m., room to be announced.

Joint Meetings

Joint Economic Committee: February 11, to hold hearings to examine the economic outlook, 10 a.m., SH–216.

Joint Economic Committee: February 9, to hold hearings to examine the road to economic recovery, focusing on policies to create jobs and continue growth, 10 a.m., 210, Cannon Building.

Next Meeting of the SENATE

2 p.m., Monday, February 8

Senate Chamber

Program for Monday: Senate will debate concurrently the nominations of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, and after a period of debate, vote on confirmation of the nomination of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and vote on the motion to invoke cloture on the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, at 5 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, February 5

House Chamber

Program for Friday: The House will meet in pro forma session at 9 a.m.

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