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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 30, 2010.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

RATIFY START IMMEDIATELY

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

Mr. QUIGLEY. Mr. Speaker, I rise today to urge my colleagues in the Senate to ratify the Strategic Arms Reduction Treaty or START immediately because every day we wait to ratify START is one more day that Russia's nuclear arsenal goes uninspected.

When our last nuclear arms treaty with Russia expired last December, so did our ability to inspect their nuclear sites. This means no Americans have inspected Russian nuclear facilities for almost a year. Despite the urgent need to ratify this vital treaty which also reduces unneeded nuclear stockpiles and builds much-needed confidence with Russia, some members in the other body have continued to stall, putting politics ahead of national security.

START has been through 18 hearings, is endorsed by dozens of foreign policy and defense experts, and passed out of committee with a strong bipartisan majority. Our colleagues on the other side of the aisle claim to be the strongest proponents of national security; ratification of START is an opportunity for them to act on those claims and keep America and our allies safe.

RENEWING AMERICAN EXCEPTIONALISM

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

Mr. PENCE. Mr. Speaker, I rise today, the day after I had the privilege of speaking at one of the storied venues in American public life. The Detroit Economic Club for 75 years has been a place where American leaders of every political persuasion and philosophy have come to talk about the economy of this Nation. I had the real privilege of being able to address that gathering yesterday, and I want to express my appreciation to the organizers and the board for that. But I thought I might reflect for a few minutes this morning on my comments because what I sought to do at the Detroit Economic Club yesterday was really broaden the debate here in Washington, DC.

We live in no ordinary times. Our economy is struggling in the city and on the farm. Unemployment is at a heartbreaking 9.6 percent nationally; 42 million Americans are on food stamps; and America has seen better days. After years of runaway Federal spending, borrowing and bailouts by both political parties, I believe there is a better way. I believe that we can renew American exceptionalism by returning our national policy to the principles and practices that made this economy and our economy the freest and most prosperous in the history of the world. I believe if we return to the practice of those principles, as I said yesterday in Detroit, that we can restore and rebuild our economy.

Fiscal discipline is where it all begins, though. We have to put our fiscal house in order, and clearly the American people on November 2 sent a deafening message to policymakers here in Washington, DC. that they want a government that lives within their means again. Fortunately, there is no shortage these days of ideas about putting our fiscal house in order: admirable suggestions of the President's Debt Commission that we will learn more about this week; the Republicans' Pledge to America; there are thoughtful proposals and blueprints by Members of Congress in both political parties, and I commend them all.

On my part, I have coauthored legislation to establish a constitutional spending limit amendment. I think it is time that we limited Federal spending to 20 percent of our economy in the Constitution of the United States of America. We have a saying back in Indiana, Mr. Speaker, that good fences make good neighbors. I think we ought to use the Constitution of the United States in the years ahead to put fence lines around spending to give this and future Congresses a clear guideline of just how much of the American economy this government can consume, and to give them an incentive for growth.

But let me say, fiscal discipline alone will not be enough to bring jobs and prosperity back to America. We need an agenda for growth, and that is what brought me to Detroit yesterday. What I described and sought to describe were the building blocks, the traditional

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American building blocks of growth, an incentive-based agenda. I think it is five-fold. First is sound monetary policy. Second is not only tax relief but tax reform. Third is access to all American resources in energy. Fourth is regulatory relief and reform. And finally, it is expanded international trade. S-T-A-R-T. I believe that it is a prescription for a fresh start in the American economy. And what I expanded on yesterday was my belief that if we will in this next Congress which will gather just weeks from now, if we from both ends of Pennsylvania Avenue will repair to these ideas and seek to advance not the arguments that are happening in Washington even at this very hour at the White House, do we preserve tax rates, do we let some tax rates expire and become tax increases, but rather how do we really pursue policies that will release the trapped energy in this economy.

Some experts suggest that there is more than $2 trillion in profits on the sidelines in this economy. I believe in pursuing sound monetary policy at the Fed, having them focus on price stability and by preserving all current tax rates but then embracing tax reform like a flat tax. I believe the time has come to abandon our progressive tax rates and have the same flat rate, after a generous allowance, on individuals and businesses. What could be more fair that the more money you make, the more money you pay to the government, but everybody pays the same flat rate.

We need to develop an all-of-the-above energy strategy that gives the American people access to new technologies, new resources that are in our own making and in our own reach. We need to bring regulatory reform to lessen the burden on small business owners and family farmers that regulatory red tape provides. I think it is time for regulatory PAYGO, Mr. Speaker. I think if we are going to raise regulation in one area, we ought to lower it in another. And how about a 10-year timeline on any new regulations. And, of course, expanded trade has to be a critical part of any growth agenda.

With that, I would send any of those that are looking into my Web site at MikePence.house.gov, I would love to have them take a look at our speech at the Detroit Economic Club yesterday. I hope that it starts a conversation in this and the next Congress about growth because I believe that as we put our fiscal house in order, it is imperative that we return to the practices and principles that have made this the most prosperous nation in the history of the world, and I believe with all my heart will make this Nation the most prosperous nation for decades and decades to come, so help us God.

RENEWING AMERICAN EXCEPTIONALISM: AN AGENDA FOR ECONOMIC GROWTH AND PROSPERITY, MIKE PENCE, NOVEMBER 29, 2010

DETROIT ECONOMIC CLUB

Thank you, L. Brooks Patterson, for that kind introduction and heartfelt thanks to Beth Chappell and all the members of the Detroit Economic Club for hosting me. For 75 years, the Detroit Economic Club has been a premier venue for leaders interested in saying something significant about our economy and I am genuinely grateful to be able to join the ranks of those who had the privilege to ''say it here.''

And it's great to be in Detroit—home to Motown, the Lions (you know who this Colts fan was cheering for on Thanksgiving) and the ''Car Capital of the World.''

My father ran a chain of gas stations so, like most Americans, I have had a life long love affair with the automobile. Try to imagine America without the Ford Mustang, the Chevrolet Corvette, or the Dodge Charger.

Being from Indiana, I am especially proud of the role that Hoosiers have played and continue to play in this unique American industry. And it all started here in Detroit. America owes a debt to the ingenuity and entrepreneurism of this great city. You helped define the character of a nation.

But Detroit and America have seen better days and I come to this storied podium to say after years of runaway federal spending, borrowing and bailouts by both political parties, that there is a better way, a way we can renew American exceptionalism by returning to the principles and practices that built this great city and this great country and can build it again.

We live in no ordinary times. Our economy is struggling in the city and on the farm. Unemployment is at a heartbreaking 9.6 percent nationally and nearly 13 percent in Michigan. Nearly 42 million Americans on food stamps. A housing crisis and dismal GDP growth.

And it seems that those in authority have no idea what to do about it. Some in the administration call it the ''new normal.'' (like we haven't heard that before) In the 70's they called it a national ''malaise.''

With more than 15 million people still looking for work, President Obama and Democrats in Congress have tried to borrow and spend the country back to prosperity resulting in trillion dollar plus annual deficits and a nearly $14 trillion national debt. To this runaway federal spending they added a government takeover of health care, attempted a national energy tax and approved one bailout after another.

In September 2008, when the Bush Administration proposed that Congress give them $700 billion to bail out Wall Street, I was the first Member of Congress to publicly oppose it. I didn't think we should do nothing, I just thought it was wrong to take $700 billion from Main Street to bailout bad decisions on Wall Street. I warned that passing TARP could fundamentally change the relationship between the government and the financial sector and so it has.

Dodd-Frank codified ''too big to fail'' for some Wall Street firms and made taxpayers the first line of defense against failure. And we continue to bailout Fannie and Freddie to the tune of about $150 billion, with more expected, despite the fact that many of us have been fighting for years to get them off the Government's books. The partnership between the federal government and Fannie and Freddie socializes losses and privatizes profits with taxpayers getting the short end of the stick.

And, even though I am proud of the American automotive tradition and Indiana's ongoing role it, I even opposed bailing out GM and Chrysler. While the administration has been busy making the point that GM is on the rebound and taxpayers are being repaid, most Americans know that it still would have been better if GM had gone through an orderly reorganization bankruptcy without taxpayer support.

Taxpayer funded bailouts are no substitute for economic policies that will create real consumer demand. I have no doubt that American automakers and autoworkers can compete and win in a growing American economy.

To restore American exceptionalism, we must end all this Keynesian spending and get back to the practice of free market economics. The freedom to succeed must include the freedom to fail. The free market is what made America's economy the greatest in the world, and we cannot falter in our willingness to defend it.

Even though our economy is struggling and America seems at a low point, I believe we can restore our economy but it will take vision and courage to do it. And everything starts with putting our fiscal house in order.

The good news is there is no shortage of plans for fiscal discipline in Washington these days. We have the Pledge to America, the president's Debt Commission, and over time we've had budgets, blueprints, outlines, and thoughtful proposals from Members of Congress, and blue-ribbon panels.

For my part, I believe the answer is a Spending Limit Amendment to the Constitution. Since World War II the federal government has operated on an average of just under 20 percent of gross domestic product. But, in the past three years, Federal spending has climbed to nearly 25 percent of GDP. Left unchecked, and accounting for no new programs, federal spending will reach 50 percent of GDP by 2055.

We should remember what Ronald Reagan said, ''No government ever voluntarily reduces itself in size.'' We must have a mechanism that forces Washington as a whole to make the hard choices necessary to reform our nation's addiction to big spending and unsustainable entitlements. By limiting Federal spending to 20 percent of our nation's economy in the Constitution, except for certain conditions such as a war, we will create a framework for this and future Congresses to live within our means and have the incentive to grow the economy.

To grow the economy we must shrink the size of the federal government but fiscal discipline alone will not be enough to bring jobs and prosperity back to America.

We need a new agenda for economic growth and that is principally what brings me to Detroit to discuss today.

As Margaret Thatcher said in equally challenging economic times (1977):

. . . Of course we're not going to solve our problems just by cuts, just by restraint . . . it was not restraint that started the Industrial Revolution . . . It wasn't restraint that inspired us to explore for oil in the North Sea and bring it ashore. It was incentive—positive, vital, driving, individual incentive.

What was true for England in the 1970's, is true for America today. Permitting people to enjoy the fruits of their labor is what built our cities, conquered our frontiers, and made America the most prosperous nation in the history of the world.

The new Republican majority in Congress must embrace a bold agenda for economic growth built on timeless free market practices and reform.

So what are the building blocks of an incentive-based, growth agenda? I submit they are the following:

Sound monetary policy;
Tax relief and reform;
Access to American energy;
Regulatory reform;
Trade

''S.T.A.R.T.'' You could call it a prescription for a fresh start for the American economy. Some of these are new ideas. Some are timeless. Taken together, they will put us

back on track for job creation and prosperity.

Sound Monetary Policy and a Restoration of Free Market Principles

Sound monetary policy is the foundation of our prosperity. A strong dollar means a strong America.

The American people know we cannot borrow and spend our way back to a growing America and sent a deafening message of restraint to Washington D.C. on November 2nd. But it doesn't look like the administration got the message and neither did the Federal Reserve. During 2008 and 2009, the Fed pushed well over $1 trillion into the financial system in an attempt to rein in unemployment through more government stimulus, yet the national jobless rate has been well above 9 percent for a record-tying 18 straight months. The Fed's second and latest round of ''quantitative easing,'' known as QE2, actually seeks inflation in an effort to bring down unemployment. Printing money is no substitute for sound fiscal policy. And while there is no guarantee that this policy will succeed in reducing unemployment, it is near certain that the value of the dollar will be diluted. As economist Larry Kudlow says, the Fed can print money, but it can't print jobs.

I do not lay the blame solely at the feet of the Federal Reserve. The problem for the Fed began in 1977 when Congress imposed a dual mandate, which requires that the central bank pursue price stability and maximum employment in executing its policies. Too often, this conflicting mandate has pit short-term hopes for job gains against long-term costs to the economy. QE2 is an example of what happens when the Fed involves itself too much in macroeconomic meddling.

A couple weeks ago, I introduced legislation to end the dual mandate and return the Fed to its original, single mandate—price stability. Treasury Secretary Timothy Geithner recently said the administration will oppose any effort to end the dual mandate arguing that it was ''very important to keep politics out of monetary policy''. But Congress created the dual mandate in 1977 and getting the Fed back to its original mission of price stability is precisely how we get politics out of monetary policy.

It's time that the Federal Reserve focus exclusively on price stability and protecting the dollar. And it's also time that policymakers in Washington D.C. embrace the kind of reforms that will promote real growth.

Before I move on, I would like to note that in the midst of all that has happened recently—massive government borrowing and spending, quantitative easing—a debate is starting anew over an anchor for the global monetary system.

My dear friend, the late Jack Kemp probably would have urged me to adopt a gold standard here and now. Robert Zoellick, President of the World Bank, encouraged that we re-think the international currency system, including the role of gold and I agree. The time has come to have a debate over gold and the proper role it should play in our Nation's monetary affairs.

Tax Relief and Reform: Flat Tax

The first principle of a tax system in a free society must be certainty. Uncertainty is the enemy of our prosperity. For too long on tax policy, uncertainty has been the order of the day.

To end the uncertainty that is stifling investment, innovation and growth, we must preserve current tax rates and promote permanent tax reform.

For starters, of course, Congress must permanently extend the 2001 and 2003 tax rates to ensure no American faces a tax hike on January 1st, and I have introduced a bill with Sen. Jim DeMint to do just that. Most Americans know that higher taxes won't get anybody hired. Raising taxes on job creators won't create jobs.

But, preventing a tax increase is not enough. If the current tax rates were sufficient to get this economy moving again, it would be and it's not.

The time has come for Congress and this administration to take bold action to simplify our tax system and lower people's taxes.

The tax code has grown too large and complex. It has 3.8 million words. The forms are dizzying. And nothing about it seems fair.

People are taxed on their income. Then after they pay their bills, they take the leftover money and put it into savings or an investment. If their savings or investments make any money, they are taxed again. If they buy stock in a company, the company pays taxes on its profits. Then it takes those profits and provides a dividend to shareholders and it is taxed again. The final outrage occurs at death, when your estate pays taxes once again on all the money you'd previously paid taxes on while living.

All I really know about economics is what you tax you get less of and what you subsidize you get more of. We need a tax system that will encourage income, savings, investment and growth, but our tax code does the opposite. It punishes savers and investors by taxing them twice and in some cases more times than that.

To promote income, savings and investment, we need a system built on the principle that income should be taxed once and just once. We need a fair and effective method of taxation that will make doing your taxes easy and remove the confusion of the present tax code.

In an upcoming study written by the legendary Dr. Art Laffer, Wayne Winegarden and John Childs, they found the cost of compliance with today's tax code to be over $540 billion annually and that individuals and businesses spend 7.6 billion hours on their taxes.

Just imagine if Americans were putting that time and money into enjoying their lives or growing their businesses. The Laffer study predicts that by simplifying the tax code and cutting complexity costs in half, our economy would grow $1.3 trillion more over ten years than if we maintain the status quo. That means each person in this country would be approximately $4,200 wealthier. And that's just from simplifying our tax code by half.

But we can do better than that. How about a system where you could file your taxes on a BlackBerry, or a system where you might even be able to file a return with 140 characters or less? How would you like to tweet your taxes?

We can create a twenty-first century American tax system that will provide government with the revenue it needs without discouraging growth or placing an undue burden of compliance on our citizens.

There is one system that meets all of these criteria: the best option, the most pro-growth option is a flat tax. I believe it is time that America adopted a flat tax and scrapped the current system once and for all.

A flat tax would release enormous amounts of capital into the system, and it would operate under a simple principle: what you take out of the economy is taxed, like wages and business income, and what you put into the economy is not, like savings and investments.

Individuals and businesses would pay taxes at the same rate. Individuals would pay taxes on their wages or salary after receiving a basic income exemption and an exemption for any dependents, including children and elderly family members and others who you care for in your home. Imagine how easy this would be for people. Gross income minus a generous standard deduction minus any dependent exemptions and you've got your taxable income. Apply the rate and your taxes are done. Everyone pays the same rate, and the more money you make, the more you pay. It's fair, simple and effective.

If you are a business, you pay tax on your gross income for the year minus one hundred percent of your expenses: rent, wages, fuel, supplies, etc. Depreciation is no longer necessary because the entire cost of investment spending can be deducted in one year.

The flat tax eliminates all of the credits and deductions and special preferences and tax loopholes that Congress and an army of lobbyists have built into the tax code over time. These fuel special interests and generally benefit one person, business or industry over another. Our tax system should not pick winners and losers, but should treat every business, small and large, with the same basic rules.

Instead, everyone would be on a level playing field with certainty as to your taxes. A taxpayer would either subtract his basic and dependent exemptions or business expenses and end up with taxable income. It would reduce compliance costs by hundreds of billions of dollars.

Following the principle of only taxing once, it eliminates the AMT, the capital gains and dividends taxes, and the death and gift taxes.

And this is hardly radical. A flat tax is in use in more than twenty countries around the world, and they have been proposed and supported by various legislators and economists in America over the past 30 years, such as Robert Hall and Alvin Rabushka, Dick Armey, Steve Forbes, Art Laffer, Jack Kemp and Richard Gephardt. We don't think about it, but we already use flat taxes in America as taxes for Social Security, Medicare taxes, sales and property taxes.

It may come as a surprise to many, but even the New York Times wrote favorably about a flat tax saying, ''. . . every dollar of income would be taxed once and only once. The plan would subsidize saving, and create an exemption that would protect the poor. [I]t is perfectly simple.'' The Gray Lady was right.

And a flat tax will make America more globally competitive. New York City is still the financial capital of the world, but for how long will that be true? The Wall Street Journal recently reported that in New York City in 2011, the combined federal and state tax rate will be nearly 54 percent. With government taking more than half of your money, is that an incentive to work hard or to take your business elsewhere?

A global economy means New York is now competing to keep businesses and capital from moving to Beijing or Bangalore. Right now, our corporate tax rate is 15 points higher than the rest of the world. And more than twenty countries with growing economies have a flat tax in place for businesses and individuals.

Hong Kong instituted its flat tax in 1947 and has no tax on capital gains or dividends. Its tax code is short, to the point, and effective, and Hong Kong is a wealthy, thriving city with a growing economy and government surpluses. Russia, Czech Republic, and Ukraine all have flat taxes. The hard truth is the future is flat. The world is going flat everywhere but in America, and to lead the next American century, our nation needs to lead in capital formation and tax reform again.

And a flat tax will mean jobs. According to one study by the Heritage Foundation, the flat tax would result in tremendous economic growth with GDP potentially growing

by as much as 7 percent within 3 years and nearly 1.5 million jobs being created.

Not that this should come as a surprise. If you look back at history, the Kennedy, Reagan and 2001/2003 tax reforms were all followed by strong economic growth. The flat tax goes beyond these tax cuts and provides not just lower taxes but a greatly simplified system.

After the Kennedy tax cuts, the top rate went from 91 percent to 70 percent. Economic growth soared: unemployment went down by more than 2 percent and tax receipts increased by 33 percent.

Two decades later, President Reagan's across-the-board tax cuts brought America back from a devastating recession. In 1981, unemployment was at 7.6 percent nationally. The Dow Jones was at 777. Mortgage interest rates were over 20 percent. By 1987, the prime rate was down to 8.2 percent. The Dow was up to 3,000 by the end of Reagan's term, and 17 million new jobs were created. That's real growth. It created true opportunity and improved the lives of average Americans.

And after the 2001 and 2003 Bush tax cuts, the economy again grew, as did government revenues by $785 billion from 2004 to 2007, a record. There is an indisputable historical case to be made that tax relief and reform creates jobs and incentivizes growth in our economy.

American Energy

A source of American greatness observed since our founding has been our abundant natural resources. As Daniel Webster said, in words inscribed in the chamber of the House of Representatives:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

A policy for developing American energy must be a component of any plan for growth. We must embrace an all-of-the-above energy policy that promotes energy independence in an environmentally responsible manner. An all-of-the-above energy policy should not mean subsidizing all-of-the-above. It means allowing all types of energy to be developed and compete honestly in a free marketplace.

We can and should wisely use these resources to better the lives of our citizens. Our environment can be protected while we increase energy production, encourage greater efficiency and conservation, and promote the development and use of alternative fuels, and innovative new technologies like we're seeing developed right here in Detroit.

It also is time for a nuclear energy renaissance in America. The regulatory process for new applications can be accelerated, and we can safely store and recycle spent nuclear fuel. Nuclear energy not only means a source of clean emissions-free energy; it also means construction jobs, manufacturing jobs, and science-based economic growth.

Developing our own sources of energy here at home will provide certainty about our future, ensure that energy remains affordable and create jobs.

Regulatory Relief and Reform

Next, to restore incentive and encourage growth we must reduce the regulatory burden on our economy. There is a place for regulations that ensure safety and soundness and protect people from danger, but our regulatory structure has grown out of control.

Today we have too many regulations and too many regulatory authorities that have expanded the reach of the federal government too far. These regulations add billions to the cost of doing business and in their wake they kill jobs.

Take the requirement from ObamaCare that businesses must file with the IRS a form 1099 for any purchases from a vendor for goods or services over $600 in a year. Seriously, that is in the law. Of course, this is ridiculously burdensome and just adds to the redtape that small businesses face across the country. It should be repealed immediately.

According to the Small Business Administration, the average small business faces a cost of $10,585 in federal regulations per employee each year. These small employers represent 99.7 percent of all businesses and have created 64 percent of all new jobs over the past 15 years.

Imagine if small businesses could put the $10,000 per employee they spend each year on federal regulations directly back into new jobs.

Ronald Reagan once said ''A government bureau is the nearest thing to eternal life we'll ever see on this earth.'' It's time to change that, at least when it comes to regulations.

I propose that any existing regulation with an economic impact of $100 million or more must be reviewed and if still necessary, repromulgated every ten years to allow for public comment and a reassessment of the cost of the regulation. Instead of eternal life, these regulations will get ten years.

After ten years, there is no reason not to review, modernize, improve and reduce the cost of existing regulations.

Further, I believe that all new regulations that impose an economic cost on families, businesses or local governments should be subject to a regulatory ''paygo'' procedure before implementation. If government wants to issue a new regulation that is going to impose an economic cost, then it needs to reduce another regulatory burden elsewhere so that there is no new burden on the economy.

Some regulations, and some bills that have passed Congress, however, impose costs that are too great and can never be offset and must be repealed.

ObamaCare, Dodd-Frank, TARP, and Section 404 of Sarbanes-Oxley fall in that category. Also, Congress must override the EPA's endangerment finding so that regulatory cap and trade cannot be forced on the American people against their will.

Increased Trade

As most Americans know, trade means jobs, and that is especially true in places like Indiana and Michigan where we grow food that the world consumes and make cars and other products that are used around the globe. Encouraging free trade lowers barriers to entry for our goods, and that in turn allows U.S. companies to create more jobs.

Protectionism and closing our doors to other countries does not help us, or people in the rest of the world. We must support expanded free trade to renew American exceptionalism and create jobs.

Despite the president's stated objective of doubling American exports in the next five years, trade has largely been ignored by Democrats in Congress and the administration in recent years. With a new Republican majority in the House, I am hopeful that the free trade agreements with Panama, Colombia and South Korea can move forward. We need to get those deals done, and done right, but it should not end there. We must promote increased trade at every opportunity around the world. When the world ''buys American,'' Americans go to work.

Renewing the Character of the Nation

Finally, to renew American exceptionalism, we must recognize that our present crisis is not merely economic but moral in nature. At the root of these times should be the realization that people in positions of authority from Washington to Wall Street have walked away from the timeless truths of honesty, integrity, an honest day's work for an honest day's pay and the simple notion that you ought to treat the other guy the way you want to be treated.

As strongly as I believe in the economic policies in this address, I know we will not restore this nation with public policy alone. It will require public virtue. 'When the foundations are being destroyed, what can the righteous do?' As we promote policies to restore American exceptionalism, we must also reaffirm our nation's commitment to the values that have made our prosperity possible. As we seek to build national wealth, we must renew our commitment to the institutions that nurture the character of our people—traditional family and religion.

Conclusion

In 1977, my brother and I went backpacking through Europe and found our way to West Berlin. I will never forget the day I walked past the barbed wire and tank traps that barricaded the Berlin Wall, passed through security at Checkpoint Charlie and took my first steps into a wider understanding of the world.

Standing in West Berlin I saw the energy, bustling streets and glass towers of a big city built on freedom and free market economics. The strassen were filled with stores, people, and bustling commerce.

When we crossed through Checkpoint Charlie, past the harsh glare of uniformed East German guards, everything changed. The excitement and energy of West Berlin gave way to the dour reality of Soviet controlled East Berlin.

The buildings were drab—concrete block tenement structures. Damage from World War II was still evident in many buildings. The cars were vintage 1950's and people all seemed to be wearing the same colorless apparel. It was a gray, harsh reality.

In that moment, I saw the difference between East and West, between a free market economy and a planned economy run by the state. Freedom and personal responsibility contrasted with socialism and decline.

The problem with our economy today is that, after years of runaway spending and growth of government under both political parties, America is on that wall between West and East. No longer the vibrant free market that built cities like Detroit but not yet overtaken by the policies that have engulfed Europe in a sea of debt and mediocrity.

To restore American economic exceptionalism, we have to decide that we believe in it again and turn and pursue a free market economy again with all our hearts.

We have to choose. Ronald Reagan said it best:

You and I are told we must choose between a left or right, but I suggest there is no such thing as a left or right. There is only an up or down. Up to man's age-old dream—the maximum of individual freedom consistent with order—or down to the ant heap of totalitarianism.

I choose the West. I choose limited government and freedom. I choose the free market, personal responsibility and equality of opportunity. I choose fiscal restraint, sound money, a flat tax, regulatory reform, American energy, expanded trade and a return to traditional values.

In a word, I choose a boundless American future built on the timeless ideals of the American people. I believe the American people are ready for this choice and await men and women who will lead us back to that future, back to the West, back to American exceptionalism. Here's to that future. Our best days are yet to come.

Thank you.

RECESS

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

Accordingly (at 10 o'clock and 39 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

Lord, full of compassion and mercy, draw near to Your people and show us Your saving power.

In times of uncertainty, be our surety.

Guide us in every step to full recovery; that this Nation may be strengthened both in stability and integrity.

May we prove ourselves Your disciples and come to fullness of life in You and with You, both now and forever.

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.

MIDDLE CLASS TAX CUTS

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

Ms. WATSON. Madam Speaker, standing in our way are those who will be holding the middle class hostage in favor of giving added tax breaks to millionaires and billionaires, even though the bonus tax breaks would add $700 billion to the national debt.

Ninety-eight percent of Americans face a tax increase January 1. For the typical middle class American family, that can mean the loss of $2,000 next year. The Republicans' demands would mean that those making more than $1 million a year would receive an average cut of $100,000 annually, and the middle class would be saddled with $700 billion in new debt to pay for the multi-million dollar tax cuts for billionaires. But that is the exact policy choice congressional Republicans would have us make, citing concerns about the deficit when it comes to American families, but not when it comes to tax cuts for the wealthiest few.

THE LAND OF LAWLESS DAYS

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

Mr. POE of Texas. Madam Speaker, the border war continues to escalate. Over 2,200 people have been killed just this year in drug-related violence in Mexico. The battles are spilling over into American communities. The drug cartels are shooting their way across the Rio Grande River. The Federal Government's answer is to put up danger signs: ''Warning, Keep Out of Parts of America. It's Just too Dangerous.'' And now there are reports that the handful of National Guard troops on the borders are going to be reduced. That is no answer.

The National Guard Border Enforcement Act will change all that. It will authorize 10,000 National Guard troops to be put on the border. The troops will be paid for by the Federal Government under the supervision of the Border Of Governors. Now that's a plan we can live with. Otherwise the border war will continue in the valley of the gun and the land of lawless days.

And that's just the way it is.

TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. BACA. When President Obama took office, he inherited a $1.2 trillion deficit, two wars, the recession and mounting job losses that pushed our economy to the brink. Since then, we have made steady progress towards recovery and have laid the groundwork to create new jobs. But during these tough times, we must act decisively to extend tax relief for middle class families.

If Congress does not act soon, 98 percent of Americans will face a tax increase in January 1. For the typical middle class family, this means the loss of $2,000 next year. Two thousand means an awful lot to middle income families.

Republicans must stop holding these tax cuts for the middle class hostage. I state, Republicans must stop holding these tax cuts for the middle class hostage. Extending the tax cut for the rich will not create jobs and stimulate the economy, but it will add—I state, it will add—$700 billion to our national deficit—$700 billion to our national deficit. The time for simply saying ''no'' is over. Let's work together to create jobs.

HONORING W. CARY EDWARDS

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

Mr. LANCE. Madam Speaker, I rise today to pay tribute to one of New Jersey's great public servants, W. Cary Edwards, who passed away in October at the age of 66.

Over the course of four decades in public life, Cary Edwards served at the highest levels of New Jersey government, including as State assemblyman, chief counsel to Governor Thomas H. Kean, and State attorney general. At the time of his death, he was chairman of the New Jersey State Commission of Investigation.

To me, he was a wonderful mentor and good friend. I had the honor of working under him and learning from him when he served as Governor Kean's chief counsel in the first half of the 1980s. Cary Edwards inspired a whole generation of young people in the field of law and public policy. He will be remembered as an inspiring leader in the State of New Jersey.

To his wonderful wife, Lynn, his daughters and sister and to the entire Edwards family, we extend our deepest sympathy. W. Cary Edwards of Oakland, Bergen County, New Jersey, will be greatly missed by the people of our State.

HOPE SCHOLARSHIPS

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

Mr. COHEN. Madam Speaker, today the United States received very good news concerning education in America. Nationwide, high school graduation rates rose 2 percent. But even better, in my State of Tennessee, the rates rose 15 percent, the number one increase in the United States of America. Those are statistics from the year 2002 to 2009 as determined by the Promise Institute that Colin Powell headed. And part of that I'm happy to attribute it to, and that is the Tennessee education lottery which was my hallmark legislation as a State senator. The lottery referendum passed in 2002, and the education law went into effect in 2003, giving children the incentive that they can go to college, that they can have a better life. Giving them hope with HOPE scholarships has helped kids make better grades in high school and turn out better graduates in Tennessee.

I appreciate the fact that Tennessee has been recognized today as the country's education grades and scores have gone up, and we need to continue working on this. And if every State gave their students HOPE, we would have a better Nation.

□ 1210

TAXES

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

Mr. SMITH of Nebraska. Madam Speaker, time and time again Members from both sides of the aisle have spoken on the need to create jobs and cut government spending. This is what the American people want, and it is past time for Washington to start listening. We have just a few short weeks to take that message to heart and stop the $3 trillion tax hike set to take effect on January 1. Our country needs real economic growth—which can't happen if Washington doesn't prevent these tax increases on farmers, ranchers and small businesses. We won't solve our fiscal challenges until we cut spending, stop the growth of government and extend the current tax rates. The sooner we can provide certainty to American businesses, the sooner they can get our economy back on track and start hiring again. Over the next few weeks, we have the chance to do what is right for our economy. Let's make it sooner rather than later.

UNEMPLOYMENT BENEFITS

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, starting tomorrow, 31,000 of my constituents, 400,000 New Yorkers and 2 million Americans will begin to lose their unemployment benefits. Before Thanksgiving, 143 Republicans and 11 Democrats voted against extending unemployment insurance. With that vote they said the unemployed mother, or the husband who lost his job to outsourcing are the ones who should shoulder the burden of reducing the national debt.

In the same breath, Republicans call on Congress to pass a tax break for the wealthiest Americans—adding hundreds of billions of dollars to the deficit. Republicans say we can't afford unemployment benefits, but they are alone in their logic. Economists widely agree that extending unemployment benefits does far more to stimulate economic growth than tax breaks for millionaires.

Madam Speaker, as we enter the winter season when home heating, gas and other basic living costs will rise, I ask my colleagues to help those American families who are most in need, not those wealthiest who need it the least.

CONGRATULATING WAYZATA HIGH SCHOOL, MINNESOTA STATE FOOTBALL CHAMPIONS

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

Mr. PAULSEN. Madam Speaker, I rise to congratulate the Wayzata High School football team on winning the Minnesota State high school championship this year. Sophomore Chad Underhill ran for a remarkable four touchdowns, leading the top-ranked Trojans to a 31–14 victory over Rosemount. The victory gave Wayzata their fourth State championship.

Wayzata's perfect season included an overtime victory over last year's State champions in the final game of the regular season and a very gutsy victory over Minnetonka, converting a two-point conversion to win the game with no time left on the clock. In the playoffs, the Trojans held their opponents scoreless for 15 straight quarters.

Wayzata's State championship continues an outstanding tradition of football excellence at Wayzata High School. Since the year 2000, Wayzata has now produced an NFL Pro Bowler in running back Marion Barber, a Butkus Award winner in linebacker James Laurinaitis, and four State championships.

Congratulations to the student athletes, the parents, and the coaches at Wayzata High School.

TAXES AND UNEMPLOYMENT BENEFITS

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

Mr. YARMUTH. Madam Speaker, we are now in a situation in this country in which we have the greatest disparity between the very wealthiest people and everybody else that we have had in 100 years. Already this year, the top 1 percent of the income earners in this country have earned 24 percent of total income. Despite all of this, our colleagues on the Republican side want to preserve tax cuts for those very, very fortunate people who have more now as a percentage of the American economy than they have ever had. Meanwhile, they're going to deny 2 million Americans an extension of unemployment benefits which every economist agrees is the best way to create economic activity.

The American people rightly wonder whose side their government is on, and the problem, the juxtaposition of these issues that we face this week, the question of tax cuts for the very wealthiest Americans or extending unemployment benefits for those people who are struggling, is a clear delineation of whose side this government is on.

We're on the side of the American people.

PLEDGE TO AMERICA

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

Ms. FOXX. Madam Speaker, as I sit here and listen to my colleagues across the aisle, I want to remind them that the American people showed on November 2 that they're not buying the class warfare that our friends are still trying to sell. We're a month away from tax increases that will hit every American taxpayer. The Obama-Pelosi-Reid spending spree that has racked up $6.1 trillion in Federal spending in just 22 months is about to hand the American people a massive tax increase.

Democrats have majorities in both houses of Congress until January, and there's time for them to do something to stop the $3.9 trillion tax increase. But so far all we're seeing on the agenda is more spending.

Republicans are ready to work in a bipartisan way to stop these tax increases and to cut spending. But if the President and congressional Democrats don't take action before the end of the year to stop all the tax hikes and cut spending, the new House majority will in January. That's our Pledge to America, and we intend to keep it.

TAX INCREASES LOOM

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

Mr. BUTTERFIELD. Madam Speaker, 98 percent of American families face a tax increase on January 1, 2011. That's right; 98 percent. Democrats are prepared this week to prevent that from happening. Our recovery demands keeping as much income as possible in the hands of those who need it the most—America's middle class. By extending the middle class tax cuts, we can protect American families and strengthen our economy.

But with a national debt already exceeding $13 trillion, we simply cannot afford to borrow $700 billion needed to cut taxes for the 2 percent richest families in America. It is also important to remember that the richest Americans would still receive substantial tax cuts on the first $250,000 of their income.

This is not class warfare. I urge my colleagues to support permanent tax cuts for America's middle class. Don't hold the tax cuts hostage to help 2 percent of America's families.

FIVE NEW AMERICAN FREEDOMS

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

Mr. KAGEN. Madam Speaker, earlier this morning I joined my congressional staff on a tour of our Capitol. What a wonderful place this is. And if there's any lesson we should learn from our Capitol, from our Nation's history, it is that our freedom is ours for only as long as we can hang onto it. It wasn't that long ago that the Democrats led Americans into five new essential American freedoms.

We are now free from discrimination due to any preexisting medical condition. We're free from cancellation by any insurance corporation just because you get sick. We're free from going broke just because a child has an accident or becomes seriously ill. We're

free to choose our own doctor. And we're free to go to the closest emergency room.

These five new essential American freedoms will be yours for only as long as you can hang onto them. We as Democrats fought very hard to secure them. We're going to work very hard with everyone in this country to hold onto these newfound freedoms. Your freedoms are yours for only as long as you can hang onto them.

MIDDLE CLASS TAX CUTS

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

Ms. CHU. During the worst recession in decades, should we be giving hundreds of billions in borrowed money to the rich? No. Instead, we should reignite the economy and focus on protecting the middle class. That's why I support extending tax cuts for them, who are 98 percent of American families.

But some in Congress are holding the middle class hostage in order to cut taxes for the wealthiest 2 percent. In tough times like these, millionaires should be giving to charity, not getting it. This will force our cash strapped government to lose $700 billion over the next decade.

And where will this money go? Straight into the pockets of those making more than half a million a year. What's worse, the wealthy are less likely to spend this money, doing little to help our economy recover.

To me, the answer is clear—let's put our money where it creates jobs and helps the people who need it. Let's extend middle class tax cuts.

THE FEDERAL EMPLOYMENT PAY FREEZE

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

Mr. MORAN of Virginia. Madam Speaker, I can understand why President Obama has chosen to freeze Federal pay for the next 2 years. From a political standpoint, it preempts what the Republicans would have tried to do next year, anyway, and it responds to an antigovernment attitude that was most profoundly reflected in this month's congressional elections.

From a policy standpoint, though, it is, as they say, penny wise and pound foolish. The Federal Government has been subjected to a brain drain over the last decade, where the best and brightest folks in procurement, research and development, information technology, program management, budget and accounting and a host of other essential skill sets have gone over to the private sector for more pay and, in many cases, better working conditions.

Most of the Federal civil service is eligible for retirement within the next few years. This move, which saves very little money, sends a signal individually and collectively to accelerate that decision, thereby potentially leaving our economy and our society in a weaker position to compete globally and to prosper domestically.

□ 1220

DEFINING CHOICES FOR THE MIDDLE CLASS

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

Mr. BRALEY of Iowa. Madam Speaker, as the American middle class continues to endure tough economic challenges, the deadline looms for extending middle class tax cuts that will provide continued relief when it is needed the most.

Standing in our way are Republicans who are holding the middle class hostage in favor of giving added tax breaks to millionaires and billionaires, even though these bonus tax breaks would add $700 billion to the national deficit.

So what is at stake? These middle class tax cuts will provide 98 percent of Americans who face a tax increase on January 1 the much needed relief that they deserve. For the typical middle class family, that means the loss of $2,000 next year. The Republican demands would mean that those making more than $1 million a year would receive an average of $100,000 annually, and the middle class would be saddled with $700 billion in new debt to pay for multimillion-dollar tax cuts for billionaires. In tough times like these, millionaires should be giving charity, not getting it, and that is the choice that the American people should be demanding that we make.

AMERICA'S NUCLEAR WASTE PROBLEM

(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, the incoming House leadership has signaled that they are once again resurrecting Yucca Mountain as a solution to this Nation's nuclear waste problem. This is the height of insanity.

Let me remind my colleagues on the other side of the aisle that we are talking about shipping 77,000 tons of lethal, radioactive nuclear waste across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity and volcanic activity, and it is 90 miles from a major population center—Las Vegas.

There are no EPA radiation standards. There is no way to protect the shipments from terrorist attacks. It requires millions of gallons of water. We are in the desert; there is no water. We are in the middle of a drought.

This is a waste of taxpayer money. Let's bury this ridiculous idea and figure out what we are going to do with this Nation's nuclear waste before we continue to produce more nuclear waste that we still don't know what to do with. Let's forget this nonsense and figure out how this Nation is going to become energy independent. Nuclear is not the way to go.

TAX CUTS FOR MILLIONAIRES

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

Ms. SHEA-PORTER. Madam Speaker, Republicans are holding tax cuts for the middle class hostage as they try to extend tax cuts for millionaires. They say letting tax cuts for the very wealthy expire will hurt small businesses. It is just not true. Ninety-seven percent of small businesses would see no tax increase under the Democratic plan. If the Republicans think they are talking about small businesses, they are truly out of touch.

While they stand in the way of unemployment benefits for millions of Americans still reeling from the crisis Wall Street and the previous administration created, they are doing everything they can to give huge checks to millionaires. This is just one more example of who the Republicans are really watching out for.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4783, CLAIMS RESOLUTION ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1736 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1736

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on Natural Resources or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour, with 50 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

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

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the

customary 30 minutes to my friend from North Carolina, (Dr. Foxx).

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1736.

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

There was no objection.

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

Madam Speaker, House Resolution 1736 provides for the consideration of the bill H.R. 4783, the Claims Resolution Act of 2010. It makes in order a motion to concur in the Senate amendment thereon by the chairman of the Committee on Natural Resources. It provides 1 hour of debate, with 50 minutes of debate controlled by the Natural Resources Committee and 10 minutes controlled by the Ways and Means Committee.

The bill contains a number of important provisions, many of which have already passed the House. It approves settlements in the class action lawsuits brought against the United States Department of Agriculture by African American farmers and against the Interior Department by Native Americans.

The bill will fully fund America's obligations in these cases and settles both the Cobell and Pigford class action lawsuits. Both of these have been in the courts and settlement talks for years and years.

In Cobell, the Interior Department was ruled at fault for mismanaging billions of dollars in grazing land, gas, and other royalties owed to thousands of American Indians. This settlement will pay off roughly 500,000 plaintiffs in the case. In Pigford, the Agriculture Department discriminated against thousands of African American farmers who applied for loans and other assistance during the 1980s and 1990s.

The plaintiffs in these cases have waited decades for resolution of this matter. Justice must not be delayed any further. Passing this measure will bring closure for hundreds of thousands of Americans who have been mistreated or had their rights violated by the government.

Passage will also approve four water rights settlements with American Indian tribes, providing the tribes with funding to rehabilitate and build new reservoirs, irrigation and water distribution systems. The House has already approved three out of four of these settlements.

Another critical provision in this bill is the extension of Temporary Assistance to Needy Families, also known as TANF. This comes at a time when so many Americans are struggling financially and are due to lose the support of this program if the House does not act. While the Senate amendments we are considering today incur more costs in the short term, over 10 years this bill will actually save money and reduce the deficit.

On November 19, the Senate took up the bill, adopted an amendment in the nature of a substitute, and passed the bill, all by unanimous consent. The House must pass these measures without any further delay. I urge my colleagues to vote in favor of the rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume, and I thank my colleague from Colorado for yielding me this time.

Madam Speaker, I am going to talk about this rule and the underlying bill, but I have to say again, in response to our colleagues who were speaking just before we began this debate, those across the aisle who are in the majority by at least 39 votes, they are in the majority in the Senate also, and they cannot continue to say that Republicans are holding any bill hostage. We do not have the capability of holding bills hostage in this House, and it is really a concern of mine and some of my colleagues on this side of the aisle that our friends keep making that comment. They can bring a bill up any time they want to, just like we will be dealing with these five bills, six bills today. They can't blame Republicans for their inadequacies.

□ 1230

Madam Speaker, I have several concerns with the underlying bill that the Democrats have brought before us today. For a start, this bill is over 270 pages and costs over $5.7 billion; it is not PAYGO-compliant; it was written behind closed doors in the dark of night; it does not afford Republicans the opportunity to amend the legislation to improve the bill and to make it more responsible to the taxpayer; and it combines six pieces of controversial legislation of concern to my colleagues on this side of the aisle.

While there may be merit in addressing each of these items individually, to combine them in one single piece of legislation and to force a single vote with full knowledge that Members and their constituents have several outstanding concerns represents irresponsible behavior. It does not represent the kind of governing that the people of this country deserve.

I do want to say to my colleague across the aisle that Republicans abhor any type of discrimination, and inasmuch as people have been discriminated in this country in the past, we object to that. We abhor it. So our objections have nothing to do with past discriminations but, rather, with the way that money is being spent and the way bills are being brought up continually under closed rules.

This bill contains two bills which settle two different class action lawsuits and four bills approving four different water rights settlements.

It provides $3.4 billion to approve a settlement reached by the Department of the Interior and Native Americans to resolve the Cobell v. Salazar case concerning the alleged mismanagement of royalties owed to Native American tribes by the Department of the Interior.

There is merit to reaching a resolution to this longstanding case. However, individual Native Americans and respected Native American organizations have outstanding concerns with this settlement which they have voiced directly to Congress. Instead of addressing these concerns, Democrats have brought this bill to the floor under a structured rule that does not allow Members the opportunity to fix the concerns.

One of the major concerns with this settlement is it allows plaintiff attorneys to be paid in excess of $100 million. Since every dollar paid to attorneys comes from the pockets of individual Native Americans, Ranking Member DREIER offered an amendment last night in the Rules Committee to limit attorneys' fees to $50 million, but his amendment was rejected by the ruling Democrats, so we are unable to consider it on the floor today.

The second individual bill contained in this legislation provides $1.15 billion to approve the Pigford v. Glickman legal case in which African American farmers alleged discrimination by the Department of Agriculture when applying for loans in the 1980s and 1990s. Alarmingly, when this case was originally brought forward in 1997, it was then estimated that 2,000 farmers may have suffered from discrimination by the USDA. Today, while the number widely varies, it is estimated that approximately 65,000 potential claims exist.

Former Agriculture Secretary Ed Schafer stated that, while those who were discriminated against ''should be reimbursed,'' there are other hangers-on trying to game the system. According to former Secretary Schafer, ''The problem you have with the class action lawsuits is a lot of people jump in that may be on the fringe, that maybe don't deserve it, that sounded good because their neighbor got a check. It is very expensive, very time consuming. Some people will get paid that probably don't deserve it. I don't like that kind of thing. I like to settle on merit.''

Therefore, the $1.15 billion provided in this bill may go to claimants who do not have valid claims but, who due to the gross incompetency of the Federal Government, may now receive fast-track payments for up to $50,000 in taxpayer money. Approval of the Pigford v. Glickman settlement is not PAYGO-compliant and is in addition to the $100 million already provided for in this case by the 2008 farm bill.

The next four bills contained in this legislation are four separate water rights settlements with Native American tribes. Taken together, they direct the government to fund nearly $1 billion and to participate in the construction and maintenance of the specified local water systems.

The first water rights settlement included in this bill provides $324.5 million to create a new rural water system with the White Mountain Apache Tribe in Arizona. The second water rights settlement included in this bill provides $136 million to approve a settlement agreement among the Taos Pueblo, the Federal Government and the State of New Mexico. The third water rights settlement included in this bill provides $465 million to approve the 1999 settlement between the Crow Nation and the State of Montana. The fourth water rights settlement included in this bill authorizes $199 million to approve the controversial Aamodt Litigation Settlement in New Mexico.

Although some of these settlements are well-intended, there are fiscal concerns and a multitude of unanswered questions that still need to be addressed.

It is unclear whether these settlement amounts are in the best interest of U.S. taxpayers. The Republicans on the Natural Resources Committee asked the Department of Justice months ago whether these settlement amounts represent a net benefit to taxpayers as compared to the consequences and costs of litigation, but we have not yet received a response.

Voting to approve these water rights settlements forces Congress to be an arbitrator between sides involved in litigation. That is not a role that Congress should be forced to assume without sufficient information, information which still has not been provided by the Department of Justice. These settlements would be better resolved at the local level.

As Representatives, we owe it to our constituents to make sure settlements are not being made that will overcompensate a group or locality at the expense of the taxpayers. There is no documentation that these settlements would save the taxpayers money, and therefore it is unclear whether Congress is fulfilling its fiduciary responsibilities to the taxpayer.

As my colleague from Colorado said a little bit ago, the philosophy of our friends across the aisle is that spending saves money. That isn't an argument that the American people are buying anymore. As you can see, Madam Speaker, each of these six bills has individual concerns that must be addressed on the floor of the House. Instead of affording Members the opportunity to fix these bills, however, the bill before us today is another representation of the failed Democrat strategy for passing legislation: throw numerous bills together into one cumbersome legislative vehicle; slap an outrageous price tag on it; waive PAYGO; and call for an immediate vote under a structured rule which does not allow for any amendments.

The American people have grown tired of waiting for real solutions to their problems. Fortunately, help is on the way, and in January, this House will set a new course toward protecting individual liberty and shrinking the unending expansion of the suffocating Federal bureaucracy. That's why I will urge my colleagues to vote ''no'' on this irresponsible rule and on the underlying legislation.

I reserve the balance of my time.

Mr. PERLMUTTER. In response to my friend from North Carolina, I would say that the Republicans in the United States Senate are the ones who have been holding up legislation just as this until they get what they want. They put all these things together, and send it back to the House.

With that, I yield 3 minutes to my friend from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, today I rise to urge the adoption of this rule as well as the underlying bill.

I support this funding to right two historic wrongs that have tarnished our Nation for far too long—the Pigford and Cobell settlements. It is a sad truth that the USDA, under both Republican and Democratic administrations, have previously engaged in well-documented discrimination in loan, grant and trust programs.

These indefensible actions adversely affected thousands of African American and Native American farmers. Patterns of discrimination resulted in the foreclosures of family farms and in severe financial hardships, some of which are still being felt to this day.

In my home State of Missouri, I have personally met with numerous African American farmers who were misled, discriminated against and, in some cases, deliberately deceived by the USDA. These descendants of freed slaves were victimized by their own government time and time again.

□ 1240

In Congress, compensation for Pigford I, Pigford II and Cobell has been blocked by partisan attempts to politicize this issue. This delay is inexcusable. This is not about politics; it is a test of our commitment to honesty, fairness, and justice for all.

Today we have a bipartisan opportunity to end this obstruction and finally do the right thing for those whom this government has failed. I urge my colleagues on both sides of the aisle to exercise our shared sense of American decency to swiftly pass this bill and the rule as we take final action together to resolve this grave injustice.

Ms. FOXX. Madam Speaker, I yield 5 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding.

I come to the floor troubled, considerably troubled by—and in opposition to the rule—by this Pigford settlement proposal that we've heard about just now.

It was brought to my attention sometime after I was elected to Congress. I had a number of Iowa USDA employees that were deployed to Washington, D.C., and other locations to assist in administering the Pigford I settlement. They distributed $1.05 billion to African American farmers, some of whom were discriminated against. All of those that were discriminated against I would agree, I think with all of my colleagues, that they should be compensated to the degree that is practicable by law. However, as I sat down with the individuals that were administering the Pigford I settlement, and one of them came back with a box of file forms and applications sick to his stomach and told me that he had been compelled to engage in a practice that he believed was 75 percent fraudulent at a minimum, I thought that was a high and shocking number and put the information away until it emerged again and again in this Congress. It emerged before the Judiciary Committee in hearings before the committee on Pigford II to open it up again. There, the president of the Black Farmers Organization, John Boyd, testified under oath that there are 18,000 black farmers. As I go back through the USDA records, I can find a peak of perhaps as many as 36,000, but his number of 18,000 sticks in my mind. We are up to 94,000 claims, Madam Speaker, and 18,000 black farmers. And if you presume that everyone was discriminated against—which I reject on its face—we are looking at something here that is a multiplier beyond what this Congress ever intended. And as the gentlelady from North Carolina said, an anticipated couple of thousand applicants turns into now 90,000-plus applicants, of which perhaps two-thirds of them may be successful in their $50,000 stipend.

There was a statute of limitations. That consent decree was closed April 14, 1999, and since that time it has been opened up a second time. The Ag Committee is the other component of this. Myself and Congressman GOODLATTE of Virginia are the only two that serve on Judiciary and on Ag. There, in the 2008 farm bill, the chairman of the Ag Committee, Mr. PETERSON, put in $100 million to be the end, the settlement of Pigford. That was going to be the end of it for all time. We had an intense conversation on that. I said it will be an additional $1.3 billion; he insisted that $100 million would end it. I have the language here, Madam Speaker, that puts the cap on this at $100 million. Here we are, 2 short years later, with $1.3 billion, and the people that I'm talking to that have administered this at higher levels yet than those that first brought it to my attention tell me that the levels of fraud are higher yet. And it is not just $50,000, it's $50,000 plus 25 percent of that check that goes to the IRS to pay the tax liability, so there's another $12,500. Judge Paul Friedman estimated the debt that would be forgiven would be an average of $100,000 per black farmer and another 25 percent IRS checks. So we're at $187,500, and still this Congress has no access to the records other than

those that have been spirited out of the USDA.

So it isn't just that we should not fund this; there is no deal. There was no Congress directive that sent Eric Holder and Tom Vilsack to sit down with John Boyd of the Black Farmers and make a new deal and come to this Congress and say appropriate $1.5 billion additional dollars to fund the Pigford II. That was their elective. In fact, that was their elective in the face of Congress' direction that it would be capped at $100 million in the 2008 farm bill. There is no deal unless Congress authorizes this today. And if we do so, we are asking Members that haven't had access to the information to ratify an agreement that was put together by Eric Holder and Tom Vilsack at their own volition, not by the direction of Congress.

The next Congress has an obligation to look into these records and check the data and follow through the threads of fraud and be honest with the American taxpayers and make sure that those that have been discriminated against are compensated. But the central point here is this, Madam Speaker: For the altogether $2.3 billion that the taxpayers have accepted this liability, there hasn't been one USDA employee that has been fired or disciplined, not one. And the Secretary of Agriculture tells me he's not willing to relitigate Pigford I, he's not willing to open up the records to allow us to look at it, and he's not willing to allow us to look over his shoulder to assure that Pigford II is less fraudulent than Pigford I.

For all of these reasons, I ask my colleagues to vote ''no'' on the rule and ''no'' on the bill.

H.R. 2419 SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term 'consent decree' means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term 'Pigford claim' means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term 'Pigford claimant' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application;

(iii) the date of the loan or benefit decision, as appropriate;

(iv) the location of the office making the loan or benefit decision, as appropriate;

(v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and

(vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(1) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

Mr. PERLMUTTER. I would just say to my friend from Iowa that the settlement now applies to all African American farmers who were discriminated against, not just those that filed their claim by 1997, and as a consequence, it's a much broader class that is being settled with. We just can't have this kind of discrimination going on in this country, and America needs to pay its debts and not allow this kind of discrimination to go forward.

Madam Speaker, I yield 2 minutes to my friend from Ohio, Congresswoman FUDGE.

Ms. FUDGE. Thank you for the time.

Madam Speaker, here we go again. It's just a matter of delay, delay, no, no, no.

Eleven years ago, tens of thousands of black farmers settled a landmark

court case which addressed years and years of discrimination by the Department of Agriculture. Finally, finally, today, Madam Speaker, these farmers, these men and women who literally put food on our tables are receiving justice.

While litigation against the USDA for discrimination against black farmers began in August of 1997 with the Pigford and Glickman case, the injustice has spanned decades. Over 66,000 black farmers were routinely denied USDA farm loans or forced to wait, to wait and wait for loan approvals much longer than non-minorities. These farmers faced foreclosure and financial ruin because of USDA's discriminatory denials and unconscionable actions. Many of these farmers died, helplessly, hopelessly waiting for justice. Today, finally this Congress will pass the funding legislation, which is about more than just money; today's vote is about justice.

Now, make no mistake, I do indeed take issue with redirecting money from our Nation's needy infants and children to right this wrong. However, justice delayed is justice denied, and I would hope that my colleagues across the aisle who keep talking about fraud, we've been talking about Pigford for years, if there is fraud, where is your proof? Madam Speaker, I say today that there is no fraud. The courts have put in every single hoop they can possibly put in for black farmers to jump through. It is time for us to pay these people their just due.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I think the debate on this bill today points out why we have such a broken system in this country right now.

□ 1250

The Federal Government has no business being in the farm business. We need to get our Federal Government back to the intended purposes of the Federal Government, which are very limited in our Constitution. Every time the Federal Government gets involved in things it has no business getting involved in, they go awry, and I think the arguments from our colleagues across the aisle point that out.

I also want to point out that contrary to statements repeated over and over again by our colleagues across the aisle, Americans have not enjoyed any tax cuts in the past 4 years since they have been in charge of this Congress. To the contrary, the House Republican Ways and Means Committee has highlighted more than $680 billion in tax increases that have been imposed on the American people since the ruling liberal Democrats took control of Washington in January of 2009. Now, because of Democrat inaction, the American people are looking at the largest tax increase in the history of our country, which would affect all married couples, all families with children, seniors, and small businesses. That would destroy an average of 693 jobs every year through 2020; drain $726 billion from disposable income, $38 billion from personal savings, and $33 billion from business investments.

That would raise taxes on the 55 percent of all joint filers earning more than $250,000 who run small businesses that employ others; cost the average nonfarm small business owner $3,500 more in taxes; cost the 49 percent of all seniors with income below $250,000 525 more dollars in additional dividend taxes, and cost the 25 percent of seniors with income below $250,000 $742 in higher taxes.

President Obama's plan to allow portions of the 2001 and 2003 tax rates to expire, resulting in steep tax hikes beginning in January of 2011 for small businesses and those earning $250,000 or more would significantly affect the economy in North Carolina, most notably in the number of jobs and changes in personal income.

According to the Heritage Foundation, from 2011 to 2020, North Carolina's Fifth Congressional District would lose, on average, 1,577 jobs annually; lose, per household, $4,647 in total disposable income; and see total districtwide individual income taxes increase by $827 million.

The job-killing consequences continue with evidence based on a simulation of the Moody's Analytics macroeconomic model, which indicates that an across-the-board tax increase would precipitate a double-dip recession during the first half of 2011; leave employment in decline throughout 2011, ultimately leading to 8.6 million fewer jobs than we had in 2007; aggravate the unemployment rate, which would remain above 10 percent through late 2012; promote a sluggish GDP growth of 0.9 percent in 2011; and prevent a return to full employment until 2015.

Although the proposal to increase income taxes for those earning over $250,000 technically applies to 2 percent of taxpayers, the simple truth is that the top two income brackets play a critical role in keeping the economy running, as they already contribute 50 percent of all tax dollars, spend 25 percent of U.S. personal outlays, and generate 50 percent of small business income.

Those with income under $250,000 will be impacted by the increase in dividends and capital gains taxes as 24 percent of tax filers with incomes less than $250,000 would be hit by increased dividend taxes and 10 percent by increased capital gains taxes. Furthermore, half of seniors earning under $250,000 would have to pay higher taxes for dividends, capital gains, or both. Over the next 10 years, the Heritage Foundation projects a $1.1 trillion GDP loss if current tax rates are not extended.

The case is clear. The Democrats' misguided tax plan is motivated by class warfare, not sound economic policy.

Fortunately, Americans roundly rejected this incompetent governance and Republicans stand ready to promote policies to help restore America's economic vitality.

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

Mr. PERLMUTTER. Madam Speaker, I would remind the body that we're here to discuss Cobell v. Salazar, Pigford v. Glickman, plus the settlement of a number of water right cases.

But even having said that, I would like to respond to my friend from North Carolina that not even the Republican Congress that set forth these tax cuts for millionaires and billionaires thought they would go on forever. They set them so that they would expire at the end of this year so that this Nation would have the revenue that it needs to pay its bills. But the Republicans who have now taken this House want to continue those tax cuts for millionaires and billionaires so that this country can't pay its bills as it's supposed to.

So the tax cuts, prosecuting two wars without paying for them, allowing the bottom to fall out of Wall Street without any regulation sent this country into a huge deficit which has to stop, and it has to stop now.

Now, we've seen, since we've passed the Recovery Act, growth in the economy, not that loss of 6 percent as we saw in the final quarter of the Bush administration. But we've seen five consecutive quarters of growth. We've seen increased employment from the private sector. We have a long way to go, and tax cuts for millionaires and billionaires are not the way to do it.

With that, I yield 3½ minutes to my friend from Texas, Congresswoman JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank my good friend from Colorado, and I will agree with you that this underlying bill is not a bill about billionaires and millionaires.

I am delighted to rise now and support H.R. 4783, which has been amended by the Senate. And I will tell you that this bill is not an entitlement. It is a bill that was earned by the sweat and tears and the loss of land and the death of many who stood for the empowerment on the basis of the ownership of land that would generate a legacy for those who happened to be Native Americans and, as well, justice for those who happened to be African Americans.

I'm delighted that we have come to a conclusion on the Cobell settlement and the Pigford settlement—one dealing with the trust lands of Native Americans, and the other dealing with the inequities in the Department of Agriculture dealing with black farmers.

This is the work of the Agriculture Committee, and it's the work of the Judiciary Committee, the Department of Justice, and President Obama's administration.

How many of you have stood alongside of farmers who have had tears in their eyes because the only thing they wanted to do is to till the soil and to produce for the American people? This has happened across America. The

name of Shirley Sherrod, who attempted in her new appointment to make sure that all farmers were included as related to the resources of the Department of Agriculture. How many of you have heard of stories where one farmer would get a small pittance of a loan and another farmer would not just because of the color of their skin, and it would result in a bankruptcy, a loss of land?

America is a place of equality. And so to the Apache Tribe, the Crow Tribe, the Taos Pueblo Tribe dealing with water rights, legitimate issues addressing native lands have now been resolved. This is not a handout. The courts determined that the Native Americans prevailed, and they determined over 2 or 3 years ago that the black farmers prevailed as well. There was an inequity in addressing the question of treatment under the Department of Agriculture.

So who are we as a Nation? We are proud Americans who have been able to produce our own food. That has been one of the elements of our greatness. These farmers simply wanted to do what was right by America, and they were not allowed to do so.

And with respect to Native American lands and the trust of dealing with, specifically, water rights, these were lands owned and designated historically by law, but they were not treated right and we have now addressed that question.

□ 1300

This legislation is paid for. So I support the rule and the underlying bill. But I don't want my colleagues to rise mistakenly to the floor and suggest that we are handing out dollars, that we are not paying for dollars, that we are not being fiscally responsible. We are. And I ask my colleagues to support this.

Justice finally has arrived, and it is time for us to accept the call to justice and provide for those who simply want to provide for the American people in their own way. Thank you for this settlement for black farmers and Native Americans.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

I realize that we are here to debate something other than the continuation of the tax cuts and staving off the tax increases which are coming right around the corner. However, it is important that we continue to remind the American people that our colleagues across the aisle continue to refuse to deal with what's the most important issue that we need to be dealing with. Instead, we are here day after day, day after day naming post offices and celebrating anniversaries of sports figures when our colleagues have known that the tax increases were going to occur on January 1, 2011, since that bill was passed. But they have been in control for 4 years, and they have refused to deal with it.

Furthermore, we have a President and a Congress of the same party. They both know this had to be dealt with, but they seem to want to leave everything until the last possible minute and then blame Republicans because something isn't being done. Well, ladies and gentlemen, that is just not the case. Our colleagues across the aisle, the Democrats, are in control. They could have brought the tax increase bill up any time they wanted to. They refused to do it. They have left it until the last minute. We need to remind the American people of that, and we are not going to be told that we are holding something hostage.

I would also like to point out to my colleague from Colorado that when the stimulus bill was passed, what you call the Recovery Act, we were promised, the American people were promised that unemployment would not go above 8 percent. The Treasury Department recently issued its Final Monthly Treasury Statement for Fiscal Year 2010. This statement indicated the deficit for that fiscal year totaled $1.294 trillion, or 8.9 percent of GDP. This is only the second time in history that an annual deficit has exceeded $1 trillion. When was the last time? Last year, when again we had a Democratic President and Democrats in control of the Congress.

Over the past 22 months, President Obama and congressional Democrats have embarked on an unprecedented spending spree that has lowered economic growth, reduced investment, increased the cost of borrowing, and killed American jobs. Now, rather than reducing spending, Democrats hope to move a $1.11 trillion omnibus discretionary spending bill that would increase expenditures by hundreds of billions of dollars. In doing so, Democrats are ignoring the clear message of the American people and endangering the well-being of future generations.

Since President Obama took office in January 2009, the liberals ruling over Washington have implemented an agenda of record spending and deficits that's unprecedented in this country's history. Since the liberals seized control of the White House and Congress last year, profligate spending has led to $2.51 trillion in budget deficits. To give a little perspective, the total amount of deficit spending in the first 22 months of President Obama's administration is more than the combined deficits of President Bush 43's administration over 8 years, which were previously the highest deficits of any President in history.

In the 22 months since President Obama moved into the White House, Democrats have spent $6.1 trillion, which is more than the first 22 months of the administrations of President Clinton and Bush 43 combined.

The Treasury Department reported that in October 2010 alone, the government spent $24.1 billion to make interest payments on the money it borrowed. In fiscal year 2010, the government has spent $414 billion on interest payments, an amount equal to 32 percent of our deficit.

Americans made it very clear they want the Washington spending spree to end. Democrats, however, have turned a deaf ear, and still want to pass a disastrous $1.1 trillion spending bill in the lame duck session of Congress. The growing deficits under the Democrats' leadership will ultimately lead to a lower standard of living and less opportunity for future generations of Americans. As spending by the Federal Government grows to unsustainable levels, the U.S. will sacrifice its sovereignty by becoming dependent on debt borrowed from foreign countries. As the Nation's debt grows, confidence in financial markets will erode and propel the U.S. into a perpetual economic spiral.

Everything from a senseless energy tax, government takeover of health care, bailouts of the auto industry, megabanks, and the European Union, combined with endless tax and spending increases leave the American people sitting in amazement wondering where the imagination of these European wannabes will lead us next.

As the American people have been scared to death witnessing the deterioration of everything from the economy, foreign policy, and national security, they should know that fortunately there is a choice between the same old tired liberal agenda and new, innovative solutions being offered by the GOP.

In September, House Republicans put forward a pledge that will put America on a path toward economic prosperity. The pledge includes actions that will create jobs, end economic uncertainty, and make America more competitive. Specifically, the pledge would permanently stop all job-killing tax hikes; allow small business owners a 20 percent tax deduction against income to allow capital formation and investment, which will stimulate business expansion and new hiring; require congressional approval of costly regulations to reduce the cost burden that government growth imposes on businesses; repeal the ObamaCare 1099 requirement, to eliminate the wasteful and expensive mandate that all businesses report vendor purchases in excess of $600 annually; immediately cut government spending to pre-bailout levels to save at least $100 billion in the first year, and put the Federal Government on a path to balance the budget and pay down the debt, moving away from a debt-driven economy, and eliminating the fear that unsustainable spending has created.

The evidence is in, Madam Speaker: The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we have seen since the liberal majority seized control of Congress in 2007.

I urge my colleagues to take this opportunity to force the ruling liberal

Democrats to rethink their misguided proposals by rejecting this rule and the underlying bill to protest the liberal agenda that continues to distract from private sector job creation and getting the economy back on its feet.

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

Mr. PERLMUTTER. Madam Speaker, I guess I have a completely opposite view of my friend from North Carolina as to the importance of this bill. The payment for wrongs against thousands and thousands and thousands of people that were delayed under Republican Congresses, Republican Presidents, it is about time that we settle these cases and pay the bills to people who were either discriminated against or had their trust moneys bungled by the Interior Department.

We actually, through the course of all this, had one Interior Secretary under a Republican President who got herself in trouble. Ultimately, it was all resolved. Now it's time to settle these particular cases. Decades of litigation, decades of settlement talks. It is a red-letter day that the discrimination and the mismanagement that harmed so many people are resolved.

□ 1310

That's the purpose. That's why this has been a bipartisan bill and I hope will be a bipartisan vote later today when we take up the bill.

There are 500,000 Native Americans whose communities were deprived of revenue rightfully and legally owed to them for commercial development of their land. There are thousands of other Native Americans whose communities will benefit by completing long overdue water projects.

There are also 70,000 farmers in the Pigford case who were deprived of their ability to farm because of their race, out and out discrimination. Hundreds of thousands of Americans will receive some help this holiday season because we will extend temporary assistance for needy families.

My Republican friends like to talk about tax cuts for millionaires and billionaires, tax cuts that were supposed to expire, have been planned to expire by a Republican Congress from the beginning of the decade. This isn't something new. This isn't some big surprise. But the Republicans in the House and the Republicans in the Senate would like to hole up and do nothing until their friends, the millionaires and billionaires, continue these tax cuts, and at the same time stop payment and satisfaction of claims that have been long overdue to these hundreds of thousands of Native Americans and thousands and thousands of black farmers, as well as millions of people who need assistance under the Temporary Assistance for Needy Families.

This country pays its bills, doesn't just give tax cuts to the wealthiest Americans among us. That's what this Democratic Congress is about. That's what the Democratic Senate and this President is about. It is about honoring our commitments and stopping discrimination.

I am pleased we are going to pass this bill today, and I hope that all Members support it and not delay any further these rightful claims that have existed for so long.

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

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

The previous question was ordered.

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.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 168, not voting 42, as follows:

[Roll No. 583]

YEAS—223

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

NAYS—168

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

NOT VOTING—42

Baird
Barrett (SC)
Bishop (UT)
Brown-Waite, Ginny
Burton (IN)
Buyer
Carney
Chandler
Cleaver
Conyers
Davis (AL)
DeFazio
Deutch
Diaz-Balart, M.
Edwards (TX)
Fallin
Fudge
Giffords
Hastings (FL)
Hill
Himes
Honda
Inglis
Langevin
Lee (CA)
Marchant
Moran (KS)
Myrick
Oberstar
Ortiz
Putnam
Radanovich
Ros-Lehtinen
Shadegg
Taylor
Tiahrt
Tsongas
Wamp
Waxman
Wittman
Woolsey
Wu

□ 1343

Messrs. RYAN of Wisconsin, SMITH of Texas, BERRY, and KING of Iowa changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. Giffords. Madam Speaker, on November 30, 2010, I missed a vote on the rule providing for consideration of H.R. 4783, the Claims Resolution Act of 2010. Had I been present, I would have voted ''yea'' on this measure.

Mr. GONZALEZ. Mr. Speaker, a meeting at the Department of Commerce prevented my presence in the House for a vote earlier today. Had I been present, I would have voted ''yea'' on the motion to concur in the Senate Amendments to the Claims Resolution Act of 2010 (H.R. 4783).

Ms. WOOLSEY. Madam Speaker, on November 30, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 583. Had I been present I would have voted: Rollcall No. 583: ''yes''—Providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

CLAIMS RESOLUTION ACT OF 2010

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1736, I move to take from the Speaker's table the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

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

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Claims Resolution Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

Sec. 101. Individual Indian Money Account Litigation Settlement.

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

Sec. 201. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

Sec. 301. Short title.
Sec. 302. Purposes.
Sec. 303. Definitions.
Sec. 304. Approval of Agreement.
Sec. 305. Water rights.
Sec. 306. Contract.
Sec. 307. Authorization of WMAT rural water system.
Sec. 308. Satisfaction of claims.
Sec. 309. Waivers and releases of claims.
Sec. 310. White Mountain Apache Tribe Water Rights Settlement Subaccount.
Sec. 311. Miscellaneous provisions.
Sec. 312. Funding.
Sec. 313. Antideficiency.
Sec. 314. Compliance with environmental laws.

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Definitions.
Sec. 404. Ratification of Compact.
Sec. 405. Rehabilitation and improvement of Crow Irrigation Project.
Sec. 406. Design and construction of MR&I System.
Sec. 407. Tribal water rights.
Sec. 408. Storage allocation from Bighorn Lake.
Sec. 409. Satisfaction of claims.
Sec. 410. Waivers and releases of claims.
Sec. 411. Crow Settlement Fund.
Sec. 412. Yellowtail Dam, Montana.
Sec. 413. Miscellaneous provisions.
Sec. 414. Funding.
Sec. 415. Repeal on failure to meet enforceability date.
Sec. 416. Antideficiency.

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

Sec. 501. Short title.
Sec. 502. Purposes.
Sec. 503. Definitions.
Sec. 504. Pueblo rights.
Sec. 505. Taos Pueblo Water Development Fund.
Sec. 506. Marketing.
Sec. 507. Mutual-Benefit Projects.
Sec. 508. San Juan-Chama Project contracts.
Sec. 509. Authorizations, ratifications, confirmations, and conditions precedent.
Sec. 510. Waivers and releases of claims.
Sec. 511. Interpretation and enforcement.
Sec. 512. Disclaimer.
Sec. 513. Antideficiency.

TITLE VI—AAMODT LITIGATION SETTLEMENT

Sec. 601. Short title.
Sec. 602. Definitions.

Subtitle A—Pojoaque Basin Regional Water System

Sec. 611. Authorization of Regional Water System.
Sec. 612. Operating Agreement.
Sec. 613. Acquisition of Pueblo water supply for Regional Water System.
Sec. 614. Delivery and allocation of Regional Water System capacity and water.
Sec. 615. Aamodt Settlement Pueblos' Fund.
Sec. 616. Environmental compliance.
Sec. 617. Funding.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

Sec. 621. Settlement Agreement and contract approval.
Sec. 622. Environmental compliance.
Sec. 623. Conditions precedent and enforcement date.
Sec. 624. Waivers and releases of claims.
Sec. 625. Effect.
Sec. 626. Antideficiency.

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

Sec. 701. Mandatory appropriation.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

Sec. 801. Collection of past-due, legally enforceable State debts.
Sec. 802. Reporting of first day of earnings to directory of new hires.

Subtitle B—TANF

Sec. 811. Extension of the Temporary Assistance for Needy Families program.
Sec. 812. Modifications to TANF data reporting.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

Sec. 821. Customs user fees.
Sec. 822. Limitation on distributions relating to repeal of continued dumping and subsidy offset.

Subtitle D—Emergency Fund for Indian Safety and Health

Sec. 831. Emergency Fund for Indian Safety and Health.

Subtitle E—Rescission of Funds From WIC Program

Sec. 841. Rescission of funds from WIC program.

Subtitle F—Budgetary Effects

Sec. 851. Budgetary effects.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

SEC. 101. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The term ''Agreement on Attorneys' Fees, Expenses, and Costs'' means the agreement dated December 7, 2009, between Class Counsel (as defined in the Settlement) and the Defendants (as defined in the Settlement) relating to attorneys' fees, expenses, and costs incurred by Class Counsel in connection with the Litigation and implementation of the Settlement, as modified by the parties to the Litigation.

(2) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(3) FINAL APPROVAL.—The term ''final approval'' has the meaning given the term in the Settlement.

(4) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement, the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and subsection (e)(2) under which the Secretary may purchase fractional interests in trust or restricted land.

(5) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (TFH).

(6) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(9) TRUST ADMINISTRATION ADJUSTMENT FUND.—The term ''Trust Administration Adjustment Fund'' means the $100,000,000 deposited in the Settlement Account (as defined in the Settlement) pursuant to subsection (j)(1) for use in making the adjustments authorized by that subsection.

(10) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(b) PURPOSE.—The purpose of this section is to authorize the Settlement.

(c) AUTHORIZATION.—

(1) IN GENERAL.—The Settlement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Settlement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Settlement consistent with this section.

(d) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on the jurisdiction of the district courts of the United States in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction of the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court in the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class certified under rule 23(b)(3) of the Federal Rules of Civil Procedure for purposes of the Settlement.

(e) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $1,900,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph (3).

(2) OPERATION.—The Secretary shall consult with Indian tribes to identify fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.

(3) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(4) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(5) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff, the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5-year period beginning on the date of final approval of the Settlement, shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(f) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be—

(A) included in gross income; or

(B) taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

(g) INCENTIVE AWARDS AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND COSTS UNDER SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (3), the court in the Litigation shall determine the amount to which the Plaintiffs in the Litigation may be entitled for incentive awards and for attorneys' fees, expenses, and costs—

(A) in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expense, and cost records in support of a motion for such fees, expenses, and costs; and

(B) giving due consideration to the special status of Class Members (as defined in the Settlement) as beneficiaries of a federally created and administered trust.

(2) NOTICE OF AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The description of the request of Class Counsel for an amount of attorneys' fees, expenses, and costs required under paragraph C.1.d. of the Settlement shall include a description of all material provisions of the Agreement on Attorneys' Fees, Expenses, and Costs.

(3) EFFECT ON AGREEMENT.—Nothing in this subsection limits or otherwise affects the enforceability of the Agreement on Attorneys' Fees, Expenses, and Costs.

(h) SELECTION OF QUALIFYING BANK.—The United States District Court for the District of Columbia, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank (as defined in the Settlement) under paragraph A.1. of the Settlement, may consider any factors or circumstances regarding the proposed Qualifying Bank that the Court determines to be appropriate to protect the rights and interests of Class Members (as defined in the Settlement) in the amounts to be deposited in the Settlement Account (as defined in the Settlement).

(i) APPOINTEES TO SPECIAL BOARD OF TRUSTEES.—The 2 members of the special board of trustees to be selected by the Secretary under paragraph G.3. of the Settlement shall be selected only after consultation with, and after considering the names of possible candidates timely offered by, federally recognized Indian tribes.

(j) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) FUNDS.—

(A) IN GENERAL.—In addition to the amounts deposited pursuant to paragraph E.2. of the Settlement, on final approval, the Secretary of the Treasury shall deposit in the Trust Administration Adjustment Fund of the Settlement Account (as defined in the Settlement) $100,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code, to be allocated and paid by the Claims Administrator (as defined in the Settlement and pursuant to paragraph E.1.e of the Settlement) in accordance with this subsection.

(B) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of subparagraph (A).

(2) ADJUSTMENT.—

(A) IN GENERAL.—After the calculation of the pro rata share in Section E.4.b of the Settlement, the Trust Administration Adjustment Fund shall be used to increase the minimum payment to each Trust Administration Class Member whose pro rata share is—

(i) zero; or

(ii) greater than zero, but who would, after adjustment under this subparagraph, otherwise receive a smaller Stage 2 payment than those Trust Administration Class Members described in clause (i).

(B) RESULT.—The amounts in the Trust Administration Adjustment Fund shall be applied in such a manner as to ensure, to the extent practicable (as determined by the court in the Litigation), that each Trust Administration Class Member receiving amounts from the Trust Administration Adjustment Fund receives the same total payment under Stage 2 of the Settlement after making the adjustments required by this subsection.

(3) TIMING OF PAYMENTS.—The payments authorized by this subsection shall be included with the Stage 2 payments under paragraph E.4. of the Settlement.

(k) EFFECT OF ADJUSTMENT PROVISIONS.—Notwithstanding any provision of this section, in the event that a court determines that the application of subsection (j) is unfair to the Trust Administration Class—

(1) subsection (j) shall not go into effect; and

(2) on final approval of the Settlement, in addition to the amounts deposited into the Trust Land Consolidation Fund pursuant to subsection (e), the Secretary of the Treasury shall deposit in that Fund $100,000,000 out of amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code (the conditions of which section shall be deemed to be met for purposes of this paragraph) to be used by the Secretary in accordance with subsection (e).

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

SEC. 201. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the

parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation,* Misc. No. 08–mc–0511 (PLF), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable, and the court finds that the Settlement Agreement is modified to incorporate the additional terms contained in subsection (g). The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds'';

(B) by striking paragraph (2); and

(C) by striking ''subsection (g)'' and inserting ''subsection (f)'';

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

(g) ADDITIONAL SETTLEMENT TERMS.—For the purposes of this section and funding for the Settlement Agreement, the following are additional terms:

(1) DEFINITIONS.—In this subsection:

(A) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement, including any modifications agreed to by the parties and approved by the court, between the Secretary of Agriculture and certain plaintiffs, by and through their counsel in litigation titled Black Farmers Discrimination Litigation, Misc. No. 08–mc–0511 (PLF).

(B) NEUTRAL ADJUDICATOR.—

(i) IN GENERAL.—The term ''Neutral Adjudicator'' means a Track A Neutral or a Track B Neutral as those terms are defined in the Settlement Agreement, who have been hired by Lead Class Counsel as that term is defined in the Settlement Agreement.

(ii) REQUIREMENT.—The Track A and B Neutrals called for in the Settlement Agreement shall be approved by the Secretary of the United States Department of Agriculture, the Attorney General, and the court.

(2) OATH.—Every Neutral Adjudicator shall take an oath administered by the court prior to hearing claims.

(3) ADDITIONAL DOCUMENTATION OR EVIDENCE.—Any Neutral Adjudicator may, during the course of hearing claims, require claimants to provide additional documentation and evidence if, in the Neutral Adjudicator's judgment, the additional documentation and evidence would be necessary or helpful in deciding the merits of the claim, or if the adjudicator suspects fraud regarding the claim.

(4) ATTORNEYS FEES, EXPENSES, AND COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and the provisions of the Settlement Agreement regarding attorneys' fee caps and maximum and minimum percentages for awards of attorneys fees, the court shall make any determination as to the amount of attorneys' fees, expenses, and costs in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expenses, and cost records in support of a motion for such fees, expenses, and costs.

(B) EFFECT ON AGREEMENT.—Nothing in this paragraph limits or otherwise affects the enforceability of provisions regarding attorneys' fees, expenses, and costs that may be contained in the Settlement Agreement.

(5) CERTIFICATION.—An attorney filing a claim on behalf of a claimant shall swear, under penalty of perjury, that: ''to the best of the attorney's knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law and the factual contentions have evidentiary support''.

(6) DISTRIBUTION OF CLAIMS DETERMINATIONS AND SETTLEMENT FUNDS.—In order to ensure full transparency of the administration of claims under the Settlement Agreement, the Claims Administrator as that term is defined in the Settlement Agreement, shall provide to the Secretary of Agriculture, the Inspector General of the Department of Agriculture, the Attorney General, and Lead Class Counsel as that term is defined in the Settlement Agreement, all information regarding Distribution of Claims Determinations and Settlement Funds described in the Settlement Agreement.

(h) REPORTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall evaluate the internal controls (including internal controls concerning fraud and abuse) created to carry out the terms of the Settlement Agreement, and report to the Congress at least 2 times throughout the duration of the claims adjudication process on the results of this evaluation.

(B) ACCESS TO INFORMATION.—Solely for purposes of conducting the evaluation under subparagraph (A), the Comptroller General shall have access, upon request, to the claims administrator, the claims adjudicators, and related officials, appointed in connection with the aforementioned settlement, and to any information and records generated, used, or received by them, including names and addresses.

(2) USDA INSPECTOR GENERAL.—

(A) PERFORMANCE AUDIT.—The Inspector General of the Department of Agriculture shall, within 180 days of the initial adjudication of claims, and subsequently as appropriate, perform a performance audit based on a statistical sampling of adjudicated claims.

(B) AUDIT RECIPIENTS.—The audits described in clause (i) shall be provided to Secretary of Agriculture and the Attorney General.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''White Mountain Apache Tribe Water Rights Quantification Act of 2010''.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and take any other action necessary to carry out all obligations of the Secretary under the Agreement in accordance with this title;

(3) to authorize the amounts necessary for the United States to meet the obligations of the United States under the Agreement and this title; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States, acting as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants seeking to determine the nature and extent of the water rights of the Tribe, its members, the United States, acting as trustee for the Tribe and its members, and other claimants in—

(i) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled In re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W–1 (Salt), W–2 (Verde), W–3 (Upper Gila), W–4 (San Pedro); and

(ii) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source and numbered CIV–6417.

SEC. 303. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that Agreement that are—

(i) made in accordance with this title; or

(ii) otherwise approved by the Secretary.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Reclamation.

(3) CAP.—The term ''CAP'' means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) CAP CONTRACTOR.—The term ''CAP contractor'' means an individual or entity that has entered into a long-term contract (as

that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term ''CAP fixed OM&R charge'' has the meaning given the term in the repayment stipulation.

(6) CAP M&I PRIORITY WATER.—The term ''CAP M&I priority water'' means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) CAP SUBCONTRACTOR.—The term ''CAP subcontractor'' means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) CAP SYSTEM.—The term ''CAP system'' means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) CAP WATER.—The term ''CAP water'' means ''Project Water'' (as that term is defined in the repayment stipulation).

(10) CONTRACT.—The term ''Contract'' means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08–XX–30–W0529; and

(B) any amendments to that contract.

(11) DISTRICT.—The term ''District'' means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date described in section 309(d)(1).

(13) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) INJURY TO WATER RIGHTS.—

(A) IN GENERAL.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) INCLUSIONS.—The term ''injury to water rights'' includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) EXCLUSION.—The term ''injury to water rights'' does not include any injury to water quality.

(15) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term ''Lower Colorado River Basin Development Fund'' means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) OFF-RESERVATION TRUST LAND.—The term ''off-reservation trust land'' means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) OPERATING AGENCY.—The term ''Operating Agency'' means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) REPAYMENT CONTRACT.—The term ''repayment contract'' means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14–06–W–245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) REPAYMENT STIPULATION.—The term ''repayment stipulation'' means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled Central Arizona Water Conservation District v. United States, et al., and numbered CIV 95–625–TUC–WDB (EHC) and CIV 95–1720–PHX–EHC.

(20) RESERVATION.—

(A) IN GENERAL.—The term ''reservation'' means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the ''Fort Apache Reservation'' pursuant to chapter 3 of the Act of June 7, 1897 (30 Stat. 62); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) NO EFFECT ON DISPUTE OR AS ADMISSION.—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; or

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(22) STATE.—The term ''State'' means the State of Arizona.

(23) TRIBAL CAP WATER.—The term ''tribal CAP water'' means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term ''Tribe'' means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 476).

(26) WATER RIGHT.—The term ''water right'' means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term ''WMAT rural water system'' means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 307.

(28) YEAR.—The term ''year'' means a calendar year.

SEC. 304. APPROVAL OF AGREEMENT.

(a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Agreement consistent with this title.

(b) EXECUTION OF AGREEMENT.—

(1) IN GENERAL.—To the extent that the Agreement does not conflict with this title, the Secretary shall promptly—

(A) execute the Agreement, including all exhibits to the Agreement requiring the signature of the Secretary; and

(B) in accordance with the Agreement, execute any amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title; and

(2) DISCRETION OF THE SECRETARY.—The Secretary may execute any other amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title if the amendment does not require congressional approval pursuant to the Trade and Intercourse Act (25 U.S.C. 177) or other applicable Federal law (including regulations).

(c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 305. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States on behalf of the Tribe; and

(2) shall not be subject to forfeiture or abandonment.

(b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this title and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firmed by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3–07–30–W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the

Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101–628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 306(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stage of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by the Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 306. CONTRACT.

(a) IN GENERAL.—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with a provision of this title, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Contract consistent with this title.

(d) EXECUTION OF CONTRACT.—To the extent that the Contract does not conflict with this title, the Secretary shall execute the Contract.

(e) PAYMENT OF CHARGES.—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) PROHIBITIONS.—

(1) USE OUTSIDE STATE.—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) USE OFF RESERVATION.—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this title may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.—Nothing in this title or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority (or any successor entity) established by section 45–2421 of the Arizona Revised Statutes in accordance with State law.

(g) LEASES.—

(1) IN GENERAL.—To the extent that the leases of tribal CAP Water by the Tribe to the District and to any of the cities in the State, attached as exhibits to the Agreement, are not in conflict with the provisions of this title—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) AMENDMENTS.—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this title, those amendments are authorized, ratified, and confirmed.

SEC. 307. AUTHORIZATION OF WMAT RURAL WATER SYSTEM.

(a) IN GENERAL.—Consistent with subsections (a) and (e) of section 312 and subsection (h) of this section, the Secretary, acting through the Bureau, shall plan, design, and construct the WMAT rural water system to divert, store, and distribute water from the North Fork of the White River to the Tribe that shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork of the White River near the community of Whiteriver;

(2) a distribution system consisting of pipelines extending from the treatment facilities to existing water distribution systems serving the communities of Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue;

(3) connections to existing distribution facilities for the communities described in paragraph (2), but not including any upgrades of, or improvements to, existing or future public water systems for the communities described in paragraph (2) that may be necessary to accommodate increased demand and flow rates (and any associated changes in water quality);

(4) connections to additional communities along the pipeline, provided that the additional connections may be added to the distribution system described in paragraph (2) at the expense of the Tribe;

(5) appurtenant buildings and access roads;

(6) electrical power transmission and distribution facilities necessary for operation of the project; and

(7) any other project components that the Secretary, in consultation with the Tribe, determines to be necessary.

(b) MODIFICATIONS.—The Secretary and the Tribe—

(1) may modify the components of the WMAT rural water system described in subsection (a) by mutual agreement; and

(2) shall make all modifications required under subsection (c)(2).

(c) FINAL PROJECT DESIGN.—

(1) IN GENERAL.—The Secretary shall issue a final project design of the WMAT rural water system, including the dam, pumping plants, pipeline, and treatment plant, that is generally consistent with the project extension report dated February 2007 after the completion of—

(A) any appropriate environmental compliance activity; and

(B) the review process described in paragraph (2).

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall review the proposed design of the WMAT rural water system and perform value engineering analyses.

(B) RESULTS.—Taking into consideration the review under subparagraph (A), the Secretary, in consultation with the Tribe, shall require appropriate changes to the design, so that the final design—

(i) meets Bureau of Reclamation design standards;

(ii) to the maximum extent practicable, incorporates any changes that would improve the cost-effectiveness of the delivery of water through the WMAT rural water system; and

(iii) may be constructed for the amounts made available under section 312.

(d) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—Title to the WMAT rural water system shall be held by the United States until title to the WMAT rural water system is conveyed by the Secretary to the Tribe pursuant to paragraph (2).

(2) CONVEYANCE TO TRIBE.—The Secretary shall convey to the Tribe title to the WMAT rural water system not later than 30 days after the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria of the designers have been established and are in place;

(B) the WMAT rural water system has operated under the standing operating procedures of the designers, with the participation of the Tribe, for a period of 3 years;

(C) the Secretary has provided the Tribe with technical assistance on the manner by which to operate and maintain the WMAT rural water system;

(D) the funds made available under section 312(b)(3)(B) have been deposited in the WMAT Maintenance Fund; and

(E) the WMAT rural water system—

(i) is substantially complete, as determined by the Secretary; and

(ii) satisfies the requirement that—

(I) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); and

(II) the Secretary has consulted with the Tribe regarding the proposed finding that the WMAT rural water system is substantially complete.

(e) ALIENATION AND TAXATION.—

(1) IN GENERAL.—Conveyance of title to the Tribe pursuant to subsection (d) does not waive or alter any applicable Federal law (including regulations) prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(2) ALIENATION OF WMAT RURAL WATER SYSTEM.—The WMAT rural water system, including the components of the WMAT rural water system, shall not be alienated, encumbered, or conveyed in any manner by the Tribe, unless a reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(f) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—Consistent with subsections (d) and (e) of section 312, the Secretary, acting through the Bureau and in cooperation with the Tribe, shall operate, maintain, and replace the WMAT rural water system until the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2).

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2), the United States shall have no obligation to pay for the operation, maintenance, or replacement costs of the WMAT rural water system.

(B) LIMITATION ON LIABILITY.—Effective on the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the land or facilities conveyed, other than damages caused by any intentional act or act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2).

(g) RIGHT TO REVIEW.—

(1) IN GENERAL.—The statement of findings published by the Secretary pursuant to subsection (d)(2) shall be considered to be a final agency action subject to judicial review under sections 701 through 706 of title 5, United States Code.

(2) EFFECT OF TITLE.—Nothing in this title gives the Tribe or any other party the right to judicial review of the determination by the Secretary under subsection (d) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(h) APPLICABILITY OF ISDEAA.—

(1) AGREEMENT FOR SPECIFIC ACTIVITIES.—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the activities authorized by this section.

(2) CONTRACTS.—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this title shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(i) FINAL DESIGNS; PROJECT CONSTRUCTION.—

(1) FINAL DESIGNS.—All designs for the WMAT rural water system shall—

(A) conform to Bureau design standards; and

(B) be subject to review and approval by the Secretary.

(2) PROJECT CONSTRUCTION.—Each project component of the WMAT rural water system shall be constructed pursuant to designs and specifications approved by the Secretary, and all construction work shall be subject to inspection and approval by the Secretary.

(j) CONDITION.—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land that the Secretary identifies as necessary for the construction, operation, and maintenance of those facilities.

SEC. 308. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—Except as set forth in the Agreement, the benefits realized by the Tribe and its members under this title shall be in full satisfaction of all claims of the Tribe, its members, and the United States, acting as trustee for the benefit of the Tribe and its members, for water rights and injury to water rights under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) USES OF WATER.—All uses of water on land outside of the reservation, if and when that land is subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation placed into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a), nothing in this title recognizes or establishes any right of a member of the Tribe to water on the reservation.

SEC. 309. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—Except for the specifically retained claims described in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity as trustee for the Tribe and its members, as part of the performance of the respective obligations of the United States and the Tribe under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner that is not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(2) CLAIMS AGAINST TRIBE.—Except for the specifically retained claims described in subsection (b)(3), the United States, in all capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner that is not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(3) CLAIMS AGAINST UNITED STATES.—Except for the specifically retained claims described in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employees of the United

States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner that is not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this title;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of $4,950,000 of the amounts made available under section 312(b)(2)(B);

(F) any claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the date on which funds are made available under section 312(b)(3)(B) and deposited in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(4) EFFECT ON BOUNDARY CLAIMS.—Nothing in this title expands, diminishes, or impacts any claims the Tribe may assert, or any defense the United States may assert, concerning title to land outside the most current survey, as of the date of enactment of this Act, of the northern boundary of the reservation.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and its members, and the United States, acting as trustee for the Tribe and its members, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee;

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities; and

(ix) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south ½ of T. 9 N., R. 24 E., the south ½ of T. 9 N., R. 25 E., the north ½ of T. 8 N., R. 24 E., or the north ½ of T. 8 N., R. 25 E., if water from the land is used on the land or is transported off the land for municipal, commercial, or industrial use.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and its members, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south ½ of T. 9 N., R. 24 E., the south ½ of T. 9 N., R. 25 E., the north ½ of T. 8 N., R. 24 E., or the north ½ of T. 8 N., R. 25 E., if water from that land is used on the land or is transported off the land for municipal, commercial, or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to seek remedies and to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(c) EFFECTIVENESS OF WAIVER AND RELEASES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent that the Agreement conflicts with this title, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 305 and 306;

(C) the amount made available under section 312(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 307;

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2

have been approved by the respective trial courts; and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If the Secretary does not publish a statement of findings under paragraph (1) by April 30, 2021—

(A) this title is repealed effective May 1, 2021, and any activity by the Secretary to carry out this title shall cease;

(B) any amounts made available under section 312 shall immediately revert to the general fund of the Treasury;

(C) any other amounts deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount (including any amounts paid by the State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds; and

(D) the Tribe and its members, and the United States, acting as trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO ADDITIONAL RIGHTS TO WATER.—Beginning on the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting as trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this title or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this title affects any rights to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) ENTITLEMENTS.—Any entitlement to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, its members, and the United States by the Agreement and this title.

(h) OBJECTION PROHIBITED.—Except as provided in paragraphs (1)(A)(ix) and (2)(F) of subsection (b), the Tribe and the United States, acting as trustee for the Tribe shall not—

(1) object to the use of any well located outside the boundaries of the reservation or the off-reservation trust land in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

SEC. 310. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.

(a) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the ''White Mountain Apache Tribe Water Rights Settlement Subaccount'', consisting of—

(1) the amounts deposited in the subaccount pursuant to section 312(a); and

(2) such other amounts as are available, including the amounts provided in subparagraph 13.3 of the Agreement.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use amounts from the White Mountain Apache Tribe Water Rights Settlement Subaccount for the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).

(2) REQUIREMENTS.—In carrying out the activities described in paragraph (1), the Secretary shall use such sums as are necessary from the White Mountain Apache Tribe Water Rights Settlement Subaccount—

(A) to provide the Bureau with amounts sufficient to carry out oversight of the planning, design, and construction of the WMAT rural water system;

(B) to repay to the Treasury (or the United States) any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191), after which repayment, the Tribe shall have no further liability for the balance on that loan; and

(C) to carry out all required environmental compliance activities associated with the planning, design, and construction of the WMAT rural water system.

(c) ISDEAA CONTRACT.—

(1) IN GENERAL.—If the Tribe so requests, the planning, design, and construction of the WMAT rural water system shall be carried out pursuant to the terms of an agreement or agreements entered into under section 307(h).

(2) ENFORCEMENT.—The Secretary may pursue any judicial remedies and carry out any administrative actions that are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(d) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(e) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the enforceability date.

SEC. 311. MISCELLANEOUS PROVISIONS.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

(1) IN GENERAL.—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this title or the Agreement.

(2) DESCRIPTION OF CIVIL ACTION.—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this title or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 309 of this title and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) EFFECT OF TITLE.—Nothing in this title quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) INDEMNIFICATION.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) APPLICABILITY OF RECLAMATION REFORM ACT.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this title;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) SECRETARIAL POWER SITES.—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) NO EFFECT ON FUTURE ALLOCATIONS.—Water received under a lease or exchange of tribal CAP water under this title shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) AFTER-ACQUIRED TRUST LAND.—

(1) REQUIREMENT OF ACT OF CONGRESS.—

(A) LEGAL TITLE.—Subject to subparagraph (B), after the enforceability date, if the Tribe seeks to have legal title to additional land in the State located outside the exterior boundaries of the reservation taken into trust by the United States for the benefit of the Tribe, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

(i) the restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) WATER RIGHTS.—

(A) IN GENERAL.—After-acquired trust land that is located outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) RESTORED LAND.—Land that is restored to the reservation as the result of the resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that is placed into trust, shall have water rights pursuant to section 308(b).

(3) ACCEPTANCE OF LAND IN TRUST STATUS.—

(A) IN GENERAL.—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land held in trust by the Secretary under subparagraph (A), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) CONFORMING AMENDMENT.—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191) is amended by striking ''January 1, 2013'' and inserting ''May 1, 2021''.

SEC. 312. FUNDING.

(a) RURAL WATER SYSTEM.—

(1) MANDATORY APPROPRIATIONS.—Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system $126,193,000.

(2) INCLUSIONS.—The amount made available under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of the construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) WMAT SETTLEMENT AND MAINTENANCE FUNDS.—

(1) DEFINITION OF FUNDS.—In this subsection, the term ''Funds'' means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) WMAT SETTLEMENT FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''WMAT Settlement Fund'', to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—

(i) IN GENERAL.—There are authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund—

(I) $78,500,000; and

(II) any additional amounts described in clause (ii), if applicable.

(ii) AUTHORIZATION OF ADDITIONAL AMOUNTS.—In accordance with subsection (e)(4)(B), if the WMAT rural water system is conveyed to the Tribe before the date on which the $35,000,000 described in subsection (e)(2) is completely made available, there is authorized to be appropriated to the Secretary, for deposit in the WMAT Settlement Fund, any remaining amounts that would otherwise have been made available for expenditure from the Cost Overrun Subaccount.

(C) USE OF FUNDS.—

(i) IN GENERAL.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(I) Fish production, including hatcheries.

(II) Rehabilitation of recreational lakes and existing irrigation systems.

(III) Water-related economic development projects.

(IV) Protection, restoration, and economic development of forest and watershed health.

(ii) EXISTING IRRIGATION SYSTEMS.—Of the amounts deposited in the Fund under subparagraph (B), not less than $4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(3) WMAT MAINTENANCE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''WMAT Maintenance Fund'', to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $50,000,000 for deposit in the WMAT Maintenance Fund.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the WMAT rural water system.

(4) ADMINISTRATION.—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date and in accordance with subsection (f).

(6) EXPENDITURE AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—The Tribe may withdraw all or part of the amounts in the Funds on approval by the Secretary of a tribal management plan, as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require the Tribe to use any amounts withdrawn from the Funds in accordance with paragraph (2)(C) or (3)(C), as applicable.

(iii) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan described in clause (i) to ensure that any amounts withdrawn from the Funds under the tribal management plan are used in accordance with this title and the Agreement.

(iv) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Funds will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan, if the Secretary determines that the plan is reasonable and consistent with this title and the Agreement.

(iv) ANNUAL REPORT.—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) COST INDEXING.—All amounts made available under subsections (a), (b), and (e) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects described in subsection (b)(2)(C).

(d) OPERATION, MAINTENANCE, AND REPLACEMENT.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in section 307(f) have been met.

(e) COST OVERRUN SUBACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the ''WMAT Cost Overrun Subaccount'', to be administered by the Secretary, consisting of the amounts deposited in the subaccount under paragraph (2), together with any interest accrued on those amounts, for use by the Secretary in accordance with paragraph (4).

(2) MANDATORY APPROPRIATIONS; AUTHORIZATION OF APPROPRIATIONS.—

(A) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $24,000,000 for deposit in the WMAT Cost Overrun Subaccount.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the WMAT Cost Overrun Subaccount $11,000,000.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—Amounts in the WMAT Cost Overrun Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(B) INVESTMENT.—The Secretary shall invest the amounts in the WMAT Cost Overrun Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(C) USE OF INTEREST.—The interest accrued on the amounts invested under subparagraph (B) shall not be available for expenditure or withdrawal until the enforceability date.

(4) USE OF COST OVERRUN SUBACCOUNT.—

(A) INITIAL USE.—The Secretary shall use the amounts in the WMAT Cost Overrun Subaccount to complete the WMAT rural

water system or to carry out activities relating to the operation, maintenance, or replacement of facilities of the WMAT rural water system, as applicable, if the Secretary determines that the amounts made available under subsections (a) and (d) will be insufficient in the period before title to the WMAT rural water system is conveyed to the Tribe—

(i) to complete the WMAT rural water system; or

(ii) to operate and maintain the WMAT rural water system.

(B) TRANSFER OF FUNDS.—All unobligated amounts remaining in the Cost Overrun Subaccount on the date on which title to the WMAT rural water system is conveyed to the Tribe shall be—

(i) returned to the general fund of the Treasury; and

(ii) on an appropriation pursuant to subsection (b)(2)(B)(ii), deposited in the WMAT Settlement Fund and made available to the Tribe for use in accordance with subsection (b)(2)(C).

(f) CONDITIONS.—The amounts made available to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued on those amounts under subsection (b)(3) and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the WMAT rural water system is transferred to the Tribe under section 307(d)(2).

(g) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under subsections (a), (b), (d), and (e), without further appropriation, to remain available until expended.

SEC. 313. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided by Congress expressly to carry out the purposes of this title.

SEC. 314. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Crow Tribe Water Rights Settlement Act of 2010''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Crow Tribe; and

(B) the United States for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the Crow Tribe-Montana Water Rights Compact entered into by the Tribe and the State of Montana on June 22, 1999;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Crow Tribe-Montana Water Rights Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this title; and

(4) to ensure the availability of funds necessary for the implementation of the Compact and this title.

SEC. 403. DEFINITIONS.

In this title:

(1) ALLOTTEE.—The term ''allottee'' means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation or the ceded strip; and

(B) held in trust by the United States.

(2) CEDED STRIP.—The term ''ceded strip'' means the area identified as the ceded strip on the map included in appendix 5 of the Compact.

(3) CIP OM&R.—The term ''CIP OM&R'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the Crow Irrigation Project;

(B) any activity relating to scheduled or unscheduled maintenance of the Crow Irrigation Project; and

(C) any activity relating to replacement of a feature of the Crow Irrigation Project.

(4) COMPACT.—The term ''Compact'' means the water rights compact between the Tribe and the State of Montana contained in section 85–20–901 of the Montana Code Annotated (2009) (including any exhibit, part, or amendment to the Compact).

(5) CROW IRRIGATION PROJECT.—

(A) IN GENERAL.—The term ''Crow Irrigation Project'' means the irrigation project—

(i) authorized by section 31 of the Act of March 3, 1891 (26 Stat. 1040);

(ii) managed by the Secretary (acting through the Bureau of Indian Affairs); and

(iii) consisting of the project units of—

(I) Agency;

(II) Bighorn;

(III) Forty Mile;

(IV) Lodge Grass #1;

(V) Lodge Grass #2;

(VI) Pryor;

(VII) Reno;

(VIII) Soap Creek; and

(IX) Upper Little Horn.

(B) INCLUSION.—The term ''Crow Irrigation Project'' includes land held in trust by the United States for the Tribe and the allottees in the Bozeman Trail and Two Leggins irrigation districts.

(6) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 410(e).

(7) FINAL.—The term ''final'' with reference to approval of the decree described in section 410(e)(1)(A), means—

(A) completion of any direct appeal to the Montana Supreme Court of a decree by the Montana Water Court pursuant to section 85–2–235 of the Montana Code Annotated (2009), including the expiration of time for filing of any such appeal; or

(B) completion of any appeal to the appropriate United States Court of Appeals, including the expiration of time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such petition, or issuance of a final judgment of the United States Supreme Court, whichever occurs last.

(8) FUND.—The term ''Fund'' means the Crow Settlement Fund established by section 411.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) JOINT STIPULATION OF SETTLEMENT.—The term ''joint stipulation of settlement'' means the joint stipulation of settlement relating to the civil action styled Crow Tribe of Indians v. Norton, No. 02–284 (D.D.C. 2006).

(11) MR&I SYSTEM.—

(A) IN GENERAL.—The term ''MR&I System'' means the municipal, rural, and industrial water system of the Reservation, generally described in the document entitled ''Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report'' prepared by DOWL HKM, and dated July 2008 and updated in a status report prepared by DOWL HKM dated December 2009.

(B) INCLUSIONS.—The term ''MR&I System'' includes—

(i) the raw water intake, water treatment plant, pipelines, storage tanks, pumping stations, pressure-reducing valves, electrical transmission facilities, and other items (including real property and easements necessary to deliver potable water to the Reservation) appurtenant to the system described in subparagraph (A); and

(ii) in descending order of construction priority—

(I) the Bighorn River Valley Subsystem;

(II) the Little Bighorn River Valley Subsystem; and

(III) Pryor Extension.

(12) MR&I SYSTEM OM&R.—The term ''MR&I System OM&R'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the MR&I System;

(B) any activity relating to scheduled or unscheduled maintenance of the MR&I System; and

(C) any activity relating to replacement of project features of the MR&I System.

(13) RESERVATION.—The term ''Reservation'' means the area identified as the Reservation on the map in appendix 4 of the Compact.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(15) TRIBAL COMPACT ADMINISTRATION.—The term ''Tribal Compact Administration'' means any activity relating to—

(A) the development or enactment by the Tribe of the tribal water code;

(B) establishment by the Tribe of a water resources department; and

(C) the operation by the Tribe of that water resources department (or a successor agency) during the 10-year period beginning on the date of establishment of the department.

(16) TRIBAL WATER CODE.—The term ''tribal water code'' means a water code adopted by the Tribe in accordance with section 407(f).

(17) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means—

(A) the water rights of the Tribe described in article III of the Compact; and

(B) the water rights provided to the Tribe under section 408.

(18) TRIBE.—The term ''Tribe'' means the Crow Tribe of Indians of the State of Montana on behalf of itself and its members (but not its members in their capacities as allottees).

SEC. 404. RATIFICATION OF COMPACT.

(a) RATIFICATION OF COMPACT.—

(1) IN GENERAL.—Except as modified by this title, and to the extent the Compact does not conflict with this title, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS TO COMPACT.—If amendments are executed to make the Compact consistent with this title, those amendments are also authorized, ratified, and confirmed to the extent such amendments are consistent with this title.

(b) EXECUTION OF COMPACT.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this title, the Secretary is directed to and shall promptly execute the Compact, including all exhibits to or parts of the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title precludes the Secretary from approving modifications to appendices or exhibits to the Compact not inconsistent with this title, to the extent such modifications do not otherwise require Congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact, the Secretary shall promptly comply with all applicable aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(2) EXECUTION OF THE COMPACT.—

(A) IN GENERAL.—Execution of the Compact by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact.

SEC. 405. REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.

(a) IN GENERAL.—Notwithstanding any other provision of law, and without altering applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments and carries out CIP OM&R, other than the rehabilitation and improvement carried out under this section, the Secretary, acting through the Commissioner of Reclamation, shall carry out such activities as are necessary to rehabilitate and improve the water diversion and delivery features of the Crow Irrigation Project, in accordance with an agreement to be negotiated between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to rehabilitate or improve the water diversion or delivery features of the Crow Irrigation Project.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the rehabilitation and improvement under this section shall be as generally described in the document entitled ''Engineering Evaluation of Existing Conditions, Crow Agency Rehabilitation Study'' prepared by DOWL HKM, and dated August 2007 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed rehabilitation or improvement and perform value engineering analyses.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of irrigation water and take into consideration the equitable distribution of water to allottees.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed $131,843,000, except that the total amount of $131,843,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement.

(f) TRIBAL IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) OVERSIGHT COSTS.—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) ACQUISITION OF LAND.—

(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Upon request, and in partial consideration for the funding provided under section 414(a), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the rehabilitation and improvement of the Crow Irrigation Project authorized by this section at no cost to the United States.

(B) JURISDICTION.—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the rehabilitation and improvement of the Crow Irrigation Project.

(2) USER EASEMENTS AND RIGHTS-OF-WAY.—In partial consideration of the rehabilitation and improvement of the Crow Irrigation Project authorized by this section and as a condition of continued service from the Crow Irrigation Project after the enforceability date, any water user of the Crow Irrigation Project shall consent to the grant of such easements and rights-of-way as may be necessary for the rehabilitation and improvements authorized under this section at no cost to the Secretary.

(3) LAND ACQUIRED BY THE UNITED STATES.—Land acquired by the United States in connection with rehabilitation and improvement of the Crow Irrigation Project authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) PROJECT MANAGEMENT COMMITTEE.—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation, and maintenance activities relating to the Crow Irrigation Project;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the rehabilitation and improvement of the Crow Irrigation Project.

SEC. 406. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System, in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled ''Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report'' prepared by DOWL HKM, and dated July 2008 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed MR&I System and perform value engineering analyses.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of MR&I System water and take into consideration the equitable distribution of water to allottees.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed $246,381,000, except that the total amount of $246,381,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(f) TRIBAL IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) OVERSIGHT COSTS.—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) ACQUISITION OF LAND.—

(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Upon request, and in partial consideration for the funding provided under section 414(b), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the construction of the MR&I System authorized by this section at no cost to the United States.

(B) JURISDICTION.—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the construction of the MR&I System.

(2) LAND ACQUIRED BY THE UNITED STATES.—Land acquired by the United States in connection with the construction of the MR&I System authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) CONVEYANCE OF TITLE TO MR&I SYSTEM FACILITIES.——

(1) IN GENERAL.—The Secretary shall convey title to each MR&I System facility or section of a MR&I System facility authorized under subsection (a) to the Tribe after completion of construction of a MR&I System facility or a section of a MR&I System facility that is operating and delivering water.

(2) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(3) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any MR&I System facility, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each such MR&I System facility or section of a MR&I System facility.

(4) MR&I SYSTEM OM&R OBLIGATION OF THE FEDERAL GOVERNMENT AFTER CONVEYANCE.—The Federal Government shall have no obligation to pay for the operation, maintenance, or replacement costs of the MR&I System beginning on the date on which—

(A) title to any MR&I System facility or section of a MR&I System facility under this subsection is conveyed to the Tribe; and

(B) the amounts required to be deposited in the MR&I System OM&R Account pursuant to section 411 have been deposited in that account.

(i) AUTHORITY OF TRIBE.—Upon transfer of title to the MR&I System or any section of a MR&I System facility to the Tribe in accordance with subsection (h), the Tribe is authorized to collect water use charges from customers of the MR&I System to cover—

(1) MR&I System OM&R costs; and

(2) any other costs relating to the construction and operation of the MR&I System.

(j) ALIENATION AND TAXATION.—Conveyance of title to the Tribe pursuant to subsection (h) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the MR&I System or the underlying Reservation land.

(k) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to prepare the Tribe for operation of the MR&I System, including operation and management training.

(l) PROJECT MANAGEMENT COMMITTEE.—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation and maintenance activities for the MR&I System;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the MR&I System.

(m) NON-FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Prior to completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State of Montana, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions to the cost of the MR&I System.

(2) NEGOTIATIONS.—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement on the means by which such contributions may be provided.

SEC. 407. TRIBAL WATER RIGHTS.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to or exceed the benefits allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this title;

(2) the availability of funding under this title and from other sources;

(3) the availability of water from the tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381) and this title to protect the interests of allottees.

(b) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Use of the tribal water rights shall be subject to the terms and conditions established by the Compact.

(c) HOLDING IN TRUST.—The tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this section; and

(2) shall not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the tribal water rights.

(3) ALLOCATIONS.—Allottees shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(5) CLAIMS.—Following exhaustion of remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) AUTHORITY.—The Secretary shall have the authority to protect the rights of allottees as specified in this section.

(e) AUTHORITY OF TRIBE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Tribe shall have authority to allocate, distribute, and lease the tribal water rights—

(A) in accordance with the Compact; and

(B) subject to approval of the Secretary of the tribal water code under subsection (f)(3)(B).

(2) LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land.

(f) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding the time period set forth in article IV(A)(2)(b) of the Compact, not later than 3 years after the date on which the Tribe ratifies the Compact as set forth in section 410(e)(1)(E), the Tribe shall enact a tribal water code, that provides for—

(A) the management, regulation, and governance of all uses of the tribal water rights in accordance with the Compact; and

(B) establishment by the Tribe of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the tribal water rights in accordance with the Compact.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the tribal water code shall provide that—

(A) tribal allocations of water to allottees shall be satisfied with water from the tribal water rights;

(B) charges for delivery of water for irrigation purposes for allottees shall be assessed on a just and equitable basis;

(C) there is a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this title;

(D) there is a due process system for the consideration and determination by the Tribe of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) there is a requirement that any allottee with a claim relating to the enforcement of rights of the allottee under the tribal water code or relating to the amount of water allocated to land of the allottee must first exhaust remedies available to the allottee under tribal law and the tribal water code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(6).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall administer the tribal water rights until the tribal water code is enacted in accordance with paragraph (1) and those provisions requiring approval pursuant to paragraph (2).

(B) APPROVAL.—The tribal water code shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—The Secretary shall approve or disapprove the tribal water code within a reasonable period of time after the date on which the Tribe submits it to the Secretary.

(g) EFFECT.—Except as otherwise specifically provided in this section, nothing in this title—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 408. STORAGE ALLOCATION FROM BIGHORN LAKE.

(a) STORAGE ALLOCATION TO TRIBE.—

(1) IN GENERAL.—As described in and subject to article III(A)(1)(b) of the Compact, the Secretary shall allocate to the Tribe 300,000 acre-feet per year of water stored in Bighorn Lake, Yellowtail Unit, Lower Bighorn Division, Pick Sloan Missouri Basin Program, Montana, under a water right held by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Yellowtail Dam, including—

(A) not more than 150,000 acre-feet per year of the allocation, which may be used in addition to the natural flow right described in article III(A)(1)(a) of the Compact; and

(B) 150,000 acre-feet per year of the allocation, which may be used only as supplemental water for the natural flow right described in article III(A)(1)(a) of the Compact for use in times of natural flow shortage.

(2) TREATMENT.—

(A) IN GENERAL.—The allocation under paragraph (1) shall be considered to be part of the tribal water rights.

(B) PRIORITY DATE.—The priority date of the allocation under paragraph (1) shall be the priority date of the water right held by the Bureau of Reclamation.

(C) ADMINISTRATION.—

(i) IN GENERAL.—The Tribe shall administer the water allocated under paragraph (1) in accordance with the Compact.

(ii) TEMPORARY TRANSFER.—In accordance with subsection (c), the Tribe may temporarily transfer by service contract, lease, exchange, or other agreement, not more than 50,000 acre-feet of water allocated under paragraph (1)(A) off the Reservation, subject to the approval of the Secretary and the requirements of the Compact.

(b) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Tribe shall enter into an allocation agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the terms and conditions of the Compact and this title.

(2) INCLUSIONS.—The allocation agreement under paragraph (1) shall include, among other things, a provision that—

(A) the agreement is without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c);

(C) the United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c); or

(ii) the expenditure of such funds;

(D) if the facilities at Yellowtail Dam are significantly reduced or are anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Yellowtail Dam allocable to the Tribe—

(i) shall be nonreimbursable; and

(ii) shall be excluded from any repayment obligation of the Tribe;

(F) no water service capital charges shall be due or payable for any water allocated to the Tribe pursuant to this title and the allocation agreement, regardless of whether that water is delivered for use by the Tribe or is delivered under any leases, contracts, or agreements the Tribe may enter into pursuant to the authority in subsection (c);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe pursuant to this title and the allocation agreement except for each acre-foot of stored water leased or sold for industrial purposes; and

(H) for each acre-foot of stored water leased or sold by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Yellowtail Unit allocable to the amount of water for industrial purposes leased or sold by the Tribe; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Yellowtail Unit.

(c) TEMPORARY TRANSFER FOR USE OFF RESERVATION.—

(1) IN GENERAL.—Notwithstanding any other provision of statutory or common law and subject to paragraph (2), on approval of the Secretary and subject to the terms and conditions of the Compact, the Tribe may enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of not more than 50,000 acre-feet per year of water allocated under subsection (a)(1)(A) for use off the Reservation.

(2) REQUIREMENT.—An agreement under paragraph (1) shall not permanently alienate any portion of the water allocated under subsection (a)(1)(A).

(d) REMAINING STORAGE.—

(1) IN GENERAL.—As of the date of enactment of this Act, water in Bighorn Lake shall be considered to be fully allocated and no further storage allocations shall be made by the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Secretary from—

(A) renewing the storage contract with Pennsylvania Power and Light Company consistent with the allocation to Pennsylvania Power and Light Company in existence on the date of enactment of this Act; or

(B) entering into future agreements with either the Northern Cheyenne Tribe or the Crow Tribe facilitating either tribe's use of its respective allocation of water from Bighorn Lake.

SEC. 409. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—

(1) SATISFACTION OF TRIBAL CLAIMS.—The benefits realized by the Tribe under this title shall be in complete replacement of and substitution for, and full satisfaction of, all claims of the Tribe against the United States under paragraphs (1) and (3) of section 410(a).

(2) SATISFACTION OF ALLOTTEE CLAIMS.—The benefits realized by the allottees under this title shall be in complete replacement of and substitution for, and full satisfaction of—

(A) all claims waived and released under section 410(a)(2); and

(B) any claims of the allottees against the United States that the allottees have or could have asserted that are similar in nature to those described in section 410(a)(3).

(b) SATISFACTION OF CLAIMS RELATING TO CROW IRRIGATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (3), the funds made available under subsections (a) and (f) of section 414 shall be used to satisfy any claim of the Tribe or the allottees with respect to the appropriation of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project.

(2) SATISFACTION OF CLAIMS.—Upon complete transfer of the funds described in subsections (a) and (f) of section 414 any claim of the Tribe or the allottees with respect to the transfer of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project shall be deemed to have been satisfied.

(3) EFFECT.—Except as provided in section 405, nothing in this title affects any applicable law (including regulations) under which the United States collects irrigation assessments from—

(A) non-Indian users of the Crow Irrigation Project; and

(B) the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees, to the extent that annual irrigation assessments on such tribal water users exceed the amount of funds available under section 411(e)(3)(D) for costs relating to CIP OM&R.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a) and except as provided in section 407, nothing in this title recognizes or establishes any right of a member of the Tribe or an allottee to water within the Reservation or the ceded strip.

SEC. 410. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE TRIBE.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the tribal water rights and other benefits as set forth in the Compact and this title, the Tribe, on behalf of itself and the members of the Tribe (but not tribal members in their capacities as allottees), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not tribal members in their capacities as allottees), are authorized and directed to execute a waiver and release of all claims for water rights within the State of Montana that the Tribe, or the United States acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the water rights of the Tribe and other benefits as set forth in the Compact and this title, the United States, acting as trustee for allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Reservation and the ceded strip that the United States, acting as trustee for the allottees, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(3) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Tribe, on behalf of itself and the members of the Tribe (but not Tribal members in their capacities as allottees), is authorized to execute a waiver and release of—

(A) all claims against the United States, including the agencies and employees of the United States, relating to claims for water rights within the State of Montana that the United States, acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, except to the extent that such rights are recognized as tribal water rights in this title, including all claims relating in any manner to the claims reserved against the United States or agencies or employees of the United States in section 4(e) of the joint stipulation of settlement;

(B) all claims against the United States, including the agencies and employees of the United States, relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State of Montana that first accrued at any time prior to and including the enforceability date, including all claims relating to the failure to establish or provide a municipal rural or industrial water delivery system on the Reservation and all claims relating to the failure to provide for, operate, or maintain the Crow Irrigation Project, or any other irrigation system or irrigation project on the Reservation;

(C) all claims against the United States, including the agencies and employees of the United States, relating to the pending litigation of claims relating to the water rights of the Tribe in the State of Montana;

(D) all claims against the United States, including the agencies and employees of the United States, relating to the negotiation, execution, or the adoption of the Compact (including exhibits) or this title;

(E) subject to the retention of rights set forth in subsection (c), all claims for monetary damages against the United States that first accrued at any time prior to and including the enforceability date with respect to—

(i) the failure to recognize or enforce the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(ii) the failure to make productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title;

(F) all claims against the United States that first accrued at any time prior to and including the enforceability date arising from the taking or acquisition of the land of the Tribe or resources for the construction of the Yellowtail Dam;

(G) all claims against the United States that first accrued at any time prior to and including the enforceability date relating to the construction and operation of Yellowtail Dam and the management of Bighorn Lake; and

(H) all claims that first accrued at any time prior to and including the enforceability date relating to the generation, or the lack thereof, of power from Yellowtail Dam.

(b) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under subsection (a) shall take effect on the enforceability date.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Tribe on behalf of itself and the members of the Tribe and the United States, acting as trustee for the Tribe and allottees, retain—

(1) all claims for enforcement of the Compact, any final decree, or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water, including any claims the Tribe may have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(4) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this title or article VII(E) of the Compact;

(6) all claims against any person or entity other than the United States, including claims for monetary damages, with respect to—

(A) the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(B) the productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title; and

(7) all claims that first accrued after the enforceability date with respect to claims otherwise waived in accordance with subparagraphs (B) and (E) through (H) of subsection (a)(3).

(d) EFFECT OF COMPACT AND TITLE.—Nothing in the Compact or this title—

(1) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe; or

(5) revives any claims waived by the Tribe in the joint stipulation of settlement.

(e) ENFORCEABILITY DATE.—

(1) IN GENERAL.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) the Montana Water Court has issued a final judgment and decree approving the Compact; or

(ii) if the Montana Water Court is found to lack jurisdiction, the district court of jurisdiction has approved the Compact as a consent decree and such approval is final;

(B) all of the funds made available under subsections (c) through (f) of section 414 have been deposited in the Fund;

(C) the Secretary has executed the agreements with the Tribe required by sections 405(a) and 406(a);

(D) the State of Montana has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact;

(E)(i) the Tribe has ratified the Compact by submitting this title and the Compact to a vote by the tribal membership for approval or disapproval; and

(ii) the tribal membership has voted to approve this title and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(F) the Secretary has fulfilled the requirements of section 408(a); and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this title are transferred to the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(g) EXPIRATION AND TOLLING.—In the event that all appropriations authorized by this Act have not been made available to the Secretary by June 30, 2030—

(1) the waivers authorized in this section shall expire and be of no further force or effect; and

(2) all statutes of limitations applicable to any claim otherwise waived shall be tolled until June 30, 2030.

(h) VOIDING OF WAIVERS.—If the waivers pursuant to this section are void under subsection (g)—

(1) the United States' approval of the Compact under section 404 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized in this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized in this Act shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized in this Act that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State of Montana asserted by the Tribe or in any future settlement of the water rights of the Crow Tribe.

SEC. 411. CROW SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as ''the Crow Settlement Fund'', to be administered by the Secretary for the purpose of carrying out this title.

(b) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are deposited in the Fund under subsections (c) through (h) of section 414.

(c) ACCOUNTS OF CROW SETTLEMENT FUND.—The Secretary shall establish in the Fund the following accounts:

(1) The Tribal Compact Administration account, consisting of amounts made available pursuant to section 414(c).

(2) The Energy Development Projects account, consisting of amounts made available pursuant to section 414(d).

(3) The MR&I System OM&R Account, consisting of amounts made available pursuant to section 414(e).

(4) The CIP OM&R Account, consisting of amounts made available pursuant to section 414(f).

(d) DEPOSITS TO CROW SETTLEMENT FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall promptly deposit in the Fund any amounts appropriated for that purpose.

(2) PRIORITY OF DEPOSITS TO ACCOUNTS.—Of the amounts appropriated for deposit in the Fund, the Secretary of the Treasury shall deposit amounts in the accounts listed in subsection (c)—

(A) in full; and

(B) in the order listed in subsection (c).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Fund, make investments from the Fund, and make amounts available from the Fund for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) INVESTMENT OF CROW SETTLEMENT FUND.—Beginning on the enforceability date, the Secretary shall invest amounts in the Fund in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161);

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(C) the obligations of Federal corporations and Federal Government-sponsored entities, the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(i) the obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(ii) bonds and other obligations of the Tennessee Valley Authority described in section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4);

(iii) mortgages, obligations, and other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(iv) bonds, notes, and debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a–4).

(3) DISTRIBUTIONS FROM CROW SETTLEMENT FUND.—

(A) IN GENERAL.—Amounts from the Fund shall be used for each purpose described in subparagraphs (B) through (E).

(B) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—The Tribal Compact Administration account shall be used for expenditures by the Tribe for Tribal Compact Administration.

(C) ENERGY DEVELOPMENT PROJECTS ACCOUNT.—The Energy Development Projects account shall be used for expenditures by the Tribe for the following types of energy development on the Reservation, the ceded strip, and land owned by the Tribe:

(i) Development and marketing of power generation on the Yellowtail Afterbay Dam authorized in section 412(b).

(ii) Development of clean coal conversion projects.

(iii) Renewable energy projects other than the project described in clause (i).

(D) CIP OM&R ACCOUNT.—

(i) IN GENERAL.—Amounts in the CIP OM&R Account shall be used for CIP OM&R costs.

(ii) REDUCTION OF COSTS TO TRIBAL WATER USERS.—

(I) IN GENERAL.—Subject to subclause (II), the funds described in clause (i) shall be used to reduce the CIP OM&R costs to all tribal water users on a proportional basis for a given year.

(II) LIMITATION ON USE OF FUNDS.—Funds in the CIP OM&R Account shall be used to pay irrigation assessments only for the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees.

(E) MR&I SYSTEM OM&R ACCOUNT.—Funds from the MR&I System OM&R Account shall be used to assist the Tribe in paying MR&I System OM&R costs.

(4) WITHDRAWALS BY TRIBE.—

(A) IN GENERAL.—The Tribe may withdraw any portion of amounts in the Fund on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—

(i) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan of the Tribe under subparagraph (A) shall require that the Tribe spend any amounts withdrawn from the Fund in accordance with this title.

(ii) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce a tribal management plan to ensure that amounts withdrawn by the Tribe from the Fund under this paragraph are used in accordance with this title.

(C) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of amounts withdrawn from the Fund by the Tribe under this paragraph.

(D) EXPENDITURE PLAN.—

(i) IN GENERAL.—For each fiscal year, the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts described in subparagraph (A) that the Tribe elects not to withdraw under this paragraph during the fiscal year.

(ii) INCLUSION.—An expenditure plan under clause (i) shall include a description of the manner in which, and the purposes for which, amounts of the Tribe remaining in the Fund will be used during subsequent fiscal years.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is—

(I) reasonable; and

(II) consistent with this title.

(5) ANNUAL REPORTS.—The Tribe shall submit to the Secretary annual reports describing each expenditure by the Tribe of amounts in the Fund during the preceding calendar year.

(6) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Fund shall be distributed to any member of the Tribe on a per capita basis.

(f) AVAILABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall be available for use by the Secretary and withdrawal by the Tribe beginning on the enforceability date.

(2) EXCEPTION.—The amounts made available under section 414(c) shall be available for use by the Secretary and withdrawal by the Tribe beginning on the date on which the Tribe ratifies the Compact as provided in section 410(e)(1)(E).

(g) STATE CONTRIBUTION.—The State of Montana contribution to the Fund shall be provided in accordance with article VI(A) of the Compact.

(h) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(2) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(3) by adding at the end the following:

''(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.''.

SEC. 412. YELLOWTAIL DAM, MONTANA.

(a) STREAMFLOW AND LAKE LEVEL MANAGEMENT PLAN.—

(1) IN GENERAL.—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits the discretion of the Secretary under the section 4F of that plan; or

(B) requires the Secretary to give priority to any factor described in section 4F of that plan over any other factor described in that section.

(2) BIGHORN LAKE MANAGEMENT.—Bighorn Lake water management, including the Streamflow and Lake Level Management Plan, is a Federal activity, and the review and enforcement of any water management decisions relating to Bighorn Lake shall be as provided by Federal law.

(3) APPLICABILITY OF PARAGRAPHS (1) AND (2).—The Streamflow and Lake Level Management Plan referred to in and part of the Compact shall be interpreted to clearly reflect paragraphs (1) and (2).

(4) APPLICABILITY OF INSTREAM FLOW REQUIREMENTS IN PLAN.—Notwithstanding any term (including any defined term) or provision in the Streamflow and Lake Level Management Plan, for purposes of this title, the Compact, and the Streamflow and Lake Level Management Plan, any requirement in the Streamflow and Lake Level Management Plan that the Tribe dedicate a specified percentage, portion, or number of acre-feet of water per year of the tribal water rights to instream flow means (and is limited in meaning and effect to) an obligation on the part of the Tribe to withhold from development or otherwise refrain from diverting or removing from the Bighorn River the specified quantity of water for the duration, at the locations, and under the conditions set forth in the applicable requirement.

(b) POWER GENERATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market power generation on the Yellowtail Afterbay Dam, provided that this exclusive right shall expire 15 years after the date of enactment of this Act if construction has not been substantially completed on the power generation project of the Tribe.

(2) BUREAU OF RECLAMATION COOPERATION.—The Bureau of Reclamation shall cooperate with the Tribe on the development of any power generation project under this subsection.

(3) AGREEMENT.—Before construction of a power generation project under this subsection, the Tribe shall enter into an agreement with the Bureau of Reclamation that contains provisions that—

(A) allocate the responsibilities for the design, construction, and operations of the project;

(B) assure the compatibility of the power generation project with the operations of the Yellowtail Unit and the Yellowtail Afterbay Dam, which shall include entering into agreements—

(i) regarding operating criteria and emergency procedures, as they relate to dam safety; and

(ii) under which, should the Tribe propose any modifications to facilities owned by the Bureau of Reclamation, the proposed modifications shall be subject to review and approval by the Secretary, acting through the Bureau of Reclamation;

(C) beginning 10 years after the date on which the Tribe begins marketing power generated from the Yellowtail Afterbay Dam, the Tribe shall make annual payments for operation, maintenance, and replacement costs in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing operation, maintenance, and replacement charges, provided that such annual payments shall not exceed 3 percent of gross annual revenue produced by the sale of electricity generated by such project; and

(D) the Secretary—

(i) shall review the charges established in the agreement on the date that is 5 years after the date on which the Tribe makes the first payment described in subparagraph (C) to the Secretary under the agreement and at 5 year intervals thereafter; and

(ii) may increase or decrease the charges in proportion to the amount of any increase or decrease in the costs of operation, maintenance, and replacement for the Yellowtail Afterbay Dam, provided that any increase in operation, maintenance, and replacement costs assessed to the Tribe may not exceed—

(I) 5 percent in any 5 year period; and

(II) 3 percent of the gross annual revenue produced by the sale of electricity generated by such project.

(4) USE OF POWER BY TRIBE.—Any hydroelectric power generated in accordance with this subsection shall be used or marketed by the Tribe.

(5) REVENUES.—The Tribe shall retain any revenues from the sale of hydroelectric power generated by a project under this subsection.

(6) LIABILITY OF UNITED STATES.—The United States shall have no trust obligation to monitor, administer, or account for—

(A) the revenues received by the Tribe under this subsection; or

(B) the expenditure of the revenues received by the Tribe under this subsection.

(c) CONSULTATION WITH TRIBE.—The Bureau of Reclamation shall consult with the Tribe on at least a quarterly basis on all issues relating to the management of Yellowtail Dam by the Bureau of Reclamation.

(d) AMENDMENTS TO COMPACT AND PLAN.—The provisions of subsection (a) apply to any amendment to—

(1) the Compact; or

(2) the Streamflow and Lake Level Management Plan.

SEC. 413. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this title waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land within the Reservation or the ceded strip—

(1) the United States shall not submit against any Indian-owned land located within the Reservation or the ceded strip any claim for reimbursement of the cost to the United States of carrying out this title and the Compact; and

(2) no assessment of any Indian-owned land located within the Reservation or the ceded strip shall be made regarding that cost.

(d) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States has no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by any party to the Compact other than the United States; or

(B) to review or approve any expenditure of those funds.

(2) INDEMNIFICATION.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in paragraph (1)(A).

(e) EFFECT ON CURRENT LAW.—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(f) LIMITATIONS ON EFFECT.—

(1) IN GENERAL.—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits, expands, alters, or otherwise affects—

(i) the meaning, interpretation, implementation, application, or effect of any article, provision, or term of the Yellowstone River Compact;

(ii) any right, requirement, or obligation under the Yellowstone River Compact;

(iii) any allocation (or manner of determining any allocation) of water under the Yellowstone River Compact; or

(iv) any present or future claim, defense, or other position asserted in any legal, administrative, or other proceeding arising under or relating to the Yellowstone River Compact (including the original proceeding between the State of Montana and the State of Wyoming pending as of the date of enactment of this Act before the United States Supreme Court);

(B) makes an allocation or apportionment of water between or among States;

(C) addresses or implies whether, how, or to what extent (if any)—

(i) the tribal water rights, or any portion of the tribal water rights, should be accounted for as part of or otherwise charged against any allocation of water made to a State under the provisions of the Yellowstone River Compact; or

(ii) the Yellowstone River Compact includes the tribal water rights or the water right of any Indian tribe as part of any allocation or other disposition of water under that compact; or

(D) waives the sovereign immunity from suit of any State under the Eleventh Amendment to the Constitution of the United States, except as expressly authorized in Article IV(F)(8) of the Compact.

(2) EFFECT OF CERTAIN PROVISIONS IN COMPACT.—The provisions in paragraphs (1) and (2) of article III (A)(6)(a), paragraphs (1) and (2) of article III(B)(6)(a), paragraphs (1) and (2) of article III(E)(6)(a), and paragraphs (1) and (2) of article III (F)(6)(a) of the Compact that provide protections to certain water rights recognized under the laws of the State of Montana do not affect in any way, either directly or indirectly, existing or future water rights (including the exercise of any such rights) outside of the State of Montana.

(g) EFFECT ON RECLAMATION LAW.—The activities carried out by the Bureau of Reclamation under this title shall not establish a precedent or impact the authority provided under any other provision of Federal reclamation law, including—

(1) the Rural Supply Act of 2006 (Public Law 109–451; 120 Stat. 3345); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

SEC. 414. FUNDING.

(a) REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.—

(1) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $73,843,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project, for the rehabilitation and improvement of the Crow Irrigation Project.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the rehabilitation and improvement of the Crow Irrigation Project $58,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project.

(b) DESIGN AND CONSTRUCTION OF MR&I SYSTEM.—

(1) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $146,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System, for the design and construction of the MR&I System.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the design and construction of the MR&I System $100,381,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(c) TRIBAL COMPACT ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $4,776,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Tribal Compact Administration.

(d) ENERGY DEVELOPMENT PROJECTS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $20,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Energy Development Projects as set forth in section 411(e)(3)(C).

(e) MR&I SYSTEM OM&R.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $47,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for MR&I System OM&R.

(f) CIP OM&R.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $10,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for CIP OM&R.

(g) USE.—In addition to the uses authorized under subsections (a) and (b), such amounts as may be necessary of the amounts made available under those subsections may be used to carry out related activities necessary to comply with Federal environmental and cultural resource laws.

(h) ACCOUNT TRANSFERS.—

(1) IN GENERAL.—The Secretary may transfer from the amounts made available under subsection (a) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (b), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(2) OTHER APPROVED TRANSFERS.—The Secretary may transfer from the amounts made available under subsection (b) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (a), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(i) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsections (a) through (f), without further appropriation.

SEC. 415. REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 410(e) not

later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

(1) this title is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

(3) any amounts made available under section 414, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and

(B) any funds made available to carry out the activities authorized in this title from other authorized sources.

SEC. 416. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111–11 or the ''Emergency Fund for Indian Safety and Health'' established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Taos Pueblo Indian Water Rights Settlement Act''.

SEC. 502. PURPOSES.

The purposes of this title are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this title; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this title.

SEC. 503. DEFINITIONS.

In this title:

(1) ELIGIBLE NON-PUEBLO ENTITIES.—The term ''Eligible Non-Pueblo Entities'' means the Town of Taos, the El Prado Water and Sanitation District, and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) ENFORCEMENT DATE.—The term ''Enforcement Date'' means the date upon which the Secretary publishes the notice required by section 509(f)(1).

(3) MUTUAL-BENEFIT PROJECTS.—The term ''Mutual-Benefit Projects'' means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) PARTIES.—The term ''Parties'' means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) PUEBLO.—The term ''Pueblo'' means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) PUEBLO LANDS.—The term ''Pueblo lands'' means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo's land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96 and 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches;

(E) the Town of Taos;

(F) the El Prado Water and Sanitation District; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations, as amended to conform with this title.

(11) STATE ENGINEER.—The term ''State Engineer'' means the New Mexico State Engineer.

(12) TAOS VALLEY.—The term ''Taos Valley'' means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 504. PUEBLO RIGHTS.

(a) IN GENERAL.—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) SUBSEQUENT ACT OF CONGRESS.—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 505. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Taos Pueblo Water Development Fund'' (referred to in this section as the ''Fund'') to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo's water rights acquisition program and water management and administration system; and

(5) watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) MANAGEMENT OF FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (hereinafter, ''Trust Fund Reform Act''), this title, and the Settlement Agreement.

(c) INVESTMENT OF FUND.—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) AVAILABILITY OF AMOUNTS FROM FUND.—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 509(c)(1) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) LIABILITY.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this title that the Pueblo does not withdraw under paragraph (1)(A).

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title.

(5) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) AMOUNTS AVAILABLE ON APPROPRIATION.—Notwithstanding subsection (d), $15,000,000 of the monies deposited in the Fund—

(1) shall be available upon appropriation or availability of the funds from other authorized sources for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, engineering, permitting or construction of water or wastewater infrastructure eligible for funding under subsection (a), or costs related to the negotiation, authorization, and implementation of the Settlement Agreement, provided that such funds may be expended prior to the Enforcement Date only for activities which are determined by the Secretary to be more cost effective when implemented as early as possible; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used after a cost-effectiveness determination by the Secretary has been made as described in paragraph (1). The Secretary shall make the determination described in paragraph (1) within a reasonable period of time after receipt of the notice and resolution.

(g) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 506. MARKETING.

(a) PUEBLO WATER RIGHTS.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 508(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) LIMITATION.—

(1) IN GENERAL.—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) EFFECT ON WATER RIGHTS.—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—

(1) IN GENERAL.—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) ALIENATION OF RIGHTS.—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this title.

(e) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval within a reasonable period of time after submission, provided that no Secretarial approval shall be required for any water use lease for less than 10 acre-feet per year with a term of less than 7 years, including all renewals.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this title shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 507. MUTUAL-BENEFIT PROJECTS.

(a) IN GENERAL.—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) NON-FEDERAL SHARE.—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

(3) ADDITIONAL STATE CONTRIBUTION.—As a condition of expenditure by the Secretary of the funds made available under section 509(c)(2), the State shall—

(A) appropriate and make available the non-Federal share described in paragraph (2); and

(B) agree to provide additional funding associated with the Mutual-Benefit Projects as described in paragraph 10 of the Settlement Agreement.

SEC. 508. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) IN GENERAL.—Contracts issued under this section shall be in accordance with this title and the Settlement Agreement.

(b) CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.—

(1) IN GENERAL.—The Secretary shall enter into 3 repayment contracts within a reasonable period after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to the El Prado Water and Sanitation District.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 509(f)(2) have not been fulfilled by March 31, 2017, the contract shall expire on that date.

(3) APPLICABLE LAW.—Public Law 87–483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 504(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87–483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 509. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this title, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this title, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this title, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this title, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) FUNDING.—

(1) TAOS PUEBLO WATER DEVELOPMENT FUND.—

(A) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a), for the period of fiscal years 2011 through 2016, $50,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for deposit in

the Taos Pueblo Water Development Fund established by section 505(a) $38,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved, for the period of fiscal years 2011 through 2016.

(2) MUTUAL-BENEFIT PROJECTS FUNDING.—

(A) FUNDING.—

(i) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide grants pursuant to section 507 $16,000,000 for the period of fiscal years 2011 through 2016.

(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under clause (i), there is authorized to be appropriated to the Secretary to provide grants pursuant to section 507 $20,000,000 for the period of fiscal years 2011 through 2016.

(B) DEPOSIT IN FUND.—The Secretary shall deposit the funds made available pursuant to subparagraph (A) into a noninterest-bearing fund, to be known as the ''Taos Settlement Fund'', to be established in the Treasury of the United States so that such funds may be made available on the Enforcement Date as set forth in section 507(a).

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A) and (2)(A)(i), without further appropriation, to remain available until expended.

(d) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this title.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 510, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds made available under paragraphs (1) and (2) of subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72–6–3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 510 and the limited waiver of sovereign immunity set forth in section 511(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by March 31, 2017, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 510 and the sovereign immunity waivers in section 511(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, except as provided in subsection (i), title to any property acquired or constructed with expended Federal funds made available under section 505(f) shall be retained by the Pueblo.

(i) RIGHT TO SET-OFF.—If the conditions precedent described in subsection (f)(2) have not been fulfilled by March 31, 2017, and the Settlement Agreement is null and void under subsection (h)(1)—

(1) the United States shall be entitled to set off any Federal funds made available under section 505(f) that were used for purposes other than the purchase of water rights against any claim of the Pueblo against the United States described in section 510(b) (but excluding any claim retained under section 510(c)); and

(2) the Pueblo shall have the option either—

(A) to accept an equitable credit for any water rights acquired with funds made available under section 505(f) against any water rights secured for the Pueblo by the Pueblo, or by the United States on behalf of the Pueblo, in any litigation or future settlement of the case styled New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated); or

(B) to convey to the United States any water rights acquired with funds made available under section 505(f).

(j) EXTENSION.—The dates in subsections (h) and (i) and section 510(e) may be extended if the Parties agree that an extension is reasonably necessary.

SEC. 510. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo

Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this title;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this title and the Settlement Agreement.

(d) EFFECT.—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 31, 2017; or

(B) the Enforcement Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 511. INTERPRETATION AND ENFORCEMENT.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) SUBJECT MATTER JURISDICTION NOT AFFECTED.—Nothing in this title shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) REGULATORY AUTHORITY NOT AFFECTED.—Nothing in this title shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 512. DISCLAIMER.

Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

SEC. 513. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided expressly to carry out the purposes of this title by Congress or there are not enough monies available to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111–11 or the ''Emergency Fund for Indian Safety and Health'' established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VI—AAMODT LITIGATION SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Aamodt Litigation Settlement Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AAMODT CASE.—The term ''Aamodt Case'' means the civil action entitled State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ACRE-FEET.—The term ''acre-feet'' means acre-feet of water per year.

(3) AUTHORITY.—The term ''Authority'' means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) CITY.—The term ''City'' means the city of Santa Fe, New Mexico.

(5) COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.—The term ''Cost-Sharing and System Integration Agreement'' means the agreement, dated August 27, 2009, to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) COUNTY.—The term ''County'' means Santa Fe County, New Mexico.

(7) COUNTY DISTRIBUTION SYSTEM.—The term ''County Distribution System'' means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) COUNTY WATER UTILITY.—The term ''County Water Utility'' means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) ENGINEERING REPORT.—The term ''Engineering Report'' means the report entitled ''Pojoaque Regional Water System Engineering Report'' dated September 2008 and any amendments thereto, including any modifications which may be required by section 611(d)(2).

(10) FUND.—The term ''Fund'' means the Aamodt Settlement Pueblos' Fund established by section 615(a).

(11) OPERATING AGREEMENT.—The term ''Operating Agreement'' means the agreement between the Pueblos and the County executed under section 612(a).

(12) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs or costs related to construction design and planning.

(13) POJOAQUE BASIN.—

(A) IN GENERAL.—The term ''Pojoaque Basin'' means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area

rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term ''Pojoaque Basin'' includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) PUEBLO.—The term ''Pueblo'' means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) PUEBLOS.—The term ''Pueblos'' means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) PUEBLO LAND.—The term ''Pueblo land'' means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term ''Pueblo Water Facility'' means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term ''Pueblo Water Facility'' includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term ''Regional Water System'' means the Regional Water System described in section 611(a).

(B) EXCLUSIONS.—The term ''Regional Water System'' does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) SAN JUAN-CHAMA PROJECT ACT.—The term ''San Juan-Chama Project Act'' means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, as amended in conformity with this title.

(23) STATE.—The term ''State'' means the State of New Mexico.

Subtitle A—Pojoaque Basin Regional Water System

SEC. 611. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the ''Regional Water System''—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 616 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 617(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) MODIFICATIONS TO REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) EFFECT.—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 623 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed $106,400,000.

(B) EXCEPTION.—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) COSTS TO PUEBLO.—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) COUNTY DISTRIBUTION SYSTEM.—As a condition of the Secretary using the funds made available pursuant to section 617(a)(1), the costs of constructing the County Distribution System shall be a State and local expense pursuant to the Cost-Sharing and System Integration Agreement.

(g) INITIATION OF DISCUSSIONS.—

(1) IN GENERAL.—If the Secretary determines that the cost of constructing the Regional Water System exceed the amounts described in the Cost-Sharing and System Integration Agreement for construction of the Regional Water System and would necessitate funds in excess of the amount made available pursuant to section 617(a)(1), the Secretary shall initiate negotiations with the parties to the Cost-Sharing and System Integration Agreement for an agreement regarding non-Federal contributions to ensure that the Regional Water System can be completed as required by section 623(e).

(2) JOINT RESPONSIBILITIES.—The United States shall not bear the entire amount of any cost overrun, nor shall the State be responsible to pay any amounts in addition to the amounts specified in the Cost-Sharing and System Integration Agreement.

(h) CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), on completion of the construction of the Regional Water System as defined in section 623(e), the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A)

and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) CONDITIONS FOR CONVEYANCE.—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is substantially complete, as defined in section 623(e); and

(B) the Operating Agreement is executed in accordance with section 612.

(3) SUBSEQUENT CONVEYANCE.—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) INTEREST OF THE UNITED STATES.—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) ADDITIONAL CONSTRUCTION.—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) TAXATION.—Conveyance of title to any portion of the Regional Water System, the Pueblo Water Facilities, or the County Distribution System under paragraph (1) does not waive or alter any applicable Federal law prohibiting taxation of such facilities or the underlying land.

(7) LIABILITY.—

(A) IN GENERAL.—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(8) EFFECT.—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 612. OPERATING AGREEMENT.

(a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 611(b).

(b) APPROVAL.—The Secretary shall approve or disapprove the Operating Agreement within a reasonable period of time after the Pueblos and the County submit the Operating Agreement described in subsection (a) and upon making a determination that the Operating Agreement is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) CONTENTS.—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) terms of interim use of County unused capacity, in accordance with section 614(d);

(E) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(F) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(G) the operation of wellfields located on Pueblo land;

(H) the transfer of any water rights necessary to provide the Pueblo water supply described in section 613(a);

(I) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos' and to the County's distribution system shall be reduced on a pro rata basis, in proportion to each distribution system's most current annual use; and

(J) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 611(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) EFFECT.—Nothing in this title precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 613. ACQUISITION OF PUEBLO WATER SUPPLY FOR REGIONAL WATER SYSTEM.

(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement; and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as ''Top of the World'' rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) FORFEITURE.—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) TRUST.—The Pueblo water rights secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) APPLICABLE LAW.—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) WAIVERS.—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the construction costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88–293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) TERMINATION.—The contract shall provide that it shall terminate only on—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by the expiration date described in section 623(b), or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) LIMITATION.—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this title amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 614. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.—

(1) IN GENERAL.—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) APPLICABLE LAW.—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this subtitle;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) DELIVERY OF REGIONAL WATER SYSTEM WATER.—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle.

(c) ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this title;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

(d) INTERIM USE OF COUNTY CAPACITY.—In accordance with section 9.6.4 of the Settlement Agreement, the County may use unused capacity and water rights of the County Water Utility to supply water within the County outside of the Pojoaque Basin—

(1) on approval by the State and the Authority; and

(2) subject to the issuance of a permit by the New Mexico State Engineer.

SEC. 615. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Aamodt Settlement Pueblos' Fund,'' consisting of—

(1) such amounts as are made available to the Fund under section 617(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this title.

(c) INVESTMENT OF THE FUND.—On the date on which the waivers become effective as set forth in section 623(d), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) TRIBAL MANAGEMENT PLAN.—

(1) IN GENERAL.—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 617(c).

(3) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this subtitle.

(4) LIABILITY.—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) ANNUAL REPORT.—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) NO PER CAPITA PAYMENTS.—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) AVAILABILITY OF AMOUNTS FROM THE FUND.—

(A) APPROVAL OF SETTLEMENT AGREEMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1).

(ii) EXCEPTION.—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.

(B) COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.—Amounts made available under section 617(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

SEC. 616. ENVIRONMENTAL COMPLIANCE.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) NATIONAL ENVIRONMENTAL POLICY ACT.—Nothing in this title affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 617. FUNDING.

(a) REGIONAL WATER SYSTEM.—

(1) FUNDING.—

(A) MANDATORY APPROPRIATION.—Subject to paragraph (5), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 an amount not to exceed $56,400,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2016, to remain available until expended.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 $50,000,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2024.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1)(A), without further appropriation, to remain available until expended.

(3) PRIORITY OF FUNDING.—Of the amounts made available under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(4) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(5) LIMITATIONS.—

(A) IN GENERAL.—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) RECORD OF DECISION.—No amounts made available under paragraph (1) shall be expended for construction unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) ACQUISITION OF WATER RIGHTS.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the acquisition of the water rights under section 613(a)(1)(B) $5,400,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation, to remain available until expended.

(c) AAMODT SETTLEMENT PUEBLOS' FUND.—

(1) FUNDING.—

(A) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary the following amounts for the period of fiscal years 2011 through 2015:

(i) $15,000,000, as adjusted according to the CPI Urban Index beginning on October 1, 2006, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo.

(ii) $5,000,000, as adjusted according to the CPI Urban Index beginning on January 1, 2011, and any interest on that amount, which shall be allocated to the Pueblo of Nambe only for the acquisition land, other real property interests, or economic development for the Nambe reserved water rights in accordance with section 613(a)(1)(A).

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under clauses (i) and (ii) of subparagraph (A), respectively, there are authorized to be appropriated to the Secretary for the period of fiscal years 2011 through 2024, $37,500,000 to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 611, the Secretary is authorized to and shall pay any operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System, up to the amount made available under subparagraph (B).

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subparagraph (A) $5,000,000.

(C) OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.—After the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the Aamodt Settlement Pueblos' Fund pursuant to paragraph (1) have been deposited by the Federal Government—

(i) the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System; and

(ii) the authorization for the Secretary to expend funds for the operation, maintenance, and replacement costs of those systems under subparagraph (A) shall expire.

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A), without further appropriation, to remain available until expended or until the authorization for the Secretary to expend funds pursuant to paragraph (2) expires.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

SEC. 621. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into leases or contracts to exchange water rights or to forebear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin, in accordance with the other limitations of section 2.1.5 of the Settlement Agreement, provided that section 2.1.5 is amended accordingly.

(2) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement, the Secretary shall approve or disapprove a lease or contract entered into under paragraph (1).

(3) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(4) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(5) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 613(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 614(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 622. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 611(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 623. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of findings that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this subtitle, the Settlement Agreement has been revised to conform with this subtitle;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 624, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 617, with the exception of subsection (a)(1) of that section;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 613(a);

(E) for purposes of section 613(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 613(a), including water rights acquired in addition to those described in section 613(a), in accordance with section 613(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this subtitle and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico;

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(I) the waivers and releases described in section 624 have been executed.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases described in the Settlement Agreement and section 624 shall not be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable beginning on the date on which the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(G) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 624 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions in section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) WRITTEN DETERMINATION BY SECRETARY.—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

(i) the Pueblos;

(ii) the County; and

(iii) the State.

(4) RIGHT TO REVIEW.—

(A) IN GENERAL.—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) FAILURE TO MAKE TIMELY DETERMINATION.—

(i) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DATE.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF TITLE.—Nothing in this title gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) VOIDING OF WAIVERS.—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 624 shall no longer be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(g) EXTENSION.—The dates in subsections (a)(1) and (b) may be extended if the parties to the Cost-Sharing and System Integration Agreement agree that an extension is reasonably necessary.

SEC. 624. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos' water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 623(d), except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this Act, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos' water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this title or the Settlement Agreement.

(d) EFFECT.—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 625. EFFECT.

Nothing in this title or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

SEC. 626. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111–11 or the ''Emergency Fund for Indian Safety and Health'' established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

SEC. 701. MANDATORY APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Treasury not otherwise appropriated, for each of fiscal years 2012 through 2014, the Secretary of the Treasury shall transfer to the Secretary of the Interior $60,000,000 for deposit in the Reclamation Water Settlements Fund established in section 10501 of Public Law 111–11.

(b) RECEIPT AND ACCEPTANCE.—Starting in fiscal year 2012, the Secretary of the Interior shall be entitled to receive, shall accept, and shall use to carry out subtitle B of title X of Public Law 111–11 the funds transferred under subsection (a), without further appropriation, to remain available until expended.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

SEC. 801. COLLECTION OF PAST-DUE, LEGALLY ENFORCEABLE STATE DEBTS.

(a) UNEMPLOYMENT COMPENSATION DEBTS.—Section 6402(f) of the Internal Revenue Code of 1986 is amended—

(1) in the heading, by striking ''RESULTING FROM FRAUD'';

(2) by striking paragraphs (3) and (8) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by striking ''by certified mail with return receipt'';

(B) in subparagraph (B), by striking ''due to fraud'' and inserting ''is not a covered unemployment compensation debt'';

(C) in subparagraph (C), by striking ''due to fraud'' and inserting '' is not a covered unemployment compensation debt''; and

(4) in paragraph (4), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting ''or the person's failure to report earnings'' after ''due to fraud''; and

(ii) by striking ''for not more than 10 years''; and

(B) in subparagraph (B)—

(i) by striking ''due to fraud''; and

(ii) by striking ''for not more than 10 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds

payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of the enactment of this Act.

SEC. 802. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) ADDITION OF REQUIREMENT.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(b) CONFORMING AMENDMENT REGARDING REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle B—TANF

SEC. 811. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a) IN GENERAL.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010, except that—

(1) in the case of healthy marriage promotion and responsible fatherhood grants under section 403(a)(2) of such Act, such grants and payments shall be made in accordance with the amendments made by subsection (b) of this section;

(2) in the case of supplemental grants under section 403(a)(3) of such Act—

(A) such grants and payments for the period beginning on October 1, 2010, and ending on December 3, 2010, shall not exceed the level provided for such grants and payments under the Continuing Appropriations Act, 2011; and

(B) such grants and payments for the period beginning on December 4, 2010, and ending on June 30, 2011, shall not exceed the amount equal to the difference between $490,000,000 and such sums as are necessary for amounts obligated under section 403(b) of the Social Security Act on or after October 1, 2010, and before the date of enactment of this Act; and

(3) in the case of the Contingency Fund for State Welfare Programs established under section 403(b) of such Act, grants and payments may be made in the manner authorized for fiscal year 2010 through fiscal year 2012, in accordance with the amendments made by subsection (c) of this section.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and (C)'' and inserting '', (C), and (E)'';

(B) in clause (ii), in the matter preceding subclause (I), by inserting ''(or, in the case of an entity seeking funding to carry out healthy marriage promotion activities and activities promoting responsible fatherhood, a combined application that contains assurances that the entity will carry out such activities under separate programs and shall not combine any funds awarded to carry out either such activities)'' after ''an application''; and

(C) in clause (iii), by striking subclause (III) and inserting the following:

''(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement.'';

(2) in subparagraph (C)(i), by striking ''$50,000,000'' and inserting ''$75,000,000'';

(3) by striking subparagraph (D) and inserting the following:

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2011 for expenditure in accordance with this paragraph—

''(i) $75,000,000 for awarding funds for the purpose of carrying out healthy marriage promotion activities; and

''(ii) $75,000,000 for awarding funds for the purpose of carrying out activities promoting responsible fatherhood.

If the Secretary makes an award under subparagraph (B)(i) for fiscal year 2011, the funds for such award shall be taken in equal portion from the amounts appropriated under clauses (i) and (ii).''; and

(4) by adding at the end the following:

''(E) PREFERENCE.—In awarding funds under this paragraph for fiscal year 2011, the Secretary shall give preference to entities that were awarded funds under this paragraph for any prior fiscal year and that have demonstrated the ability to successfully carry out the programs funded under this paragraph.''.

(c) CONTINGENCY FUND.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)), as amended by section 131(b)(2)(A) of the Continuing Appropriations Act, 2011, is amended—

(1) by striking ''$506,000,000'' and inserting ''such sums as are necessary for amounts obligated on or after October 1, 2010, and before the date of enactment of the Claims Resolution Act of 2010,''; and

(2) by striking '', reduced'' and all that follows up to the period.

(d) CONFORMING AMENDMENTS.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)), as amended by section 131(b)(1) of the Continuing Appropriations Act, 2011, is amended—

(1) in subparagraph (F)—

(A) by inserting ''(or portion of a fiscal year)'' after ''a fiscal year''; and

(B) by inserting ''(or portion of the fiscal year)'' after ''the fiscal year'' each place it appears; and

(2) by striking clause (ii) of subparagraph (H) and inserting the following:

''(ii) subparagraph (G) shall be applied as if 'fiscal year 2011' were substituted for 'fiscal year 2001';''.

SEC. 812. MODIFICATIONS TO TANF DATA REPORTING.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following new subsection:

''(c) PRE-REAUTHORIZATION STATE-BY-STATE REPORTS ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

''(1) STATE REPORTING REQUIREMENTS.—

''(A) REPORTING PERIODS AND DEADLINES.—Each eligible State shall submit to the Secretary the following reports:

''(i) MARCH 2011 REPORT.—Not later than May 31, 2011, a report for the period that begins on March 1, 2011, and ends on March 31, 2011, that contains the information specified in subparagraphs (B) and (C).

''(ii) APRIL-JUNE, 2011 REPORT.—Not later than August 31, 2011, a report for the period that begins on April 1, 2011, and ends on June 30, 2011, that contains with respect to the 3 months that occur during that period—

''(I) the average monthly numbers for the information specified in subparagraph (B); and

''(II) the information specified in subparagraph (C).

''(B) ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES.—

''(i) With respect to each work-eligible individual in a family receiving assistance during a reporting period specified in subparagraph (A), whether the individual engages in any activities directed toward attaining self-sufficiency during a month occurring in a reporting period, and if so, the specific activities—

''(I) that do not qualify as a work activity under section 407(d) but that are otherwise reasonably calculated to help the family move toward self-sufficiency; or

''(II) that are of a type that would be counted toward the State participation rates under section 407 but for the fact that—

''(aa) the work-eligible individual did not engage in sufficient hours of the activity;

''(bb) the work-eligible individual has reached the maximum time limit allowed for having participation in the activity counted toward the State's work participation rate; or

''(cc) the number of work-eligible individuals engaged in such activity exceeds a limitation under such section.

''(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i), including if the individual has no hours of participation, the principal reason or reasons for such non-participation.

''(C) EXPENDITURES ON OTHER BENEFITS AND SERVICES.—

''(i) Detailed, disaggregated information regarding the types of, and amounts of, expenditures made by the State during a reporting period specified in subparagraph (A) using—

''(I) Federal funds provided under section 403 that are (or will be) reported by the State on Form ACF–196 (or any successor form) under the category of other expenditures or the category of benefits or services provided in accordance with the authority provided under section 404(a)(2); or

''(II) State funds expended to meet the requirements of section 409(a)(7) and reported by the State in the category of other expenditures on Form ACF–196 (or any successor form).

''(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i).

''(2) PUBLICATION OF SUMMARY AND ANALYSIS OF ENGAGEMENT IN ADDITIONAL ACTIVITIES.—Concurrent with the submission of each report required under paragraph (1)(A),

an eligible State shall publish on an Internet website maintained by the State agency responsible for administering the State program funded under this part (or such State-maintained website as the Secretary may approve)—

''(A) a summary of the information submitted in the report:

''(B) an analysis statement regarding the extent to which the information changes measures of total engagement in work activities from what was (or will be) reported by the State in the quarterly report submitted under subsection (a) for the comparable period; and

''(C) a narrative describing the most common activities contained in the report that are not countable toward the State participation rates under section 407.

''(3) APPLICATION OF AUTHORITY TO USE SAMPLING.—Subparagraph (B) of subsection (a)(1) shall apply to the reports required under paragraph (1) of this subsection in the same manner as subparagraph (B) of subsection (a)(1) applies to reports required under subparagraph (A) of subsection (a)(1).

''(4) SECRETARIAL REPORTS TO CONGRESS.—

''(A) MARCH 2011 REPORT.—Not later than June 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the March 2011 reporting period under paragraph (1)(A)(i). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

''(B) APRIL-JUNE, 2011 REPORT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the April-June 2011 reporting period under paragraph (1)(A)(ii). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis

''(5) AUTHORITY FOR EXPEDITIOUS IMPLEMENTATION.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act') or any other law relating to rulemaking or publication in the Federal Register shall not apply to the issuance of guidance or instructions by the Secretary with respect to the implementation of this subsection to the extent the Secretary determines that compliance with any such requirement would impede the expeditious implementation of this subsection.''.

(b) APPLICATION OF PENALTY FOR FAILURE TO FILE REPORT.—

(1) IN GENERAL.—Section 409(a)(2) of such Act (42 U.S.C. 609(a)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(B) by inserting before clause (i) (as redesignated by paragraph (1)), the following:

''(A) QUARTERLY REPORTS.—'';

(C) in clause (ii) of subparagraph (A) (as redesignated by paragraphs (1) and (2)), by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(D) by adding at the end the following:

''(B) REPORT ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

''(i) IN GENERAL.—If the Secretary determines that a State has not submitted the report required by section 411(c)(1)(A)(i) by May 31, 2011, or the report required by section 411(c)(1)(A)(ii) by August 31, 2011, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not more than 4 percent of the State family assistance grant.

''(ii) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under clause (i) with respect to a report required by section 411(c)(1)(A) if the State submits the report not later than—

''(I) in the case of the report required under section 411(c)(1)(A)(i), June 15, 2011; and

''(II) in the case of the report required under section 411(c)(1)(A)(ii), September 15, 2011.

''(iii) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose a reduction under clause (i) with respect to a fiscal year based on the degree of noncompliance.''.

(2) APPLICATION OF REASONABLE CAUSE EXCEPTION.—Section 409(b)(2) of such Act (42 U.S.C. 609(b)(2)) is amended by inserting before the period the following: ''and, with respect to the penalty under paragraph (2)(B) of subsection (a), shall only apply to the extent the Secretary determines that the reasonable cause for failure to comply with a requirement of that paragraph is as a result of a one-time, unexpected event, such as a widespread data system failure or a natural or man-made disaster''.

(3) NONAPPLICATION OF CORRECTIVE COMPLIANCE PLAN PROVISIONS.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by inserting ''(2)(B),'' after ''paragraph''.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

SEC. 821. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''December 10, 2018'' and inserting ''September 30, 2019''; and

(2) in subparagraph (B)(i), by striking ''November 30, 2018'' and inserting ''September 30, 2019''.

SEC. 822. LIMITATION ON DISTRIBUTIONS RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

Notwithstanding section 1701(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154 (19 U.S.C. 1675c note)) or any other provision of law, no payments shall be distributed under section 754 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of such section 1701, with respect to the entries of any goods that are, on the date of the enactment of this Act—

(1) unliquidated; and

(2)(A) not in litigation; or

(B) not under an order of liquidation from the Department of Commerce.

Subtitle D—Emergency Fund for Indian Safety and Health

SEC. 831. EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.

Section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/ AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c) is amended—

(1) in subsection (b)(1), by striking ''$2,000,000,000'' and inserting ''$1,602,619,000''; and

(2) in subsection (f)(2)(B), by striking ''50 percent'' and inserting ''not more than $602,619,000''.

Subtitle E—Rescission of Funds From WIC Program

SEC. 841. RESCISSION OF FUNDS FROM WIC PROGRAM.

Notwithstanding any other provision of law, of the amounts made available in appropriations Acts to provide grants to States under the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $562,000,000 is rescinded.

Subtitle F—Budgetary Effects

SEC. 851. BUDGETARY EFFECTS.

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.

Amend the title so as to read: This Act may be cited as ''The Claims Resettlement Act of 2010.''.

MOTION TO CONCUR

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

The Clerk read as follows:

Mr. Rahall moves that the House concur in the Senate amendments to H.R. 4783.

The SPEAKER pro tempore. Pursuant to House Resolution 1736, the motion shall be debatable for 1 hour, with 50 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 25 minutes. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the matter under consideration.

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

There was no objection.

Mr. RAHALL. Madam Speaker, today, we are considering a measure which will settle over a combined century of litigation. The bill will bring to closure some shameful acts undertaken by the United States, and it will allow several communities to move forward in rebuilding their communities and their trust in the United States.

□ 1350

With passage of this legislation, Congress will resolve six outstanding litigation matters consisting of two class action lawsuits and four water settlements. In addition, the bill includes the initial installment to fund another water settlement passed earlier this Congress.

First, claims by individual Indians for a historical accounting and mismanagement of individual Indian

money accounts in Cobell vs. Salazar will be resolved. After a century of mismanagement by the Federal Government, a class action lawsuit was initiated by individual Indians against the United States seeking redress for the mismanagement. This bill will provide $1.5 billion to be distributed to individual Indians and to pay administrative and attorneys' fees. An additional $1.9 billion will be used to fund a Trust Land Consolidation Fund so that highly fractionated lands may be repurchased and consolidated into single tribal ownership again. This will streamline administration of trust lands. After 14 years of litigation and several attempts by the parties to settle, the administration has brought an end to a problem first created by Congress over 120 years ago.

Second, discrimination claims by African American farmers against the United States will finally be settled. The settlement resolves claims by African American farmers who were denied loans based on racial discrimination.

Third, H.R. 4783 will resolve the water rights claims of seven tribes and pueblos in the States of Arizona, New Mexico and Montana, bringing to an end nearly a century of active litigation.

When tribes were moved to reservations, the Nation assumed a legal obligation that water should be supplied to meet the native people's needs. This legislation meets the Nation's legal commitments and provides water certainty to surrounding non-Indian regions, towns and industries, thereby allowing economies and jobs to continue to grow.

Water in the West is in short supply. After years of negotiating, the tribes have agreed in these settlements to an amount of water far less than what they were originally requesting. The tribes, States and local partners negotiated these water settlements, often in contentious proceedings, over many years. They are to be commended for sticking with the process and working together to find a mutually agreed upon solution.

Finally, H.R. 4783 would provide initial funding to the Reclamation Water Settlement Fund passed earlier this Congress. The settlement fund provides financial support that will be used to develop water supplies for the reservation. Many Navajo people today continue to haul water to meet their daily needs. It is time to provide this basic human right.

I am proud to say that we have been able to resolve these longstanding litigation matters without adding to the Federal deficit. The entire bill, with an estimated cost of approximately $5.4 billion, is fully paid for.

In closing, I think it is important to note that the House has already passed most of the various components of the bill before us today in this Congress, some even twice. This legislation has received the administration's full support.

Although the Crow Nation water settlement has not yet passed in the House of Representatives, the Water and Power Subcommittee has held a hearing on this measure. All concerns by the administration have been addressed and resolved. As a result, I support inclusion of the Crow Nation water settlement in this legislation. The Senate has finally acted. It is time that we do our part one last time and send this measure to the President.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the process by which Congress conducts the American people's business matters. For a long time, Beltway insiders claimed that Americans don't care about process. It was a self-comforting excuse to conduct business out of the public view and to shut down debate. However, the message from the voters in November's election was unmistakable: It's very clear the American people do care about Congress acting in a transparent, open, and fiscally responsible manner. Unfortunately, Madam Speaker, not everyone in Congress has heeded this message, and this is evidenced today by the manner in which the Democrats are seeking to pass this bill.

When this bill originally passed the House in March, H.R. 4783 was aimed at addressing income tax benefits to charitable contributions for the relief of victims of disasters in Haiti and Chile. Two weeks ago, this bill emerged in the Senate and looked completely different. The Senate secretly rewrote the bill behind closed doors to create an over 270-page, $5.78 billion omnibus package of largely Indian settlement bills. And the House is now slated to debate this package without a single House Member, Madam Speaker, not one House Member, Republican or Democrat, having the opportunity to offer an amendment to improve it.

As I have stated several times on the House floor as well as in the Natural Resources Committee, I believe there is real merit in responsibly settling legitimate legal claims, especially when a settlement reduces the potential risk and costs posed to taxpayers by lengthy, uncertain litigation. It is with this view that I would like to review two pieces in this omnibus package, the Cobell vs. Salazar settlement and the settlements of Indian water rights claims with four tribes.

First, in the Cobell case, I agree that the lawsuit has gone on far too long and that it is important for individual Indians to be treated fairly by the Federal Government. Yet, since the proposed terms of the settlement were first publicly revealed the Congress has been petitioned by several Indians and respected Indian organizations expressing real concern with the details of that settlement. It is very disappointing that these very legitimate concerns by directly affected Indians are being dismissed by this Congress. In particular, Madam Speaker, the concerns over the possible payment of over $100 million to lawyers and the handling of damages claims deserves a response by this Congress. The Senate bill makes modifications in both areas, but to be bluntly honest about it, Madam Speaker, the new text is nothing more than window dressing because it can be completely disregarded by the judge. To address one of these concerns, I offered an amendment in the Rules Committee yesterday to cap the Cobell attorney fees at $50 million. The Rules Committee blocked the House from voting on this simple amendment.

Under this bill, a literal handful of plaintiff attorneys may be paid over $100 million. This equates to one-third of the amount awarded in the settlement for the claims actually litigated by these attorneys. Let me repeat that, Madam Speaker. This equates to one-third of the amount litigated by these attorneys. This is simply too high. Some have argued the lawyer fees are just 3 percent of the settlement, but such a calculation would require proposing to pay lawyers a share of funds from cases in which they had absolutely no involvement in representing. It also should be noted that the $50 million cap on fees is not arbitrary. It reflects an amount plaintiff attorneys indicated they can live with under their signed agreement with the government.

This legislation should be about fairness to individual Indians, but those who control Congress right now are bending over backwards to protect a $100 million payout to a few lawyers. Let's be clear: every dollar paid to attorneys is a dollar that comes out of the pocket of individual Indians in this settlement. Congress has an obligation to ensure that individual Indians, not lawyers, receive the most money possible, but sadly, in this bill, that is not happening.

In regard to the four Indian water rights settlements included in this bill, three of these have previously passed the House. At that time, I expressed my sympathy with such settlements; however, at a time of record deficit spending and record Federal debt, it is the duty of Congress to ask questions to ensure that these settlements are in the best interest of the taxpayers.

Over the past year, Congressman TOM MCCLINTOCK of California, the ranking member of the Water and Power Subcommittee, has sent written inquiries to the Department of Justice asking a basic question, and that basic question is: ''Do these settlement amounts represent a net benefit to taxpayers as compared to the consequences and cost of litigation?'' Very simple question.

□ 1400

To date, the Justice Department has regrettably not answered these questions even though they did answer similar questions with respect to the Cobell settlement. It is for this primary reason that I was compelled to

oppose those settlements when they passed the House.

Now there are four such settlements, and the pricetag for them is $1.23 billion. If Congress is going to spend this much money, it seems to me there's a duty first to show whether this is a fair deal. Without answers from the Justice Department, informed decisions cannot be made, and it is not responsible, in my view, to support this bill.

So for all of these reasons I must recommend to my colleagues that they oppose this bill until these reasonable questions can be answered and the clear deficiencies of the settlements are answered.

Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. MCCLINTOCK) and I ask unanimous consent that he may control that time as he sees fit.

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

There was no objection.

Mr. HASTINGS of Washington. With that, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I am honored to yield 5 minutes to the distinguished majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, I thank my good friend for yielding me this time.

Madam Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010.

Madam Speaker, today is a great day for our Nation's black farmers and Native Americans who were discriminated against by their own government—our government—for years. Thousands of families have waited for years to receive the settlements awarded to them in two class action lawsuits that have gone unresolved because of political gamesmanship.

In this Congress alone, we have twice passed legislation that would have resolved this issue. Today, the games have come to an end. Today we will mete out some modicum of justice. After more than a decade, this bill finally in some significant measure resolves the Pigford v. Glickman case, a lawsuit which was settled back in 1999. That lawsuit was filed by African American farmers against the Department of Agriculture for discriminating against black farmers who applied for access to loans and other assistance.

The Department of Agriculture has admitted that the discrimination took place and repeatedly urged this body to compensate those farmers who were discriminated against. Nothing in the Pigford settlement would prevent the government from prosecuting fraudulent claims. And this bill, which is fully paid for, includes strict provisions designed to ensure that payments are distributed to only deserving claimants.

Mr. Speaker, I want to address two issues—the issues of neutral adjudicator and performance audits, both of which are found in this bill and cause me great concern as to whether or not we're setting up a process by which witch hunts and intimidations will take place.

Now, I want the record to show that these two processes are not found anywhere else, but they are in this bill. I'm very concerned about that because I think they could open the door for witch hunts to take place as to whether or not these farmers are in fact deserving and whether or not intimidation may take place as to whether or not we will shield activities on the part of farmers who should be filing claims. I don't want anybody to be unjustly enriched, but I hope that nobody will be intimidated by the process.

I used to run the South Carolina Commission for Farm Workers, and I can tell you that from 1968, when I became director of that agency, I saw the discrimination taking place not just in farm loans but in housing loans as well. And the intimidation factor was great among these rural families that did not feel equipped to fight the process.

We have put these two procedures in this bill. I want the record to show that we do not put them there for people to be intimidated but only to provide a process by which the Federal Government can find out whether or not people are deserving of the service and of the resolution.

I would hope, Mr. Speaker, that as we carry forth this settlement that we will not once again visit upon these families the intimidation factor that so many of them experienced for years now. Now this case goes back to 1981. But I can tell you that these cases go back for nearly a century and they ought not be intimidated at this point in the process.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today with strong concerns about two provisions in this bill related to the pay-fors. First, some of the policies in this bill make sense such as extending welfare programs or better preventing incorrect unemployment insurance payments. But beyond this, instead of using the UI and trade-related savings in this bill to reduce our Nation's staggering deficit or pay for extending unemployment benefits or promoting job-creating trade, Democrats want to use these savings for new, unrelated spending. Going on a spending spree now will make the job of helping the unemployed, promoting job-creating trade, and balancing the budget next year even harder.

For example, by better preventing and recovering unemployment benefit overpayments, this bill saves about $3 billion over the next decade. But at a time of record budget deficits when many States and Federal unemployment programs are bankrupt and deeply in debt, that money will not be used to strengthen unemployment insurance programs or even to pay for a needed extension of these benefits. Instead, this legislation diverts that money outside of the unemployment insurance system for unrelated spending. How that makes sense is beyond me.

While we're on the issue of diversion, this bill uses customs user fees, which are fees associated with the import process and which typically are used when we are passing trade legislation to benefit U.S. manufacturers, farmers, ranchers, and workers such as the miscellaneous trade bill, our preference programs for developing countries, and trade promotion agreements.

The fact that this bill diverts the fees to offset a nontrade program limits our ability to pass trade legislation that helps create American jobs and levels the playing field abroad for our U.S. farmers, manufacturers, and service companies.

I've grown tired, frankly, Mr. Speaker, of this Congress using the Ways and Means Committee to support its spending sprees. When we spend money on a new program, we should offset that with spending cuts, not by using funds already designated for a pro-growth, pro-job purpose.

With that, Mr. Speaker, I would yield the balance of my time to the gentleman from California (Mr. MCCLINTOCK).

The SPEAKER pro tempore (Mr. CUELLAR). Without objection, the gentleman from California will control the time.

There was no objection.

Mr. RAHALL. Mr. Speaker, I am honored to yield 1 minute to our distinguished majority leader, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this legislation. This legislation is years late in passing. The injustices that it addresses are long term in being.

Today the House has an opportunity to bring an end to two historic injustices. We can do so by approving the settlement in the Pigford and Cobell class action lawsuits, helping to make amends to African American farmers and more than 300,000 Native Americans.

□ 1410

Few people in this Nation have been treated as poorly by their Nation as have African Americans and Native Americans. This was a continuing injustice that should have been addressed decades ago and, indeed, of course, should not have happened.

The Pigford settlement concerns a decades-old pattern of racial discrimination in Department of Agriculture loans to black farmers. For too long, farmers were denied loans because of their race. Even black farmers who received loans were paid significantly less than their white counterparts. In some cases, I am told that the amount of the loan on paper did not reflect the proceeds that were received. In fact, the proceeds were far below the face amount of the loan.

The Cobell settlement concerns mismanagement of Federal trust funds in which billions of dollars, billions of dollars in fees and royalties on reservation land were unaccounted for.

This bill can ensure that the individual account holders are properly paid. Now, I just said that, but unfortunately there are some who we will never be able to properly pay because they died before this injustice was righted. This will prevent similar mismanagement, hopefully, from reoccurring and resolve other outstanding land and water rights disputes that are deeply concerning to tribal governments.

Above all, passing this bill means living up to our obligation to those who have deserved better from the Federal Government. These settlements have been reached in court, and now it is our job to ensure that the Federal Government lives up to its end of the bargain.

I am glad that this bill funds the Pigford and Cobell settlements without adding to the deficit, and I am also glad this bill can bring to a close an unfortunate blemish on the record of this government in dealing with its people. It closes an unfortunate chapter in our history.

I urge my colleagues, hopefully unanimously, to pass this piece of legislation. We did the wrong thing, but all of us acknowledge it is never too late to do the right thing. So that although this is late, this legislation is the right thing to do. Let us do it now.

Mr. MCCLINTOCK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), the ranking member of the Agriculture Committee.

Mr. LUCAS. Mr. Speaker, I must rise in opposition to this bill. This bill includes more than $1 billion to settle the Pigford discrimination suit against USDA, in addition to the billion dollars we have already spent. While I want to see a resolution to the settlement, I cannot, in good conscience, support the process through which we attempted to address these problems.

The House passed H.R. 4783, a bill intended to encourage charitable contributions, by voice vote in March. What we have received back from the Senate instead is a bill that will cost the taxpayers more than $5 billion. By using this procedure, we are unable to offer a motion to recommit to change the bill. Additionally, we are considering this legislation under a closed rule, which prevents any Member from offering an amendment.

We are rushing through consideration of a massive spending bill. The Senate acted on this 269-page bill 10 days ago, and we are already bringing it to the floor. Let's slow down and ensure that we consider this massive bill in a thorough and deliberative process.

Sadly, I must urge my colleagues to vote ''no.''

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

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

Mr. LEVIN. This is a long injustice. And the question has been raised: Why use moneys within the jurisdiction of Ways and Means and Finance to support this bill? The answer is very clear. There is no escape. There is a moral compulsion to act on this legislation. And no one should hide behind issues of jurisdiction. We have tried to do this for years. The Finance Committee decided there was a way to finance it. This is a morally right thing to do period.

The bill also extends the basic TANF program through September 30 of next year. I greatly regret that the TANF provisions included in this bill do not include an extension of the TANF Emergency Fund. That fund has helped unemployed families find work and assisted local economies in coping with the recession. Roughly 250,000 jobs were created, most of them in the private sector. Unfortunately, Republican opposition in the Senate has repeatedly blocked our efforts to extend this program.

This is critical legislation. I urge its support.

I yield the balance of the Ways and Means' time to Mr. MCDERMOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

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

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

Mr. MCDERMOTT. Mr. Speaker, I rise in support of the Claims Resolution Act to remedy past injustices against Native Americans and African Americans. This bill will provide a resolution to respond to past mismanagement of tribal lands and to discrimination against African American farmers by the Department of Agriculture. In short, we are taking at least a partial step to right old, old, old wrongs.

This legislation also extends, through fiscal year 2011, the basic Temporary Assistance for Needy Families. That's the TANF program. This extension of the program is welcome, but it is not enough. This bill does not include the TANF Emergency Fund, which provided funds to our States to help needy families and to establish or expand employment programs for jobless Americans. Roughly 250,000 jobs were created by the program, primarily through private sector employers. The House passed the extension of these job programs on two separate occasions earlier this year, but Republicans in the Senate have repeatedly blocked the extension.

Additionally, the bill before us fails to maintain full funding for the Child Support Enforcement Program, which means less support will be ultimately collected and sent to children. The fact that these important supports are expiring should be a wake-up call to the American public. Watch the Republicans control this House. They need to know that Republicans are actively working to shred America's safety net just when it's needed most.

In closing, I will support this bill's response to those who suffered in the past. It is said that justice delayed is justice denied, but it's better to get it late than never. But I find it regrettable that this bill does so little to help those who are suffering today. This is about what went on a long time ago. It is not dealing with what's happening today.

I urge the support of this act. We will be back on unemployment insurance and the other issues that need to be dealt with in the near future.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, America is a great and a good country, but sometimes in its past it's made great and lamentable mistakes. H.R. 4783 offers this Congress the opportunity to correct some of the worst mistakes that we made in the course of our long and distinguished history.

□ 1420

There are three parts to this legislation: a component to deal with African American farmers, and that ought to be passed; a component to deal with Indian water rights, and that certainly needs to be passed. Finally, the largest portion of this bill deals with the so-called Cobell lawsuit.

For those of my colleagues who are not familiar with that suit, it's a 14-year lawsuit. It involves almost half a million claimants. It deals with accumulated mistakes and misdeeds of the American Government from 1887 to the present. We have twice in the course of this lawsuit had Federal officials held in contempt of court in two different administrations, one Republican and one Democrat. And, frankly, the previous administration thought we should settle this bill at between 8 and $11 billion.

So, frankly, this settlement is a bargain for the American taxpayers, and we are going to hear a lot of arguments against this particular piece of legislation. Some people will say it costs too much. The reality is, number one, it's fully paid for. It passed the United States Senate by unanimous consent, which means some of our colleagues over there who are famous for being frugal signed off on it.

Second, we ought to think about the cost of not settling it. The United States Government has spent almost a billion dollars on this lawsuit in the course of 14 years. If we do not pass this legislation, we will be in court again. And if the plaintiffs prevail, the costs could be well beyond what's been negotiated by the administration.

We will hear arguments about process, and to my colleagues, I have got to ask you, how much process do you

want when you have been waiting since 1887 to deal with a bill? This suit has been around 14 years. It's been in this Congress years and years.

I have been to many hearings about this lawsuit and, frankly, we have seen it and we have passed it twice in this Congress already. So the idea that it hasn't been thoroughly vetted, I think, is not true.

Finally, we are going to hear about legal fees. I have got to tell you if you can get lawyers for 3 cents on the dollar, take the deal. That is the best legal deal I have ever seen in front of the Congress of the United States, far below what you would normally expect contingency fees to be.

The administration, frankly, has done a good job in negotiating this settlement, bringing it to us. We need to do a good job as well and pass it enthusiastically and recognize that we are getting a good deal for the American taxpayer. But much more importantly, we are correcting historic wrongs that should never have occurred in the first place.

Mr. MCDERMOTT. Mr. Speaker, I yield the balance of my time to the gentleman from West Virginia (Mr. RAHALL).

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from West Virginia has 16 minutes remaining, and the gentleman from California has 17½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010. I want to thank Chairman NICK RAHALL and Congressman TOM COLE, my fellow cochair of the Native American Caucus, for their hard work on this legislation.

In the past, the U.S. Government mismanaged over 300,000 individual Indian trust accounts, causing unneeded hardship and strain. H.R. 4783 will go a long way towards righting this terrible wrong.

This legislation authorizes and approves the settlement, the 14-year long Cobell v. Salazar litigation. The settlement agreement provides for the distribution of $1.5 billion directly to individual Indians and for the creation of a $1.9 billion fund to purchase highly fractionated interests in trust lands. It also sets up $60 million for educational scholarships for Indian children.

This win/win agreement was already passed by the Senate. I urge my colleagues to vote ''yes'' on H.R. 4783 to turn the page on this sad chapter of Federal Native American relations.

Mr. MCCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from California for yielding.

Mr. Speaker, I rise in opposition to this bill. It is, I think, something that even though it's been vetted fairly well, on those that are paying attention it hasn't been vetted very well by this Congress. And, from my standpoint, I am one of the people that's actually read the consent decree from Pigford I. I brought a copy of it to the floor. It starts out with these words, ''40 acres and a mule.''

Now, we know what that started out to be in the aftermath of the Civil War, a promise from the Federal Government that there would be 40 acres for African Americans, newly freed slaves, provided by the Federal Government, by either federally owned land or southern land that had been confiscated by the Union, and there would be a rented mule to go along with that, or a loaned mule.

That has been the promise of slavery reparations. Of course, it didn't come to pass. In a few cases it did, but not many. But in truth we have here the modern-day version of reparations that are going on. Pigford I allowed for those who had a legitimate claim of discrimination to file that claim. Many who didn't have legitimate claims also filed claims.

What I am seeing, information that comes to me, boxes, stacks of data, and people have been deployed to administer the first $1.05 billion, and they say to me they are sick to their stomach, they are heartsick because of all the fraud that they see. And the level, 75 percent, it's a low number. I am hearing numbers into the high nineties, and still we don't see the data. We don't see the applications. We don't see how it matches up with Judge Friedman's opinion here, this decision on the first consent decree, where he says that it's not $50,000, it's $187,500.

Mr. Speaker, this has become a modern-day reparations component, and it's wrong. The $50,000 was essentially automatic to whoever applied. They didn't have to approve discrimination, they just needed a friend that would sign an affidavit that said that they knew at one time that they were or wanted to be a farmer and that they may or may not have spoken to anyone at the USDA, but that they had complained either verbally or in writing with someone who was either an employee of the USDA or perhaps they were a Member of Congress or a couple of other categories.

This issue needs to be examined far more thoroughly. The Shirley Sherrod case comes into this. Now it's curious that Shirley Sherrod is the number one recipient in the largest civil rights class action case in the history of America, Pigford Farms. Shirley Sherrod is the individual who became so well-known in the media a few months ago when the Secretary of Agriculture summarily fired her for a little clip of a speech that she gave before the NAACP.

I don't take issue with the totality of the statement that she made, Mr. Speaker, but it's curious to me that Shirley Sherrod got the notice that she, and whoever her partners might have been, were going to receive $13 million from Pigford Farms, 22nd of July, 2009. The 25th of July, 2009, Secretary of Agriculture Vilsack hired her to be the head of USDA Rural Development in the State of Georgia.

What does this mean, Mr. Speaker? Well, I don't know the answer to that yet, but I know this. The tremendous amount of data, 94,000 claims, 18,000 black farmers, 4½ claimants for every black farmer, it's got to be fraud. I urge a ''no'' vote.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), a subcommittee chair and member of the Committee on Natural Resources who has been intimately and powerfully involved with these issues over a number of years.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Mr. Speaker, I am very happy to rise in strong support and approval of H.R. 4783.

Title III through VI settle the water rights claims for seven tribes and pueblos in the States of Arizona, New Mexico and Montana. In the case of the five New Mexico pueblos, this legislation would end a combined total of 84 years of protracted, divisive and expensive litigation.

This litigation is fully paid for, as has been stated repeatedly. Most of these settlements involve either the rehabilitation of facilities or the design and construction of much-needed drinking water systems. Having an offset for the entire cost of this litigation allows for project construction to start earlier and to stay on schedule, save money, ultimately saving taxpayers millions of dollars in construction costs that are subject to inflation increases. In the case of White Mountain Apache and the Miner Flat Project, it is estimated that these savings are as much as $7 million annually.

The scarcity of water in the West and a long-running effort to meet the needs of the tribal communities has required compromise and development of trust in the process. The tribes have negotiated in good faith and ultimately have settled for water rights that is far less than what their initial claims asserted in their litigation against the United States.

□ 1430

When this Nation established reservations, we did so with a commitment to supply the tribes with water. The beauty of these four settlements is that the tribal, Federal, State, and local stakeholders all see the benefit as not just for the tribal members but for the communities and regions as a whole. All four settlements have received bipartisan support and have been considered and debated by the

House, whether through a subcommittee hearing or House passage.

Title VII of this legislation provides initial funding to the Reclamation Water Settlement Fund, established in Public Law 111–11 dated 3/30/09. The initial funding will go toward design, planning, and construction of the Navajo-Gallup Water Supply Project. This project will bring water to the Navajo Nation and their non-Indian neighbors. It is time that we in the United States and this Congress provide the infrastructure for these people so they don't have to wait for a water truck to navigate the unmaintained roads to deliver water to the residences. Water is a basic human right and should be provided to all of our citizens. It is time the U.S. Congress stepped up to our commitment. None of us would want to have this situation in our districts.

I would like to commend all of the parties involved in the negotiation of these settlements, from the tribes and the pueblos, their nontribal neighbors, and the local and State entities that have spent countless hours in bringing water certainty to their communities. We would also like to commend the administration in their rededication to the Indian water settlement negotiation process, and our respective staffs. It is to the administration's credit that we have in front of us four settlements that we can fully support.

It is time that we give the settlements their full support and provide water certainty, and more importantly, a water future for our tribes and their neighbors.

Mr. MCCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank my distinguished colleague from California for yielding.

To me, one of the most obvious problems with this bill that we are being called upon to verify today and to vote for is simply a numbers problem. If we are looking at this Pigford claim whereby we have black farmers who are stating that they are discriminated against, we had approximately 14,500 claims that were paid out in the first Pigford I class action lawsuit. But now what's very interesting is that the black farmers themselves are saying we are looking at a potential universe of about 18,000 black farmers. The period in question when the United States Department of Agriculture is alleged to have discriminated against black farmers is between 1981 and 1997. Between that 16-year period, according to the numbers that people agree on, there is a universe of about 18,000 black farmers. Well, in the Pigford I settlement, 14,500 black farmers received claims. What this means then is we would have to presume that nearly every black farmer in the United States applied for a loan from the USDA. Then we would have to presume that every black farmer qualified for receiving that loan from the USDA. Then we would have to presume that every black farmer who applied who qualified was turned down for a loan, and then finally we would have to presume that every black farmer in the United States was also discriminated against, and that's why they were turned down.

So it wouldn't just be one office of the USDA. This would be rampant discrimination all over the country. What's unbelievable is that in the face of this alleged gross discrimination by which the taxpayers of this country have already paid out $1 billion in payments, not one USDA employee in the country has been fired for discrimination. Not one employee has even been suspended or reprimanded or fined. How could this be?

And now in the Pigford II settlement, which isn't even a lawsuit, which is something that Attorney General Eric Holder and the Ag Secretary Tom Vilsack came together and just came up with an idea that they would have a second settlement because apparently there were even more claimants that wanted to receive money, now we have a universe that will be paid out in this settlement today of 94,000 claimants.

How in the world, Mr. Speaker, can you have 94,000 claimants in addition to the previous 14,500 claimants if there were originally only 18,000 black farmers in the country? This is a simple math problem. That's why we're saying before one more dime goes out of the U.S. Treasury for a claim, we have to investigate before the checks go out to claimants, not after. We aren't even talking about subsequent investigations.

This is an outrage and one vote that no Member of this Congress should vote for. This will be an albatross around the neck of any Member of Congress that votes to fund this obviously fraudulent claim.

I urge my colleagues to consider what the Claims Settlement Act truly represents before voting on the bill. This legislation includes over a billion dollars to settle the Pigford discrimination claims of black farmers alleged against the United States Department of Agriculture. Unfortunately, Pigford is rife with fraudulent claims and to settle before an investigation can take place does the American taxpayer a disservice.

Why has Eric Holder not investigated these allegations of fraud? Why has no one at the USDA been fired over this?

As a consistent fighter against out-of-control government spending, I cannot stand idly by as I see the United States taxpayer put on the hook for even a dime to Pigford. It's time for Congress to fully investigate the Pigford claims because the numbers just don't add up.

By the National Black Farmers Association's own data, only 18,000 black farmers exist in the United States, but under Pigford II 94,000 claims of racial discrimination have been filed thus far.

Justice should be served to those who experienced discrimination, but settlement funds should only go to those wronged.

Mr. RAHALL. Mr. Speaker, our Committee on the Judiciary has been very instrumental in the drafting of this legislation, especially in regard to the paid-for section.

I yield 6 minutes to the distinguished chairman of that committee, the gentleman from Michigan, Mr. JOHN CONYERS, and I ask unanimous consent that he control that time.

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

There was no objection.

Mr. CONYERS. I want to let the gentlelady from Minnesota know that I would like to work with her on getting these numbers straightened out because there were some erroneous conceptions involved here.

I would like to begin by recognizing the chairman of the Subcommittee on Crime in the Judiciary Committee for 1½ minutes, my dear friend, BOBBY SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 4783, with particular reference to the Pigford late filer claims provision, regarding claims of widespread, rampant racial discrimination by the Department of Agriculture against black farmers.

Mr. Speaker, we have heard about the 18,000 farms, the 18,000, many more than 18,000 farmers, former farmers, many of them lost their farms and others tried, and they were too subjected to racial discrimination. But in 1999 the court ruled that black farmers who farmed between 1981 and 1996 and who had filed a complaint against the department by July 1, 1997, were eligible to seek monetary compensation from the government if they could prove their case. Unfortunately, tens of thousands of black farmers complained that they were not made aware of the July 1997 cutoff date.

To provide relief to those farmers left out of the original action, Congress authorized a cause of action for those late filers who were denied a determination on the merits of their discrimination claims, and those claims have now been settled, conditioned upon congressional appropriation of $1.15 billion.

This bill provides the funding for the resolution of the longstanding claims for those who can prove it. This settlement is long overdue, and I hope my colleagues will approve this matter, as we have twice before, to bring this longstanding matter to a close.

Mr. Speaker, finally, I would like to thank my fellow Virginian, John Boyd, the president of the National Black Farmers Association for his hard work over many years on behalf of black farmers.

□ 1440

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

I am a little dismayed that we come back after this recess and after a struggle that has gone on for generations, and we come here, and of all my colleagues on the other side of the aisle, I am stunned that only one person rises in support of a claim that is so gross,

so discriminatory, and I was glad that the gentlelady raised the question of why nobody was ever fired or punished or discharged. That is how deep and pervasive this problem has been over the centuries in this country. That is why nobody was punished. That is why it makes it all the more important that we, if we can, get as bipartisan a vote from everybody in this House on this matter.

Chairman BOBBY SCOTT mentioned John Boyd of the National Black Farmers Association. He is sitting up in the gallery right now. I want you to know that he came to me in the spring of 1983. That was 27 years ago, and we have been working on this matter ever since. All across the South—we even had problems, we found out, in the North. It wasn't just the South, but the South was obviously the most pervasive.

So we are talking about something that was written up by Wil Haygood a number of years ago in The Washington Post, on October 3, 2004, in an article entitled, ''The Promised Land. Bigotry and bankruptcy haven't driven Ricky Haynie from the fields his ancestors worked as slaves.''

Now, as much as I appreciate the Secretary of Agriculture for his work in this, and as much as I appreciate those who are going to support this measure, I am sorry to say that this matter of fairness to farmers of color, Hispanics, and women is not yet resolved. And they are black farmers who, because they were late filers—and how can you be somewhere out in God knows where, and you are supposed to know when the filing date for things are. There are over 12,000 African American farmers that have been excluded from the Pigford settlement merely because they didn't do it on time. Do you think they have got a lawyer out there? Of course they don't.

The claims of Latino farmers, late filers, and women farmers are still not resolved even when we finally pass this measure.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to draw attention to visitors in the gallery.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, titles III through VI of the bill purport to settle four water rights claims against the United States by signing away the public's right to nearly 300 billion gallons of water every year in perpetuity in addition to spending more than a billion dollars.

Now, the proponents of the bill are correct that if the taxpayers are going to end up paying more if these claims go to trial, then we should settle them out of court, but that is simply not the case. For the better part of a year, I asked for a legal opinion from the Attorney General on this question to no avail until a day before the issue was first brought to the House floor. And what we received was not a legal opinion assessing the validity of the claims or the extent of the taxpayers' liability; it was a general statement of their preference for settling claims rather than litigating them, and it is undermined by very many specific objections raised by the administration over the course of the last 2 years.

For example, with respect to the White Mountain Apache settlement, the Department of the Interior wrote on November 15 of this year: ''This authorizes Federal appropriations for numerous tribal projects that are extraneous to the settlement.'' They urged, ''These projects should be considered on their own merits in separate authorizing legislation.''

Last year, it warned that funding would ''be excessive,'' would be excessive, if it were viewed as settlement consideration. They also warned, a year ago, of language that is still in the bill which waives the sovereign immunity of the United States for future litigation. They warned: ''This provision will engender additional litigation and, likely, in competing State and Federal forums rather than resolving the water rights disputes.''

Engender additional litigation, extraneous to the settlement, excessive if viewed as settlement consideration—these are the administration's own words. In fact, the administration expressed so many reservations about aspects of these settlements that we can only conclude that they are not settlements negotiated by the Attorney General and presented to the Congress, but, rather, they are a grab bag written by the Congress itself and now rubber-stamped by the administration on political and not legal grounds.

We were initially told that the Attorney General never comments on the validity of claims, but we found this to be false. For example, in the Cobell case in 1994 when the Attorney General's office believed that we needed to settle out of court, they said so. They said: ''We are not well-postured for a victory on this claim.'' They warned: ''The outcome could easily be a significant cost to the taxpayers and the public,'' and that is not what they are saying now with respect to these four settlement claims.

Mr. Speaker, we have many more Indian water settlements pending for vast quantities of water and substantial sums of money. We need to get our act together on this. I believe Congress needs to demand that the administration be candid and forthcoming on all claims for settlement; and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, determined all of the details, certified that the settlement is within the legal liability of the government, and only then submits that settlement for consideration by Congress. Anything less is breaching the fiduciary responsibility that we hold to all of the people of the United States.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield for a UC only to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I rise in strong support of the Claims Resolution Act, a bill that is the result of many long years of negotiations. This bill will ratify settlements in two significant New Mexico water rights cases. The Aamodt and Taos Pueblo Indian water rights cases have been in Federal court for many decades. These cases sought to bring justice to Native Pueblos who, like any other Western community, depend on water as their lifeblood.

After many decades, the Claims Resolution Act will bring much-needed certainty to the Pueblos of northern New Mexico by restoring their right to clean, reliable water. Cooperation and collaboration are far too rare when it comes to managing water resources in the West.

The Aamodt and Taos Pueblo Indian water bills are an example of how we can manage this precious resource without pitting towns against farms and farms against tribes. The legislation has bipartisan support and was passed by the Senate by unanimous consent. I commend President Obama and Secretary Salazar for upholding our Nation's responsibilities to Native Americans, and we should finish that work today by ratifying these settlements.

□ 1450

Mr. MCCLINTOCK. I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield for a unanimous consent only to the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. FATTAH. Mr. Speaker, I rise in support of this settlement and towards a more perfect union.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, George Washington said something which I thought was appropriate to the Cobell settlement. He said, ''The administration of justice is the firmest pillar of government.'' Today, that is what we are administering—some justice for the 50,000 individual Native Americans and more than 100 tribes across this country.

We have known, in no uncertain terms, that there has been an injustice

to thousands of these Americans for decades, and we have struggled mightily to find the right resolution of that, and we have found a settlement that, in fact, achieves that. The point I want to make about this is we know how important this has been to Native Americans. We know of their attachment to the land and of the abuses they have suffered at the hands of their government.

Conservatives should like the fact that we are forcing a government that acted inappropriately to pay for the damage it did to their citizens as this is not just justice for Native Americans. A justice for any is a justice for all, and justice for Native Americans today is justice for all Americans. We all ought to feel proud that we are taking a step forward to make this a more just Nation.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Committee on Natural Resources, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 4783.

I want to thank the congressional leadership, Mr. RAHALL and the White House for their commitment to ensure justice for those individuals and communities we have wronged in the past. The treatment of minority farmers by the USDA remains a dark stain on our Nation's history.

When I first came to Congress, I worked extensively on the Agriculture Committee with our former colleague Eva Clayton to bring justice to African American, Hispanic, Native American, and female farmers. We hosted several meetings; wrote letters; and chaired numerous subcommittee hearings on this very issue to address past discrimination.

Today, I am pleased to say that we are taking an important step forward in righting those past wrongs of injustice by this country. H.R. 4783 provides the additional funding required to settle the Pigford lawsuit brought by the African American farmers. It also includes funds to settle the Cobell case and to finally provide justice to Native American communities whose trust accounts were mishandled by the government.

Thousands of people have been affected who still bear the wounds of past discrimination. They have waited too long. This legislation also includes important measures to settle the water rights claims to many tribes, including the White Mountain Apache, the Crow Montana, the Navajo Nation, the Taos Pueblo, and other southwestern Pueblo tribes.

We still have a long road ahead before we bring justice to all groups discriminated against by the USDA, including Hispanic farmers and female farmers, but we are moving in the right direction.

Mr. RAHALL. Mr. Speaker, I yield for a UC only to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise enthusiastically to support the Pigford-Cobell settlement, and ask that we continue to seek justice for those who have been denied it.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the chairman for yielding and for his leadership on this issue.

Mr. Speaker, this country has a proud heritage of African American farmers who have contributed more than their fair share to our national economy, but our government has not given them its fair share of support. It is shameful that many of those farmers have faced discrimination by their own government. I applaud this effort to finally right some of those wrongs, and I encourage my colleagues to support this bill.

However, I feel compelled to make the point that, while this is progress, it won't be providing relief for everyone who needs it. I have a constituent who is an original plaintiff in the Pigford suit, and because of bad lawyering and bad judging, he has never had so much as a hearing on his discrimination case. This settlement will likely do him no good.

I hate to think about how many other folks might still be left out of their rights in this instance. I hope that the passage of this bill will be the first step toward righting some of those wrongs as well.

Mr. RAHALL. May I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. RAHALL. I yield 1 minute to the gentlelady from Arizona (Mrs. KIRKPATRICK), a member of our Committee on Natural Resources.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of the Claims Resolution Act. This legislation will have an enormous impact on Indian Country, and it will also help meet our trust obligations to tribal nations.

Included in this legislation is the White Mountain Apache settlement that resolves the water rights of the tribe and communities in the White Mountains of Arizona. Growing up in that area, I remember having to boil water before using it. That is simply not acceptable in the 21st century. This legislation is critical, and I was proud to have it be the first bill I introduced.

I want to thank tribal Chairman Lupe, Senator KYL, Chairman RAHALL, and the other stakeholders involved in this process. It was a collaboration of many partners and many years. I am proud to see it passed into law today.

I urge my colleagues to pass the Claims Resolution Act.

The SPEAKER pro tempore. The gentleman from West Virginia has 1 minute remaining. The gentleman from California has 8 minutes remaining.

The gentleman from West Virginia has the right to close.

Mr. MCCLINTOCK. Mr. Speaker, there is no doubt that Americans of African descent and Native Americans have suffered grave injustices over the years at the hands of this government, and they deserve justice—no more and no less; but if we are excessive in our zeal to do justice to one group, we end up necessarily doing injustice to others. That is the concern that is raised in this bill.

Legal settlements—and that is what this bill purports to be—should be settled on legal grounds, but there is serious question, including serious question, obviously, within the administration in using their own words, as to whether these settlements are in the interest of justice or in the interest of all the people of our land.

In one hour of debate, the proponents have not cited one argument—not one word—on the legal issues of a bill that purports to settle legal issues, and that ought to tell us a very great deal right there. That is the problem with this bill, and that is why action should be deferred on this bill until the Attorney General actually conducts good faith negotiations on behalf of the people of the United States.

I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, to conclude debate on the majority's side, I yield all of the remaining time to the gentlelady from California, Ms. MAXINE WATERS.

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker and Members, I rise in support of H.R. 4783.

Today, we have the opportunity to right the wrongs perpetrated on both black farmers and Native Americans in this country. The history of shameful and, yes, rampant discrimination against black farmers and the shameful mismanagement of Native Americans' oil, gas and water rights are being addressed here today. We vote today to settle the Pigford II Black Farmers case against the USDA and the Cobell case on mishandled Native American oil and gas claims against Interior and several tribal water rights claims.

The Black Farmers case against the USDA goes back decades. I was a member of the Judiciary Committee and the chair of the Congressional Black Caucus from 1996 to 1998 when we worked with the Clinton administration, and we were able to waive the statute of limitations so we could get Pigford I up before us. Yet thousands of black farmers lost their farms; many are dead, and many of them did not get their paperwork filed.

□ 1500

This bill provides $1.15 billion to settle the Black Farmers case and $3.4 billion to settle the Cobell claims.

Mr. Speaker and Members, institutional racism and discrimination must be aggressively fought and eliminated.

I am so proud of John Boyd and all of the Members of this Congress who have worked so hard, Mr. RAHALL and the rest of them, to do what needs to be done. I am pleased and honored to serve as a Member of Congress where we are dealing with justice and fairness and equality today.

Mr. MORAN of Virginia. Mr. Speaker, I support the Individual Indian Money Account Litigation Settlement. The settlement of this litigation represents a turning point for the Federal Government's trust relationship. There are three reasons I support this settlement.

First, it provides monetary compensation to more than 300,000 individual Indians for their historical trust accounting claims and their potential claims that prior U.S. Government officials mismanaged their trust assets.

Second, this settlement seeks to address the growing problem of ''fractionated'' land interests. This settlement allows individual Indians owning shares of fractionated land to voluntarily sell their land back to the federal government, in exchange for a cash payment. In turn tribal communities will have the opportunity to consolidate these fractionated interests and use the land for homes, schools, and economic development.

Third, this settlement addresses the future by establishing and providing education scholarships for Native Americans. Studies have shown that Native Americans represent less than one percent of all students enrolled in colleges. The Indian Education Scholarship Holding Fund can help improve these statistics by providing much needed financial assistance to Native American students to defray the costs at post-secondary vocational schools and other institutions of higher learning.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of the Claims Resolution Act of 2010, to authorize, ratify and confirm the settlement reached as a result of the Indian Trust Fund litigation, or the Cobell v. Salazar case.

First I want to thank the Chairman NICK RAHALL, members of the Natural Resources Committee, and all my colleagues for their support on this bill.

Under the Class Action Settlement Agreement that was signed on December 7, 2009, the government agrees to pay $1.4 billion to establish the ''Accounting/Trust Administration Fund'' for members of the class who sought to have a historical accounting of their Individual Indian Monies (IIM) accounts. In addition, the Federal Government has agreed to pay $2 billion to establish the ''Trust Land Consolidation Fund'' for the purpose of consolidating the fractionated trust and restricted lands.

Since 1831, when the Supreme Court first formulated the concept of the federal government as trustee for Indian tribes, the relationship between the American Indians and the United States government has been likened to that of a ''ward to its guardian.'' In its capacity as trustee, the United States government holds titles to much of Indian tribal land and land allotted to individual Indians. Subsequently, responsibilities to manage Indian monies and assets derived from these lands and held in trust lie with the U.S. government.

Allegations of breach of trusteeship and fiduciary responsibilities led to the Cobell v. Salazar that was first filed in 1996. A group of IIM account holders filed a class action alleging that the Secretaries of Interior and Treasury, acting on behalf of the federal government, had breached their fiduciary duties owed to American Indians. Over the next 13 years, the federal government has struggled to bring resolution to this litigation.

It was not until December 7, 2009 when a settlement was reached. The settlement agreement originally called for Congress to authorize it legislatively by December 31, 2009. The deadline, however, has been extended eight times to February 28, 2010, April 16, May 25, June 15, July 9, August 6, October 15, and currently to January 7, 2011. It is time to bring resolution to this issue.

For far too long, the government has ignored its responsibilities and constitutional duties with respect to American Indians. The proposed legislation, H.R. 4783, will administer justice to those American Indians that have suffered as a result of mismanagement and of neglect of our government trustee responsibilities. I urge my colleagues to support H.R. 4783 and authorize the Class Action Settlement Agreement.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this legislation that will make amends to thousands of African American famers and Native Americans, and bring a long-delayed close to the serious cases of discrimination and mismanagement committed by the Federal government.

The Claims Resolution Act provides funding to implement the settlements of both the Pigford and Cobell class action lawsuits in a budget neutral manner. The Pigford case involved past discrimination committed against black farmers by the Department of Agriculture while in the Cobell case, the Department of the Interior mismanaged Native American trust funds. With this legislation, it is time to provide long overdue justice and uphold the Federal government's responsibility of the settlements.

Mr. Speaker, we are one step closer to providing African American farmers and Native Americans compensation for the past failures of the Federal government. I urge my colleagues to do the right thing and support this legislation so that it can be sent to the President's desk for his signature.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in support of H.R. 4783, The Claims Resolution Act of 2010. It is time to end this decades-long dispute and long process of overdue justice.

The Senate overcame a major hurdle on November 19, and their actions should encourage us to build on their momentum, pass this legislation, and send it to President Obama in the interest of doing what is right. As Dr. Martin Luther King, Jr. said, ''The time is always right to do what is right.''

I am pleased to see that this legislation has strong support from both sides of the aisle, and I know that fiscally conservative Members like me are especially pleased that this legislation is fully paid for.

This has not been a process of swift justice, but the Senate's recent accomplishment is good news for the victims of prejudice and discrimination. I am particularly pleased for the thousands of black farmers, as well as Native Americans and Hispanics, who will now finally receive a measure of justice.

Discrimination in any form cannot be tolerated, and today my colleagues and I are presented with the opportunity to close the final chapter in this saga of flagrant prejudice.

Now there are a number of Members who have expressed their concern with respect to potential fraud and abuse. Interestingly, out of the three groups included in H.R. 4783—Hispanic, Native American, and Black, only the Black farmers are saddled with fraud allegations and specific statutory language aimed at stemming fraud.

I, too, am concerned with fraud! And I believe the bill adequately addresses this issue, as does the Department of Agriculture and I am confident this issue will be taken care of.

We cannot let a few bad apples spoil the bunch. There are many hard-working, honest individuals and families who have suffered at the hand of discrimination, and we should all aim to see justice done so that those who have suffered from bias and bigotry can now move on with their lives.

Mr. Speaker, as children, we are taught the Pledge of Allegiance and we are ingrained from an early age that these United States provide liberty and justice for all. Therefore, I ask my colleagues to keep that pledge and pass this legislation. Our great nation was founded on the principle that all men are created equal and it is time to see this gross injustice put to rest.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 4783, which authorizes and approves the settlement in the Cobell v. Salazar case. This important legislation finally authorizes funding for the settlement that was reached over 14 years ago. H.R. 4783 also settles the Pigford lawsuit which is a decades old discrimination lawsuit brought by African American farmers against the USDA.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. This legislation before us today is not a handout, but it repays the Native Americans who had their trust assets mismanaged by the Federal Government. Over 300,000 Native Americans will benefit from this legislation.

Mr. Speaker, this bill also establishes a $60 million educational scholarship fund for Native American children. The passage of this legislation will allow more Native Americans to attend colleges and universities. This bill is revenue neutral and is even projected to reduce the budget deficit by approximately $1 million over 10 years.

California is home to over 100 federally recognized tribes. This legislation will ensure that these Native American beneficiaries receive the compensation that is long overdue.

The Claims Resolution Act also provides $1.15 billion to settle the claims of African American farmers against the USDA. This will compensate families that were unfairly denied access to USDA loans and other financial assistance solely based upon their skin color. While the passage of this legislation will not erase this sad chapter in our history, it will assist our African American farmers who were unfairly discriminated against.

Mr. Speaker, I have a constituent named Alice Robinson who will benefit from this legislation. Her family was one of the many African American farmers that faced discrimination in accessing loans from the USDA. They struggled to maintain their farm without any assistance from the USDA. No farmer should face discrimination based on the color of their skin. Alice Robinson and other farmers across the country deserve the assistance that this legislation will provide that was previously denied to them.

The House has twice passed legislation this year authorizing payment of the Cobell v.

Salazar lawsuit and the Pigford settlement. I am pleased that the Senate has passed this important piece of legislation and I urge my colleagues to join me in supporting H.R. 4783. While we can't undo the damage that the Federal Government inflicted on black farmers and Native Americans, today we will help compensate them for their losses and ensure that this never happens again.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010. When I first entered the Congress in 1993 this issue was at the top of my legislative agenda. Throughout my tenure in Congress, I have been committed to bring justice to black farmers who were discriminated against by the U.S. Department of Agriculture. Fairness has long been overdue for black farmers who were blatantly denied access to low-interest loans and farm subsidies by the government. As a longstanding advocate of this issue, I am particularly pleased to see this bill up for consideration today.

Mr. Speaker, it has been over a decade now we have been fighting for integrity and righteousness for black farmers who were unfairly discriminated against by the United States government in what is otherwise known as the ''Pigford case''. Resolving cases of discrimination and injustice should be a top priority for this country. As Dr. Martin Luther King famously said, ''Injustice anywhere is a threat to justice everywhere.''

The evidence of discrimination in Pigford is clear and reminds us to remain vigilant against acts of racism which have unduly hurt so many hardworking families. When black farmers did receive loans, they were often at a rate higher than those offered to white farmers. Equipment grants and subsidies often came too late and without explanation, as farming is an extremely time sensitive endeavor.

Aside from justice, this money also will be going to some of the poorest counties in this country who are the most in need. Although this payment is not enough to save all of the black farmers now in jeopardy of losing their family land, it will help some survive and at least be partially compensated for the discrimination they faced. The 2007 Census of Agriculture reveals in my state of Texas, there are 6,124 Black principal farm operators, the largest number in any state.

Mr. Speaker, my community will stand ready for justice for these unconscionable actions of discrimination.

I urge my colleagues to support this legislation not only to bring justice to those who faced years of unwarranted discrimination, but to provide for those who work tirelessly everyday to provide much needed goods for this country.

Ms. JACKSON LEE of Texas. Mr. Speaker, I would like to thank all of my colleagues who were instrumental in furthering this legislative effort and bringing this momentous bill to the House floor. H.R. 4783 serves as a means of justice and vindication for minority farmers and landowners who were previously wronged by the Agriculture Department and the Interior Department when they were only trying to make a living. These were American farmers, who have dedicated their lives to the prosperity of the United States, by in essence, providing for their fellow citizens.

I have long been an adamant supporter of American farmers in their mission to strengthen agriculture in our Nation. As a senior member of the House Judiciary Committee, I have been actively involved in the fight to ensure that black farmers and Native Americans received justice for the discrimination they encountered. For nearly a decade, I have worked alongside my colleagues in the Congressional Black Caucus, other Members of Congress, and civil rights advocacy groups to uphold the standards of equality and fairness, and ensure that the government is held accountable for its wrongdoings.

I am pleased that the Senate has passed this legislation by unanimous consent earlier this month to right the many past wrongs of our government. I hope that today, in the House, my colleagues too will vote to pass this important legislation. H.R. 4783 deals with the unfortunate situations addressed in the Pigford II and Cobell v. Salazar cases. Black farmers and Native Americans were discriminated against in those aforementioned cases based solely on their race. They are owed restitution by the Department of Agriculture and the Department of the Interior; they are owed a chance to rebuild their communities and continue with their lives.

In the Pigford case, there are numerous accounts of black farmers receiving unfair and unequal treatment when applying for farm loans or assistance through the Department of Agriculture. As if that were not enough, when these minority farmers submitted their discrimination complaints, they heard no response from the Department of Agriculture and were essentially ignored. The judge in the Pigford case said that the holding was, ''a historical first step toward righting the wrongs visited upon thousands of African-American farmers for decades.'' It is truly disheartening to know that an arm of the federal government, which has a duty to treat all Americans fairly and equally, played a role in the historic plight of the minority farmer in the United States.

The Cobell case is important because of its resolution of many American-Indian tribes' claims to water, one of the necessary elements to sustain life, and the poor management of Indian trusts. The White Mountain Apache Tribe settlement, the Crow Tribe settlement, the Taos Pueblo settlement, the Aamodt settlement, and finally the Reclamation Water Settlements provided for the tribal water rights claims for a number of American-Indian tribes.

Furthermore, H.R. 4783 also allows for the settlement of billions of dollars in Indian trusts that were mishandled by the Department of Interior. In the holding of the Cobell case, the judge states that, ''it would be difficult to find a more historically mismanaged federal program than the Individual Indian Money (IIM) trust.''

Such gross mismanagement impeded the livelihood of more than 300,000 Native Americans. How are Native Americans, or any minority for that matter, expected to trust the United States government if, as lawmakers, we do not stand up for their rights? This settlement ensures the recognition of these past civil infractions by the government, and portends a brighter future for the minorities in America.

Essentially, the right to life and livelihood are resolved by this settlement. American-Indian tribes will finally receive access to drinking water, and black farmers will receive restitution for and recognition of previous racist actions that directly affected their ability to sustain themselves.

In July of this year, Shirley Sherrod's forced resignation from the Department of Agriculture was reminiscent of the racist trend many black farmers faced when dealing with the government. The media whirlwind surrounding the treatment of Sherrod raised allegations of racism by the hands of the government. Images of black farmers being denied loans for their own farms, in order to maintain their own livelihood resurfaced. Despite the wrongs Sherrod faced personally, she focused attention on the very types of discriminatory practices that perpetuated racism, led to losses of land, and ultimately resulted in these lawsuits. She reiterated the importance of equal treatment for all American farmers, regardless of their race. Systematic racism should not occur in the United States in the 21st century, and H.R. 4783 reaffirms that notion by taking steps to reverse a history of gross racism and civil rights infractions.

The passing of H.R. 4783 will finally allow for the compensation of these gross injustices. While I am in strong support of the passage of this bill, it is unfortunate that this long awaited settlement comes riddled with stipulations. The Claims Resolution Act, as amended, creates two payment ''tracks'' by which the victims of past discrimination may state their claims. These payment tracks effectively raise the evidentiary bar for those who were victimized by the government's past injustices, making it more difficult for them to receive the settlement that this bill provides.

The first track, which requires substantial evidence of discrimination, limits victims' settlement to $50,000 per person. This standard is too restrictive because of the passage of time since the incidents of discrimination took place, and the possibility that many of the records and documentation of discrimination have been lost.

The second track, which allows victims to receive a settlement of up to $250,000, requires a much stronger evidentiary standard; victims must be able to show evidence of economic loss as a result of discrimination. Such a standard will often be too burdensome to meet, as it is difficult to prove definitively that discrimination was the sole cause for someone's loss of land, and that other mitigating factors may not have played a role in the loss. This standard could leave those victims who lost the most due to discrimination by the USDA with a lesser settlement than they rightfully deserve.

A settlement of $50,000 poses a hardship to Black farmers and Native Americans, and certainly is not enough to properly compensate for the years of discrimination they experienced. Nonetheless, it is a positive first step toward making these victims whole again.

Mr. Speaker, for over a decade, I have been a strong voice and advocate for Black and Native American farmers in the United States who are truly dedicated to the American dream. The Claims Resolution Act of 2010 represents nearly a decade-long battle for equality and justice. It is now time to finally acknowledge the systematic injustices experienced by black farmers, and Native Americans everywhere. I urge my colleagues to join me in voting to pass H.R. 4783, and to finally allow those affected to move on with their lives.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

HONORING AIR WINGS AT TRAVIS AIR FORCE BASE

Mr. GARAMENDI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1585) honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1585

Whereas the base originally named Fairfield-Suisun Army Air Base, the ''Gateway to the Pacific'', was renamed Travis Air Force Base in 1951;

Whereas Team Travis includes the 13,900 active duty, reservists, and civilians of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, the 615th Contingency Response Wing, and their families;

Whereas the 60th Air Mobility Wing, one of the Air Force's largest air mobility organizations, significantly contributed to the defense of our Nation during World War II, the Korean War, the Vietnam War, the Persian Gulf War, and operations Enduring Freedom and Iraqi Freedom;

Whereas, after the September 11, 2001, terrorist attacks, Team Travis played major roles in providing airlift, air refueling, and aero medical evacuation in support of Operations Enduring and Iraqi Freedom, flying 102,581 hours for Operation Iraqi Freedom and 70,940 hours for Operation Enduring Freedom;

Whereas in January 2009, Travis aircrews from the 60th Air Mobility Wing and 349th Air Mobility Wing supported humanitarian aid operations in the Darfur region of Sudan;

Whereas the 615th Contingency Response Wing, one of two Air Force Contingency Response Wings, facilitated airlift efforts from Rwanda in support of the Rwandan peacekeeping mission;

Whereas, after a 7.0 magnitude earthquake struck Haiti on January 12, 2010, Team Travis conducted the first humanitarian airlift mission, providing search and rescue personnel, medical experts and supplies, and facilitated the delivery of more than 1,000,000 pounds of cargo during the duration of the Haitian Relief Effort; and

Whereas the 60th Air Mobility Wing and Team Travis valiantly fulfill its motto of being ''America's First Choice'', for true global reach: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California;

(2) offers condolences to the families of the brave servicemembers of Team Travis who have lost their lives in defense of the United States; and

(3) commends the actions of private citizens and organizations in the Travis Air Force Base community for their steadfast support of members of the United States Armed Forces and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARAMENDI) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1585, a resolution expressing appreciation of the House of Representatives for the service and sacrifice of the members of the 60th Air Mobility Wing, 349th Air Reserve Wing, 15th Expeditionary Mobility Task Force, 615th Contingency Response Wing, and Travis Air Force Base.

Affectionately known as ''Team Travis,'' the team includes 13,900 active duty reservists and civilians of the wings. Travis was established in 1942, originally named the Fairfield-Suisun Army Air Base. In 1951, it was renamed Travis Air Force Base, and its vital missions have continued.

Travis Air Force Base has been called the ''Gateway to the Pacific,'' and brave men and women who have served at Travis know a thing or two about their neighbors, particularly those across the Pacific and in every corner of the globe. Brave men and women of the Travis Air Force Base have fought in World War II, the Korean War, the Cuban Missile Crisis, the Vietnam War, and the Persian Gulf War. More recently, Team Travis has played a major role in providing airlift, air refueling, and aero-medical evacuation in support of combat missions in Iraq and Afghanistan, flying 102,581 hours for Operation Iraqi Freedom and 70,940 hours for Operation Enduring Freedom. That's a lot of flight time.

They have carried out vital humanitarian missions in Berlin, Darfur, Rwanda, and Haiti. Indeed, after a 7.0 magnitude earthquake struck Haiti on January 12, 2010, Team Travis conducted the first humanitarian airlift mission, provided search and rescue personnel, medical experts, and supplies, and facilitated delivery of more than 1 million pounds of cargo during the duration of the Haitian relief effort. They also set up the logistics at the airport, which was destroyed.

After the tragic 2004 tsunami that devastated much of South Asia, Travis delivered more than 2 million pounds of supplies, providing a full third of the entire U.S. relief effort. Given their broad contribution to humanitarian causes around the world, it's clear that the 60th Air Mobility Wing and Team Travis valiantly fulfill their motto of being ''America's First Choice.''

Not only is Travis a vital and valued base furthering American missions and humanitarianism abroad, it is also a very, very important part of the Solano County economy. Travis spends roughly $300 million a year in Solano County. They are the largest sector of the economy, and at least 5,600 jobs outside of the air base are included.

For the past 12 years, our good friend, IKE SKELTON, has been a consistent supporter of Travis, and I want to thank him for the honor of presenting this bill today and for his support in making it possible for this bill to move beyond this committee. He has been an extraordinary leader.

Today, let's honor the Travis Air Force Base entire family while offering our condolences to the families of the bravest of the brave servicemembers of Team Travis and all of those who have lost their lives in the defense of the United States. Travis is home to thousands of heroes, and it is my privilege and honor to represent them here in Congress.

Mr. Speaker, I urge my colleagues to support House Resolution 1585.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1585, as amended, which honors the service and sacrifice of the 60th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing, civilians and families serving at Travis Air Force Base in California.

I would like to thank the gentleman from California for introducing this resolution. I am honored to pay tribute to Team Travis and the 13,900 active duty members, reservists, and civilians who make Travis Air Force Base, located in northern California, an integral part of our Air Force and our Nation's security.

The 60th Air Mobility Wing is one of the largest mobility organizations and has supported operations during World War II, the Korean War, and the Persian Gulf War. After September 11, the Air Mobility Wing provided close to 175,000 hours of airlift, refueling, and aero-medical evacuation support during Operations Enduring Freedom and Iraqi Freedom. More recently, the 60th Air Mobility Wing supported humanitarian aid operations in Darfur.

After the devastating earthquake struck Haiti earlier this year, Team Travis was first to provide humanitarian airlift and continued support with search and rescue, medical efforts, and the delivery of more than 1 million pounds of cargo.

Mr. Speaker, I would be remiss if I did not also pay tribute to the incredible families of these brave airmen who waited at home while their loved one answered our Nation's call. Some of these airmen have paid the ultimate price to defend our freedom, and I offer my condolences to their families. We are proud of Team Travis. Therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, H. Res. 1585, as amended.

The question was taken.

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

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

HONORING NATIONAL GUARD ON 374TH ANNIVERSARY

Mr. GARAMENDI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1740) recognizing and honoring the National Guard on the occasion of its 374th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1740

Whereas the National Guard celebrates its 374th birthday on December 13, 2010;

Whereas the National Guard and its citizen-soldiers have participated in all major American conflicts, most recently Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas the National Guard is the oldest component of the United States Armed Forces;

Whereas the National Guard has served with distinction as America's first line of defense against natural and man-made disasters within the United States;

Whereas Colonial and State militias were the precursors to the National Guard;

Whereas the militia stood their ground during the opening shots of the Revolutionary War at Lexington Green and Concord Bridge in 1775;

Whereas more than 164,000 members of the militia from the 13 colonies served under the command of George Washington during the Revolutionary War;

Whereas in 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title ''National Guard'';

Whereas during the Mexican War of 1846-1848, more than 70 percent of the total manpower effort was from citizen-soldiers through volunteer militiamen;

Whereas the Union and Confederate Armies relied heavily on militias and volunteer regiments during the Civil War of 1861-1865;

Whereas on April 15, 1861, President Abraham Lincoln invoked the Calling Forth Act of 1792 and ordered 75,000 militiamen into Federal service for 90 days;

Whereas during the Spanish-American War in 1898, over 160,000 National Guardsmen volunteered for active duty;

Whereas a group of National Guardsmen from Arizona, New Mexico, Oklahoma and Texas were called the ''Rough Riders'' and were led by Lieutenant Colonel and future United States President Theodore ''Teddy'' Roosevelt;

Whereas in 1902, Major General Charles W. Dick, commander of the Ohio Division of the National Guard and a member of the United States House of Representatives, became president of the National Guard Association;

Whereas the Militia Act of 1903 created the modern National Guard and affirmed the National Guard as the primary organized combat reserve force of the Armed Forces;

Whereas in World War I, the National Guard made up 40 percent of the United States combat divisions;

Whereas the National Defense Act of 1920 established the Army of the United States, to consist of the Regular Army, the Organized Reserve Corps, and the National Guard, when called into Federal service;

Whereas an amendment to the National Defense Act enacted on June 15, 1933, established the National Guard of the United States as a reserve component of the Army;

Whereas the National Security Act of 1947 established the Air National Guard as a reserve component of the Air Force;

Whereas more than 300,000 members of the National Guard, including 18 infantry divisions, participated in World War II;

Whereas more than 138,000 members of the Army National Guard and more than 45,000 members of the Air National Guard were called to active duty during the Korean War;

Whereas almost 23,000 members of the Army and Air National Guard were mobilized for two years of active duty during the Vietnam War;

Whereas more than 70,000 members of the Army and Air National Guard were called upon to participate in Operation Desert Shield and Operation Desert Storm in 1990 and 1991;

Whereas since the attacks on September 11, 2001, hundreds of thousands of members of the Army and Air National Guard have been called upon by their States and the Federal Government to provide security at home and combat terrorism abroad; and

Whereas more than 50,000 members of the Army and Air National Guard were deployed in the Gulf States following Hurricane Katrina in 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thanks the members of the National Guard for their service in response to the attacks on September 11, 2001, and their continuing role in homeland security and military operations;

(2) supports providing the National Guard with the necessary resources to ensure its readiness;

(3) expresses its condolences and gratitude to the families of those members of the National Guard who have lost their lives through their dedication and commitment to the freedom and security of the United States while serving in the National Guard; and

(4) honors and supports the compassionate, courageous, and dedicated members of the National Guard who serve a critical role in protecting the United States and its citizens' freedoms and treasured liberties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARAMENDI) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

□ 1510

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

I rise in support of House Resolution 1740 introduced by our colleague from Ohio (Mr. LATTA) which recognizes the 374th birthday of the Nation's military first responder, our National Guard. I looked at that, too, and I said, ''374? How could that be?''

Well, on December 13, 2010, we will celebrate the enormous contributions that our Nation's citizen soldiers and airmen have contributed to our national defense for over 300 years. Our forefathers relied on its citizen soldiers to protect this young Nation. Today we continue to rely on our citizen soldiers to protect the values and inalienable rights that Americans enjoy today.

Our men and women in the National Guard not only volunteer to serve overseas in our national defense, they are also an integral part of our local communities, providing assistance, support, and protection to their neighbors and loved ones in cases of natural and manmade disasters within the United States.

The history of the National Guard began back during the very earliest days of our Nation. The colonists adopted the English militia system which required all males between the ages of 16 and 60 to bear arms and contribute to the defense of their communities. In those early days, the militia provided the first line of defense in our Nation and it continues to do so to this very day.

Throughout our Nation's conflicts, the National Guard has been an integral part of our country's national defense. During World War I, the National Guard made up 40 percent of America's combat divisions. The National Defense Act of 1933 established the National Guard as a reserve component of the Army. And in 1947 the National Security Act established the air

component of the National Guard as a reserve component of the Air Force.

More than 300,000 members of the National Guard participated in World War II. And over 180,000 members of the National Guard participated in the Korean War, and nearly 23,000 deployed in support of the Vietnam War. More than 50,000 members of the National Guard were deployed in the Gulf States in support of Hurricane Katrina. Today, almost a quarter of a million members of the National Guard have mobilized in support of Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

Today we are here to express our appreciation to those who served in the National Guard and their families, who are also making a contribution in defense of this Nation. We are here to express our gratitude and respect for those in the National Guard who have given their lives in defense of our Nation. Our sympathy and prayers are with their families and loved ones. Their sacrifice is noted and will not be forgotten.

Mr. Speaker, I urge my colleagues to support House Resolution 1740 and join us as we wish America's National Guard a happy 374th birthday.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, my friend and colleague from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my House Resolution 1740, a resolution honoring the National Guard on their 374th anniversary. And as the gentleman alluded to, 374 years long predates this Nation.

The National Guard origins date to December 13, 1636, when the General Court of the Massachusetts Bay Colony ordered existing militias to be organized into three regiments. Since then, the National Guard has fought in every major war and conflict. From the ''shot heard round the world'' on April 19, 1775, on Lexington Green and later that day that running battle that occurred at Concord Bridge, to the men and women who have stood strong and fighting in Afghanistan and Iraq, the National Guard and its citizen soldiers have been there for us no matter what, always ready, always there.

Going back to that day on April 19, 1775, it was one of these days that we have to remember, it was April 18, 1775, that Paul Revere and two others left Boston to alert the countryside not that the Red Coats were out but that the regulars were out. As Revere Road became known later as Battle Road from Boston across to Lexington and Concord, he was alerting the countryside, and the countryside was alarmed and the people awoke. And those were the early National Guard or the militia that responded.

They were the ones that stood up on April 19, 1775, on Lexington Green to the command to stand down from the British. No one knows who fired that fateful first shot, but that was the beginning of the Revolutionary War. And it was the militia—now our National Guard—that was there for us and is still there for us today.

The National Guard is the oldest component of the Armed Forces in the United States. The National Guard's number one priority is the security and defense of our homeland at home and abroad. Americans have relied on their National Guard for more than three and a half centuries, long before the establishment of these United States.

I want to thank all past and present members of the National Guard for their service in response to the attacks on our homeland on September 11, 2001, and their continuing role in homeland security and military operations.

In today's world, it is essential that we honor and support all of our servicemembers who have sacrificed so much to ensure our freedoms and liberties that we cherish so dearly in these United States. We need to support and provide our men and women in the National Guard and all of the Armed Forces with enough resources to ensure their readiness and success.

As the National Guard's official song goes, ''Defending Freedom, protecting dreams, this is the spirit of what it means to me. For my God and my home that I love: I Guard America, Guarding America, America.''

I urge passage of the resolution.

Mr. GARAMENDI. I continue to reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1740, which recognizes the service and sacrifices of the members of the Army and Air National Guard on the occasion of the 374th anniversary of the National Guard. I want to commend Representative ROBERT LATTA of Ohio for sponsoring this legislation.

Mr. Speaker, America is such a dynamic, forward moving, ever changing Nation that few institutions can survive for long unless they repeatedly prove their worth and are capable of changing to meet new challenges.

For more than 300 years, the National Guard has repeatedly demonstrated its worth and value to this Nation in the crises of peace and war. The courage and commitment and sacrifices of National Guard members have been an integral part of every war this Nation has fought.

These citizen soldiers most recently have accepted an entirely new role in our national security and enthusiastically transformed themselves and their units from a ready reserve to an operational reserve where repeated deployments to combat have become the norm, not the exception.

While providing significant combat power to support ongoing wars, the Guard has remained true to its mission to support the individual States in times of natural disasters. With this dual requirement to support not only the Nation but also the people of the States from which they come, the National Guard is indispensable to the well-being, safety, and security of all Americans.

This is why it is therefore right and proper that we recognize the National Guard for 374 years of outstanding service, and I urge all Members to support this resolution.

I yield back the balance of my time.

Mr. GARAMENDI. I want to thank the gentleman from Ohio for offering this resolution.

I think every Member on this floor understands the critical importance of the National Guard in their own communities and in their State, and it's certainly appropriate that we recognize the 374th birthday of the National Guard. You had me on that one. I didn't know it was 374 until this moment. But I do know the history of my own State of California and the critical importance of the National Guard not only in all of the traumas that occur in my State, but also overseas and the wars.

Mr. LOEBSACK. Mr. Speaker, I'm proud to be an original cosponsor of this Resolution honoring our National Guard on the occasion of its 374th anniversary.

The National Guard was formed on December 13, 1636 and has fought in every major American conflict since that time.

Today's National Guard Soldiers and Airmen are an operational reserve that has served our country admirably in Iraq, Afghanistan, and around the world.

In fact, as we honor the National Guard today, almost 3,000 Iowa National Guard Soldiers are deploying to Afghanistan—the largest deployment for our state since World War II.

They have stood up an Agricultural Development Team which is helping to move the Afghan economy away from poppy production and they will help train the Afghan National Security Forces so that the Afghan people can provide for their own security.

Indeed, today's National Guard is deploying in unprecedented numbers, and our National Guard families are coping with multiple deployments.

And they are doing so while continuing to carry out their homeland security mission here at home—protecting our country's airspace and our communities from disasters such as the flooding that hit Iowa in 2008.

So, as we honor the men and women of the National Guard today, let us thank our Citizen Soldiers, Airmen, and their families for their service to our Nation.

And, during this holiday season, let us remember all of our sons and daughters who are defending our freedom overseas.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, H. Res. 1740.

The question was taken.

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

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1520

HONORING FORT DRUM'S SOLDIERS OF 10TH MOUNTAIN DIVISION

Mr. OWENS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1217) honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1217

Whereas the 10th Mountain Division was first activated as the 10th Light Division on July 15, 1943, at Camp Hale, Colorado;

Whereas the 10th Mountain Division began a rigorous training regimen designed to prepare for the imminent invasion of Axis-controlled Europe;

Whereas, on January 7, 1944, the 10th Mountain Division patch was authorized, featuring a blue background with two red-crossed bayonets forming the Roman numeral for 10, emblazoned over a powder keg representing the Division's explosive power;

Whereas, in November 1944, the 10th Light Division was redesignated the 10th Mountain Division and soldiers were first authorized to wear the blue and white ''Mountain'' tab;

Whereas the 10th Mountain Division first entered combat on January 1945, being deployed to the North Apennine Mountains in Italy opposite battle-hardened German mountain troops;

Whereas soldiers of the 10th Mountain Division assaulted the German lines along the Monte Belvedere-Monte della Torraccia Ridge in a series of stunning attacks that broke the German Apennine front;

Whereas, on April 14, 1945, the 10th Mountain Division served as the vanguard of the Fifth Army's drive to the Po Valley, suffering tremendous casualties in a hail of artillery, mortar, and small arms fire from German troops;

Whereas the 10th Mountain Division continued its relentless drive to liberate Italy, culminating in the Division's occupation of Lake Garda and preventing the escape of German troops to the north through the Brenner Pass;

Whereas the 10th Mountain Division saw one of its soldiers, Private First Class John D. Magrath posthumously awarded the Medal of Honor;

Whereas, on November 30, 1945, the 10th Mountain Division was temporarily inactivated;

Whereas, on July 1, 1948, the 10th Mountain Division was reactivated at Fort Riley, Kansas, as a training division, preparing 123,000 soldiers for Cold War service and combat in the Korean Peninsula;

Whereas, between 1955 and 1958, the 10th Mountain Division was redesignated a combat infantry division and deployed to West Germany, protecting strategic North Atlantic Treaty Organization (NATO) points against possible Soviet aggression;

Whereas, on June 14, 1958, the 10th Mountain Division was again temporarily inactivated;

Whereas, on February 13, 1985, the 10th Mountain Division (Light Infantry) was activated in the heart of the North Country on Fort Drum, New York;

Whereas, during Operations Desert Shield and Desert Storm, 10th Mountain Division soldiers contributed support personnel to the 24th Infantry Division in Iraq;

Whereas, in December 1992, 10th Mountain Division soldiers deployed to Somalia in support of Operation Restore Hope, bringing much-needed security to relief operations;

Whereas, on May 4, 1993, 10th Mountain Division soldiers began supporting Operation Continue Hope under the direction of the United Nations Operations in Somalia (UNOSOM II);

Whereas, on October 3, 1993, and October 4, 1993, 10th Mountain Division soldiers of 2d Battalion, 14th Infantry fought a brutal gun battle through Mogadishu to secure an evacuation route for Rangers surrounded in the city;

Whereas the 10th Mountain Division spearheaded Operation Uphold Democracy in Haiti from September 19, 1994, to January 15, 1995, conducting the United States Army's first carrier-based air assault;

Whereas, following the September 11, 2001, attacks on the United States, units of the 10th Mountain Division first deployed in support of Operation Enduring Freedom in late 2001, fighting to secure remote elements of Afghanistan against Taliban forces;

Whereas, in 2003, the 10th Mountain Division headquarters and 1st Brigade returned to Afghanistan to battle insurgents in remote areas of the country and provide humanitarian assistance;

Whereas, from May to December 2003, the 2d Brigade, 10th Mountain Division headquarters, and 4th Battalion, 31st Infantry deployed to Afghanistan in support of Task Force Phoenix and training for the Afghan National Army;

Whereas, in July 2004, the 2d Brigade, 10th Mountain Division, deployed to Iraq in support of Operation Iraqi Freedom, securing the areas west of Baghdad and enduring more enemy contacts and casualties than any other unit in Iraq at the time;

Whereas the 1st Brigade Combat Team deployed to Iraq in late 2005 in support of Operation Iraqi Freedom, bringing security to embattled areas in and around Baghdad;

Whereas the 2d Brigade Combat Team deployed to Iraq in August of 2006, moving in to an area referred to as the ''Triangle of Death'', vastly improving security and enduring a grueling 15-month deployment;

Whereas the 10th Mountain Division headquarters and 3d Brigade Combat Team deployed again to Afghanistan in 2006, serving in the eastern Afghanistan-Pakistan border region;

Whereas the 1st Brigade Combat Team returned to Iraq in 2007, conducting stability and security operations in Kirkuk and training the Sons of Iraq to protect their neighborhoods from insurgent violence;

Whereas, in April 2008, the 10th Mountain Division headquarters and 4th Brigade Combat Team deployed to Baghdad, coordinating and fighting large-scale operations such as Operation Phantom Phoenix;

Whereas, in January 2009, the 3d Brigade Combat Team deployed to the Logar and Wardak provinces in Afghanistan, guarding the southern approaches to Kabul and bringing much-needed security to both provinces; and

Whereas the soldiers of the 10th Mountain Division continue to serve in Iraq and Afghanistan, with their families supporting them through arduous deployments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of the soldiers serving in the 10th Mountain Division, as well as citizen-soldiers of the Army Reserve and National Guard who have fought with the 10th Mountain Division during its 60-year history;

(2) expresses its gratitude to the family members of the 10th Mountain Division for their tireless service and sacrifice on behalf of the United States;

(3) commends the North Country community for their unwavering support of Fort Drum and the men and women serving in uniform; and

(4) offers its heartfelt condolences to the family and friends of the 10th Mountain Division soldiers who have given the ultimate sacrifice in the defense of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. OWENS) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

The United States Army's 10th Mountain Division, stationed on Fort Drum, New York, has a long and storied history of defending the American way of life.

The 10th Mountain Division was first activated as the 10th Light Division on July 13, 1943, at Camp Hale, Colorado. From there, the brave soldiers who made up the 10th Mountain Division's first unit immediately began a rigorous training regimen designed to prepare for the imminent invasion of Axis-controlled Europe. They first entered combat in January of 1945 as they were deployed to the North Apennine Mountains in Italy, opposite battle-hardened German troops, which marked the beginning of a relentless drive to liberate Italy from the clutches of the enemy.

As the nature of warfare has changed throughout the decades, the 10th Mountain Division has adapted to defend the Nation against foreign threats. From its work as a training division preparing soldiers for Cold War service to deployments in West Germany, Somalia, Mogadishu, and Haiti, and the current war on terror in Iraq and Afghanistan, the 10th Mountain Division has served to maintain both national and global stability.

On February 13, 1985, the 10th Mountain Division was activated in the heart of the North Country at Fort

Drum. Following the September 11 attacks, units of the 10th Mountain Division were deployed in support of Operation Enduring Freedom. Since then, the unit has played a role in major offenses throughout the war on terror that have brought stability to embattled areas in the Middle East. For more than 65 years, the brave men and women and their families who make up the 10th Mountain Division have endured untold sacrifices to make the Nation safer and more secure.

Mr. Speaker, I stand here today to recognize the achievements of the soldiers serving in the 10th Mountain Division, as well as citizen soldiers of the Army Reserve and National Guard who have fought with the 10th Mountain Division during its 60-year history. I would like to thank the family members of the 10th Mountain Division for their tireless service and sacrifice on behalf of the United States, and I commend the North Country community for their unwavering support of Fort Drum and the men and women serving in uniform.

Finally, I speak for the House of Representatives when I offer my condolences to the family and friends of the 10th Mountain Division soldiers who have given the ultimate sacrifice in the defense of freedom.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1217, as amended, which honors the Fort Drum soldiers of the 10th Mountain Division for their contribution to the security of the United States. I am honored to pay tribute to the current and former members of the 10th Mountain Division who have stood steadfastly and courageously defended and served this great country on our shores and in distant lands.

First activated in Colorado in 1943 during the early stages of World War II, the division known as the 10th Light Division prepared to join the fight against the Axis in Europe. When it finally entered combat in 1945, the division broke through battle-hardened German mountain troops in the Italian North Apennine Mountains. Victory was won in hard-fought battles in places like Po Valley, where the division suffered tremendous casualties. It was during the campaign in Italy that the division's own Private First Class John D. Magrath was posthumously awarded the Medal of Honor.

Following World War II, the 10th Mountain Division trained soldiers at Fort Riley, Kansas, and was deployed to West Germany to protect NATO. In 1985, the division began its long and storied relationship with the people of the North Country when it was located on Fort Drum, New York. Since then, the 10th Mountain Division has participated in Operation Desert Storm, Operation Continue Hope in Somalia, where it fought through the streets of Mogadishu to assist Rangers who were surrounded in the city, and Operation Uphold Democracy in Haiti.

In late 2001, following the September 11 attacks, the division deployed in support of Operation Enduring Freedom to oust the Taliban in Afghanistan. Subsequently, the division returned to Afghanistan in 2003, 2006, and 2009. At the same time, the 10th Mountain Division has played a vital role in the successes of Operation Iraqi Freedom, deploying to Iraq for sometimes up to 15 months in 2004, 2005, 2007, and 2009. Today, these incredible soldiers continue to serve in Iraq and Afghanistan.

Sadly, the valiant service of the 10th Mountain Division has not been without enormous sacrifice. Throughout its history, members of the division have paid the ultimate price to ensure our freedom.

Mr. Speaker, I would be remiss if I did not also pay tribute to the incredible families of these brave soldiers who waited at home while their loved ones answered our Nation's call. The entire Nation owes the soldiers and veterans of the 10th Mountain Division a debt of gratitude. To each and every one of them I say, ''Climb to glory.'' We are proud of their service. And, therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, H. Res. 1217, as amended.

The question was taken.

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

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

COMMENDING THE CITY OF JACKSONVILLE, ARKANSAS

Mr. SNYDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1724) commending the city of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1724

Whereas, for more than 50 years, the community of Jacksonville, Arkansas, has supported and served the members of the Armed Forces and their families at Little Rock Air Force Base;

Whereas, after September 11, 2001, Little Rock Air Force Base restricted access to much of the community for security reasons, and in response to the tragedy and the restrictions caused by the terrorist attacks of September 11, 2001, the community and air base came together to address a need for a new education facility for both military members and civilians;

Whereas, recognizing the need to raise funds for a new educational facility, the City Council of Jacksonville, Arkansas, held a special election in which the citizens of Jacksonville overwhelmingly voted to adopt a temporary one-cent sales tax, which raised $5,000,000;

Whereas these funds were donated to the Air Force to help build a new Joint Education Center on Federal property outside the base perimeter, so that the facility could be accessible to community people, students, and faculty, as well as air base personnel;

Whereas, in 2009, local individuals and businesses raised over $50,000 for the base's 2010 Air show and more than $22,000 was donated in support of Little Rock Air Force Base rodeo teams that compete at McChord Air Force Base;

Whereas community leaders sponsor numerous events, including dances and community sporting and musical events, for members of the Armed Forces and their families at Little Rock Air Force Base and provide discounted or free tickets;

Whereas the community sponsors a quarterly dinner for families of deployed members and over 15,000 volunteer hours are provided by retirees at the Airman's Attic, the Base Clinic, the Retirees Activities Office, and other base activities; and

Whereas, on March 3, 2009, the City of Jacksonville, Arkansas, was awarded the Abilene Trophy, which honors a civilian community for exceptional support of Air Mobility Command base at Little Rock Air Force Base: Now, therefore, be it

Resolved, That the House of Representatives commends the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

People in America support our men and women in uniform. Everywhere, from coast to coast, regardless of political view, Americans support our military. Nowhere is this more true than in

Arkansas. Nowhere is this more true than in the city of Jacksonville, Arkansas. Any Arkansan can tell you the Little Rock Air Force Base is not in Little Rock. Until this debate today, however, I would guess that most Members of Congress assumed the Little Rock Air Force Base is in the town of Little Rock. Be assured it is not; although all of central Arkansas, including the people of Little Rock, are supportive of the Little Rock Air Force Base.

Recognition of the great work done by the men and women of the Little Rock Air Force Base in Jacksonville, Arkansas, is apparent to anyone familiar with the C–130 mission. Every Member of Congress who has flown in a C–130, including the one Member, Mr. BOCCIERI, who flies C–130s, relied on the training done at the Little Rock Air Force Base in Jacksonville, Arkansas. Yet compliments don't tell the full story.

When the attacks of September 11, 2001, occurred, community access to all our military bases was disrupted, including access to on-base college classes by the civilian faculty and students. Yet we all know higher education is essential to our military. Anticipating a solution, the city of Jacksonville, Arkansas, and the leadership of the Little Rock Air Force Base came up with a plan to build a Joint Education Center on base property but outside the perimeter. Time went by, but the city of Jacksonville, Arkansas, did its part. Tax votes in a community are difficult, but the city of Jacksonville taxed itself through a vote of the people and raised $5 million to donate to the Air Force to help build the Joint Education Center.

Soon after that vote, the money began accumulating. Unaware, in fact, that there would be a delay in construction approval, $5 million sat in the account for quite a long time. Legally, permission finally was given for the $5 million to be transferred to the Air Force. Long after the vote in Jacksonville, construction began. You will be very pleased, Mr. Speaker, to see the almost complete Joint Education Center underway. It is about ready.

□ 1530

It came about because of the people of Jacksonville, Arkansas and their willingness to donate $5 million to the Air Force.

They have also raised money for the air show, which I attended with my little boys this year, and for the rodeo teams. The community council has been very, very active through the years and, in fact, the city of Jacksonville originally put together the land that was donated to the Federal Government, to the Department of Defense and the Air Force, on which the Air Force base is located today.

This partnership between the city of Jacksonville, Arkansas, and the Little Rock Air Force Base has gone on for over a half a century. Particularly in view of their willingness to tax themselves and donate $5 million to the Air Force, it seemed to me appropriate to recognize their work today, and I recommend approval of H. Res. 1724.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1724, which commends the city of Jacksonville, Arkansas, for its outstanding support and enduring partnership with Little Rock Air Force Base.

I also want to commend my friend and colleague, Representative Vic Snyder from Arkansas, for sponsoring this legislation.

Mr. Speaker, the city of Jacksonville has long embraced the Air Force members and their families stationed at Little Rock Air Force Base, treating all like lifelong members of the community. While the city supports the base in a number of ways, one recent action was especially unusual. Recognizing the need for a new education facility, the voters of Jacksonville overwhelmingly agreed to temporarily raise their own taxes to pay for a Joint Education Center, donating $5 million to the Air Force for that purpose.

It is no surprise that the city of Jacksonville was honored by the Air Mobility Command with the award of the Abilene Trophy for the city's exceptional support for the Little Rock Air Force Base.

I urge all Members to support this resolution.

I yield back the balance of my time.

Mr. SNYDER. I appreciate the kind words of the gentleman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, H. Res. 1724, as amended.

The question was taken.

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

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CLAIMS RESOLUTION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1736, the previous question is ordered.

The question is on the motion by the gentleman from West Virginia (Mr. RAHALL).

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

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on suspending the rules with regard to House Resolution 1585 and House Resolution 1740.

The vote was taken by electronic device, and there were—yeas 256, nays 152, not voting 25, as follows:

[Roll No. 584]

YEAS—256

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

McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
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
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth
Young (AK)

NAYS—152

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dent
Dreier
Duncan
Ehlers
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—25

Barrett (SC)
Boucher
Brown-Waite, Ginny
Burton (IN)
Buyer
Carney
DeFazio
Deutch
Fallin
Gonzalez
Hastings (FL)
Issa
Marchant
Moran (KS)
Myrick
Neugebauer
Ortiz
Putnam
Radanovich
Ros-Lehtinen
Schakowsky
Space
Tsongas
Wamp
Wu

□ 1603

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

Messrs. SMITH of Washington, LINCOLN DIAZ-BALART of Florida and SHADEGG changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER STEVE SOLARZ

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

Mr. RANGEL. Mr. Speaker, I would soulfully report to this body the loss of a great Member, Congressman Steve Solarz, who just left us. He passed away at the age of 70 years. He served in this body from 1975 to 1992. Republican or Democrat, he loved this country, and he fought hard for a sound foreign policy.

At this point, I would like to yield to Congressman JERRY NADLER, whose district now takes in a great part of former Congressman Solarz' congressional district.

Mr. NADLER of New York. Mr. Speaker, Steve Solarz served the people of Brooklyn in this House from 1975 to 1992. He served with distinction, boundless energy, great intellect, and a true passion to pursue justice.

I have had the privilege of representing a large portion of Brooklyn that was once his district, and I can attest that he is still fondly remembered and admired by the people of Brooklyn. He was also a vigorous advocate for our communities close to home and for human dignity around the world.

Steve was a member of the historic Watergate class of 1974, and he very soon became one of the leading voices in Congress on foreign affairs. As chairman of the Africa Subcommittee, he was one of the architects of legislation imposing sanctions on the apartheid government of South Africa. As chairman of the Subcommittee on Asian and Pacific Affairs, he led the investigation that exposed the corruption of the Marcos Government in the Philippines, where he is still revered for having steered U.S. policy away from support of that brutal and corrupt government and in support of true democratic change, which resulted in the election of Corazon Aquino.

Israel never had a better friend in the Congress than Steve Solarz. That commitment was more than just a personal one. He was one of the architects of the plan which was finally adopted by the United Nations to end the bloody war in Cambodia, which brought an end to the notorious killing fields.

Steve's dedication to religious liberty had a profound effect on our legal system. In response to the Supreme Court's decision in Employment Division v. Smith, he drafted the Religious Freedom Restoration Act, which restored the application of strict scrutiny to governmental burdens on the free exercise of religion.

On a more personal note, Steve Solarz was a mensch. He leaves behind friends and colleagues who will miss him very much. Our country is a better place because of his commitment to public service. The people of the world have lost a tireless advocate for freedom and democracy.

I want to extend the condolences of this House to Nina Solarz, to their children—Randy Glantz and Lisa Prickett—and to their families. The Nation shares in their loss and wishes them well.

Mr. Speaker, I rise today to remember an outstanding public servant, Congressman Stephen J. Solarz, who passed away last night. Steve served the people of Brooklyn in the House from 1975 to 1992, with distinction, boundless energy, great intellect, and a true passion to pursue justice.

I have had the privilege of representing a large portion of Brooklyn that was once in his district, and I can attest that he is still fondly remembered and admired by the people of Brooklyn. He was always a vigorous advocate for our communities close to home, and for human dignity around the world.

His passing is a great loss to the Nation, but also to people around the world who saw in him the best of what the United States has to offer; a country fully engaged with other nations in the effort to bring peace, human rights, and freedom to every corner of the globe.

Steve Solarz served in the New York State Assembly from 1968 until he was elected to the House of Representatives as part of the historic Watergate class in 1974. He very soon became one of the leading voices in Congress on foreign affairs. He was respected by his colleagues for his breadth of knowledge and his insight into some of the most vexing international issues.

As Chairman of the Africa Subcommittee, he was one of the architects of legislation imposing sanctions on the Apartheid government of South Africa. As Chairman of the Subcommittee on Asian and Pacific Affairs he led the investigation that exposed the corruption of the Marcos government in the Phillippines, where he is still revered for having steered U.S. policy away from support of that brutal and corrupt government, and in support of true democratic change which resulted in the election of Corazon Aquino.

Israel never had a better friend in the Congress than Steve Solarz. That commitment was more than just a personal one. He understood the importance of the U.S.-Israel alliance to our national interests in a way that few others did. When he spoke, it was both from the heart and from the head. I think that is why he was often so persuasive.

He was one of the architects of the plan, finally adopted by the United Nations, to end the bloody war in Cambodia, which brought an end to the notorious killing fields.

He also used his expertise to help people on a very personal level. He managed to negotiate with the Asad government of Syria the right of Syrian Jewish women to emigrate to the United States because there were no Jewish men in Syria for them to marry. The freedom he won for the ''Syrian Brides'' is still remembered fondly in New York's Syrian Jewish community which I now represent.

His dedication to religious liberty had a profound effect on our legal system. In response to the Supreme Court's decision in Employment Division v. Smith, he drafted the Religious Freedom Restoration Act, which restored the application of strict scrutiny to governmental burdens on the free exercise of religion. Although later gutted by the Supreme Court with respect to the states, it remains the law of the land at the federal level.

Less well known was the so-called ''Yarmulke Bill,'' which he introduced in response to the Supreme Court's decision in Goldman v. Weinberger, in which the Court held that Americans serving in uniform had no religious right to wear even non-obtrusive religious articles such as a yarmulke. The bill eventually passed over vocal opposition from the Reagan administration, and remains the law of the land.

In these endeavors, he managed to bring together a diverse coalition of religious and civil liberties organizations from across the spectrum; from the American Civil Liberties Union, to the National Association of Evangelicals.

As a son of Brooklyn, who never forgot where he came from, he was always active in the life of the neighborhoods he represented. Although not as well known as his more high profile accomplishments, he fought for Brooklyn's working waterfront as a member of the Merchant Marine and Fisheries Committee. He shepherded through the reconstruction of the historic beach at Coney Island. Whether people had concerns about local transportation issues, or the quality of their schools, Steve Solarz was always there fighting for his neighbors.

Even after leaving office, Steve Solarz was a respected voice in international affairs. His vast knowledge and experience were of great importance to decision makers when grappling with some of the most complex and sensitive global issues. We will miss his wise counsel as we face an increasingly complex future.

On a more personal note, Steve Solarz was a mensch. He leaves behind friends and colleagues who will miss him very much. Our country is a better place because of his commitment to public service. The people of the world have lost a tireless advocate for freedom and democracy.

I want to extend my personal condolences to Nina Solarz, their children, Randy Glantz and Lisa Prickett, and to their families. The Nation shares in their loss, and wishes them well.

Mr. RANGEL. Mr. Speaker, I would like to recognize my friend and colleague, the gentleman from New York, PETER KING.

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I want to join with my colleagues in expressing condolences on the death of Steve Solarz, who served with distinction in the New York State Legislature and for many years here in Congress, earning a bipartisan reputation for his expertise in foreign affairs.

In an age of partisanship, I will bring out that, in a bipartisan nature, he worked very closely with President Bush 41 in cosponsoring the resolution for Operation Desert Storm, and he was also a principal adviser to President Bill Clinton in his campaign for President in 1992. He transcended party politics. He was a true foreign policy expert, and all of New York mourns his passing.

The SPEAKER pro tempore. Members and guests of the House will please rise to observe a moment of silence.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING AIR WINGS AT TRAVIS AIR FORCE BASE

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

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1585) honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 25, as follows:

[Roll No. 585]

AYES—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
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
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
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 (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
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
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
Markey (CO)
Markey (MA)
Marshall
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
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
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)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Barrett (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Carney
Courtney
DeFazio
Deutch
Eshoo
Fallin
Hastings (FL)
Marchant
Miller, George
Moore (WI)
Moran (KS)
Myrick
Ortiz
Putnam
Radanovich
Rush
Space
Tsongas
Wamp
Waters
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1618

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.

Stated for:

Mr. GEORGE MILLER of California. Mr. Speaker, earlier today, I was unavoidably detained and missed rollcall vote No. 585, on H. Res. 1585. Had I been present, I would have proudly voted "yea" in support of this important resolution honoring the men and women serving at Travis Air Force Base.

HONORING NATIONAL GUARD ON 374TH ANNIVERSARY

The SPEAKER pro tempore (Mr. LANGEVIN). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1740) recognizing and honoring the National Guard on the occasion of its 374th anniversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 404, noes 0, not voting 29, as follows:

[Roll No. 586]

AYES—404

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
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
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
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
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
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
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
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
Markey (CO)
Markey (MA)
Marshall
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 (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
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)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
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
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Barrett (SC)
Boehner
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Carney
Courtney
DeFazio
Deutch
Eshoo
Fallin
Gordon (TN)
Grijalva
Hastings (FL)
Johnson, E. B.
Marchant
Moran (KS)
Myrick
Ortiz
Putnam
Radanovich
Reyes
Rush
Schrader
Space
Tsongas
Wamp
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1629

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–664) on the resolution (H. Res. 1741) providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 3307, HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–665) on the resolution (H. Res. 1742) providing for consideration of the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

HONORING GOLF LEGEND JUAN ANTONIO ''CHI CHI'' RODRIGUEZ

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1430) honoring and saluting golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1430

Whereas Juan Antonio ''Chi Chi'' Rodriguez taught himself how to play golf;

Whereas Rodriguez' strive for perfection, along with his uncompromising sportsmanship, resulted in a lifetime 38 professional wins, including 8 PGA Tour wins and 22 Senior PGA Tour wins;

Whereas Rodriguez was the first Puerto Rican inducted into the World Golf Hall of Fame and was elected to the World Humanitarian Sports Hall of Fame in 1994;

Whereas the Congressional Hispanic Caucus Institute (CHCI), a Latino youth leadership development and educational organization in the United States, honored Rodriguez with the CHCI Service Award for his ongoing commitment to providing opportunities for Latino youth to succeed;

Whereas Rodriguez is a supporter of CHCI's Fiesta de Golf Scholarship Challenge, and helped raise more than $824,000 for CHCI's Scholarship Awards Program the past three years;

Whereas Rodriguez' efforts resulted in financial support for more than 430 scholarships over the past three years to help Latino youth to attend institutions of higher education;

Whereas Rodriguez remains active with his own Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy, whose mission is to assist at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom;

Whereas Rodriguez has helped raise more than $4 million for his youth foundation, which annually brings 600 children from Latino and non-Latino low-income families or broken homes to a municipal golf course to learn responsibility and discipline by working at the various jobs in golf;

Whereas the Chi Chi Rodriguez Academy's program is based on love and respect, one that builds confidence, instills discipline and provides positive educational experiences; and

Whereas the Chi Chi Rodriguez Youth Foundation has earned a number of awards, including the National Golf Foundation Award for the Best Youth Program in the United States in 1986, the Pinellas County Sports Salute XVIII for working with youth in 1990, the 758th Point of Light in 1992, the Gannett Company's USA Weekend Most Valuable Athlete Award in 1983, based on an athlete's contribution, caring and commitment off the field, and the Robie Award for Humanitarianism, presented by the Jackie Robinson Foundation in 1996: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and salutes Juan Antonio ''Chi Chi'' Rodriguez for his contributions to the successful programs of the Congressional Hispanic Caucus Institute for Latino youth and his lifelong leadership in shaping the lives of at-risk youth who benefit from the generosity and devotion of the Chi Chi Rodriguez Youth Foundation; and

(2) directs the Clerk of the House of Representatives to make available an enrolled copy of this resolution to the Congressional Hispanic Caucus Institute and to the Chi Chi Rodriguez Youth Foundation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1430 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1430, which honors and salutes golf legend Juan Antonio Rodriguez, widely known as Chi Chi Rodriguez, for his commitment to the Latino Congressional Hispanic Caucus Institute, or CHCI. Mr. Rodriguez is an extraordinarily accomplished golfer. With 38 professional wins, including eight PGA Tour and 22 Senior PGA Tour victories, it is no surprise that he was inducted in 1992 into the World Golf Hall of Fame, the first Puerto Rican ever to earn this honor.

Chi Chi Rodriguez worked hard for his success and has never forgotten his roots in Puerto Rico, where he worked for a dollar a day cutting sugar cane. Using his surroundings to teach himself the game of golf, he used a tree branch as a golf club and a metal can as a golf ball.

Chi Chi Rodriguez has worked as tirelessly off the course as well as on it through his dedicated support of youth and their educational aspirations. Over the past 3 years, he has raised over $824,000 for CHCI's Scholarship Awards Program to assist Latino youths in their pursuit of higher education. These efforts have resulted in financial support for more than 430 scholarships. Moreover, Mr. Rodriguez continues to contribute to his own Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy.

The Chi Chi Rodriguez Academy assists at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom. Mr. RODRIGUEZ has raised more than $4 million for his academy, which every year brings 600 children from low-income families or broken homes to a golf course to learn responsibility and discipline through the game of golf.

Chi Chi Rodriguez's work for CHCI and his foundation have been recognized numerous times, including an induction into the World Humanitarian Sports Hall of Fame in 1994 and receiving the Congressional Hispanic Caucus Institute renowned Service Award in the year 2010.

Mr. Speaker, I ask my colleagues to join me in supporting this resolution to honor and salute golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Chi Chi Rodriguez was born into a poor family in Puerto Rico, and by the time he was 9 years old he was proficient at golf. And in 1947, at the age of 12, he scored a remarkable 67, which I do many times, but I haven't completed 18 holes of golf at that time.

Rodriguez turned professional in 1960. In 1963, at age 28, he won the Denver Open, which he considers as his favorite win. In total, he won eight titles on the PGA Tour between 1963 and 1979. And Rodriguez became eligible to play on the Senior Tour, now known as the Champions Tour, in 1985, and did so for many years with great success, accumulating 22 tournament victories between 1986 and 1993. He was the first player on the Senior PGA Tour to win the same event in three consecutive years, and he set a Tour record with eight consecutive birdies en route to a win in the 1987 Silver Classic.

In 1989, he was voted the Bobby Jones Award, the highest honor given by the United States Golf Association, in recognition of distinguished sportsmanship in golf. In 1991, he lost an 18-hole playoff to the legendary Jack Nicklaus in the U.S. Senior Open. In 1992, Chi Chi Rodriguez was inducted into the World Golf Hall of Fame, the first Puerto Rican so honored.

Rodriguez considers a brief encounter with Mother Teresa as the greatest moment in his life. This event inspired

him to help others. Together with former golf pro Bill Hayes and Bobby Jones, Rodriguez established the Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy, whose mission is to assist at-risk youth by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom.

Rodriguez has helped raise more than $4 million for his foundation, which annually brings 600 children from Latino and non-Latino families or broken homes to learn life skills by working various jobs in golf.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield the gentleman from California, Congressman BACA, as much time as he may consume.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 1430, honoring and saluting golf legend Juan Antonio ''Chi Chi'' Rodriguez. First, I would like to thank Chairman GEORGE MILLER, Ranking Member JOHN KLINE, Subcommittee Chair CAROLYN MCCARTHY, Ms. WOOLSEY, Ranking Member TODD RUSSELL PLATTS, and Mr. ROE. I want to take the time to thank all of my colleagues for their support.

I rise today in strong support of H.R. 1430, to honor Juan Antonio ''Chi Chi'' Rodriguez. In 1935, Chi Chi Rodriguez was born into a poor family in Rio Piedras, Puerto Rico. He was one of six siblings. His father used to earn only $18 a week as a laborer and cattle herder. His mother was a housekeeper. Their family struggled. When Chi Chi was only 7 years old, he helped families by earning money as a water carrier on the sugar plantation.

□ 1640

He soon learned that he could earn more money as a caddy. At that time, he also taught himself how to play golf—and that is very difficult for anyone who is playing golf. I have been playing golf for some time, and it's still very difficult, and I am still trying to learn—by using tree limbs and a metal can hammered into a ball.

With unyielding determination and discipline by 9 years of age, Chi Chi could play and win. Boy, that's difficult. You know, we wish we could play and would have played when we were young like that at the age of 9.

His uncompromising sportsmanship resulted in a lifetime 38 professional wins, including eight PGA wins, 1963, 1964, 1967, 1968, 1972, 1973 and 1979, and 22 senior PGA Tour wins.

Chi Chi Rodriguez was inducted into the PGA World Hall of Fame in 1992. However, his legacy does not end on the links. And I want to remind everybody, this resolution is not about his golf and what he did for golf, but it's about what he did as a human being and his contributions and scholarships to many individuals, and that's why we are honoring him. I want people to remember that and my colleagues to remember that. This is not about a golfer, this is about an individual who was willing to do as much as he can to help other individuals.

Chi Chi Rodriguez's robust charitable contributions for the benefit of at-risk and underprivileged youth have helped thousands of young people. He and his wife, Iwalani, have changed lives, and can you imagine many individuals lives that are changed because someone cared, someone touched their lives, someone gave them direction, someone gave them confidence in themselves and said, you know what, there is a better way of life.

Chi Chi wanted to make a better way of life for many individuals, and that's why we are honoring him and that's why we are recognizing them. They have strengthened self-confidence and fostered stellar discipline in many young people by founding the Chi Chi Rodriguez Academy.

The mission of the academy is to assist at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom. In addition, the Congressional Hispanic Caucus Institute honored Chi Chi Rodriguez with a CHCI Service Award for his ongoing commitment to providing opportunities for Latino youth to succeed.

His support of CHCI's fiesta, which is a bipartisan Fiesta de Golf Scholarship Challenge, has helped raise more than $824,000 for CHCI's Scholarship Awards Program over the past 3 years. These are a sample of many of the 430-some scholarships that have helped many of our kids, Javier Acolan, Ranier Gonzalez, Ashley Garcia. These are a few of many that I could name here tonight but when you look at the faces and you look at individuals who had an opportunity to pursue their education, become successful, contribute to our society, this is what Chi Chi is about, improving our communities, making sure that they become productive in our communities.

Chi Chi has received many other humanitarian awards due to his giving nature and leadership. He has received the Salvation Army Gold Crest Award and the Good Sport Award from Sports Illustrated for Kids.

He was inducted into the World Sport Humanitarian Hall of Fame and received an honorary doctor of humane letters degree from Georgetown College in Kentucky. He also received the American Education Award from the American Association of School Administrators.

With his support, The Chi Chi Rodriguez Youth Foundation earned the National Golf Foundation Award for the Best Youth Program in the United States in 1986 and the Robie Award for Humanitarianism presented by The Jackie Robinson Foundation in 1996.

His success on the links has earned Chi Chi Rodriguez a special place in history.

However, his work, and I state, however his work in helping many disadvantaged children has earned Chi Chi a special place in each of our hearts, because it's about giving, it's not about receiving, it's about helping others, not about what you get. He wasn't about me, myself and Irene, it was about what can I do to help others. And that's what Chi Chi wanted to do. He wanted to touch those lives.

He proved that humble beginnings do not define a person. He has shown us that with hard work and determination that you can be successful, but you can be caring and you can give back. Because the Lord gave him something, and he wanted to return something back to others.

By giving back to help our youth, he taught us. Please join me in honoring and saluting Chi Chi Rodriguez. I urge all Members to support the passage of H. Res. 1430.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. BACA. I yield to the gentleman from Utah.

Mr. CHAFFETZ. My understanding is that you are actually a board member of the Congressional Hispanic Institute, is that correct?

Mr. BACA. Yes.

Mr. CHAFFETZ. My understanding is that actually 13 of the 28 sponsors of this bill are on the board of this, is that correct?

Mr. BACA. Yes.

Would you like to join? We would love to have you join and be part of the sponsors as well. Because we also have, from your side, a member of our board that's on that board as well.

Mr. CHAFFETZ. My understanding is that the Congressional Hispanic Caucus Institute is an independent 501(c)3.

Mr. BACA. That's correct.

Mr. CHAFFETZ. My question, my concern about this is I have one about recognizing sports folks—and that's a separate issue. He has certainly accomplished so much on the golf course and off the golf course. I admire the work that you have done in this Congress.

Mr. BACA. Thank you.

Mr. CHAFFETZ. But it does seem to be a huge conflict of interest to sponsor a bill recognizing Chi Chi Rodriguez, who then, in turn for his accomplishments for youth programs of the Congressional Hispanic Caucus Institute. Isn't that a conflict of interest?

Mr. BACA. No, it's not. It's really thinking about someone who has contributed, someone who has done an awful lot. And it's bipartisan individuals, both Republican and Democrat, that belong to the CHCI board as well. We welcome the new Members that were elected to become part of that board that will say, you know what, we have got to honor individuals.

It's not about a conflict of interest, it's not about anything else. It's about

doing something that's positive for individuals. When someone is going to receive something in return, then it becomes a conflict of interest. But we are not receiving anything in return. All we are doing is honoring an individual.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, if the gentleman from California would engage with me here, I do have a few more questions, and I appreciate the dialogue and the passion you have for this.

One of my concerns is that it actually, I think, detracts from the idea of the accomplishments of Chi Chi Rodriguez and also the good work that I am sure that the Congressional Hispanic Caucus Institute has done. But to say that there is nothing in receipt, that it's all about giving and no receiving, it seems to me, on the appearance of it, that there is a huge conflict of interest. For Members of Congress, who serve independently on a 501(c)3, they serve independently with this organization, with a fiduciary responsibility to that organization, to use the office of being a Member in Congress to advance legislation that is surely, surely going to benefit the Congressional Hispanic Caucus Institute.

I would be happy to yield some of my time to address this.

Mr. BACA. Thank you. Again, this is about children.

Mr. CHAFFETZ. Reclaiming my time, for the record, I have absolutely no doubt that the Congressional Hispanic Caucus Institute does good. You have mentioned some scholarships. I have looked at the Web site. There is no doubt. There is no question in my mind. My question is, why this particular foundation, one that you serve on the board of directors.

This country has thousands of foundations that do good work. But if the threshold here, and my understanding is the institute raises in the neighborhood of 6 to $7 million——

Mr. BACA. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from California.

Mr. BACA. We would love to honor other foundations and other individuals as well. This is only one of many that we should recognize, just as I am honoring Arnold Palmer that we gave the Congressional Gold Medal. And at one time I hope you are here to celebrate when we have the actual gold medal that we will present under your leadership that we will be able to do here on the floor later on next year because it won't happen now.

□ 1650

Mr. CHAFFETZ. Reclaiming my time, I feel, Mr. Speaker, that this is a colossal waste of time to recognize sports heroes. That is a separate subject. That is a separate subject. Last week I voted against Joe Paterno, for goodness' sakes, one of the great football coaches in this country. Chi Chi Rodriguez has accomplished amazing feats. There's no doubt in my mind about this. But I feel as if the floor of the House of Representatives is being used for Members' own personal benefits to actually move forward their own foundation. And that is the concern.

There are thousands, as you just agreed to, thousands of foundations that do great work, that inspire kids and youth. That's part of what makes this country such a great country. But the only reason this bill is moving forward today, the reason it's coming to the floor of the House, is that we have 13 Members of Congress who serve on the board of directors of this, which seems like a conflict of interest.

If you want to address that, I would be happy to yield more time to you to address it.

Mr. BACA. Once again, I would like to state for the record that this is not a conflict of interest. This is about bipartisan individuals who sit on the board who continue to want to provide assistance to many individuals who are in need of help. Whether it's this organization or whether it's any other organization, I think it's important that we do recognize individuals that are willing to give of their time and their effort to make life better for someone else. And this is a humanitarian individual.

Mr. CHAFFETZ. Reclaiming my time, Mr. Speaker, I do appreciate the gentleman addressing the questions. I really do. One of the concerns that is there is if you look at the opportunity, if you will, to attract corporate money to this. I went to the Web site today. These companies donate in excess of $200,000 to the Congressional Hispanic Caucus Institute: AstraZeneca, Exxon Mobil, Toyota, Wal-Mart. These are companies that donate over $100,000, according to the Website: AFL–CIO and affiliate unions, Altria Group, American Petroleum Institute, Anheuser-Busch, AT&T, Change to Win and affiliate unions, Comcast Corporation, Dell, Lilly, Lockheed Martin, Motorola, PepsiCo, Southwest, State Farm Insurance, Telemundo, Time Warner Cable, the Coca-Cola Company, UnitedHealthcare Foundation, Univision, UPS.

The purpose of this bill, according to the resolution, the very last line here, is to direct the Clerk of the House of Representatives to make available an enrolled copy of this resolution to the Congressional Hispanic Caucus Institute, of which 13 Members of this body sit on the board of directors, and to the Chi Chi Rodriguez Youth Foundation.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. CHAFFETZ. Mr. Speaker, just to finish the conclusion of that thought, the reason, at least from my vantage point, and I would hope that you would address this, the reason that this resolution is moving forward is that there is a benefit to the Congressional Hispanic Caucus Institute. They can use this as a tool to go out and solicit more money, more support, and grow their own personal foundation. It's not something that's afforded to other foundations. And the only reason this is moving forward is because we have 13 Members in this body that are cosponsors of this legislation that sit on the board of directors. And that is of deep concern.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. I know we are on the subject of recognizing the sports individual, and I would like just for the record to state that my colleague that just spoke actually supported a resolution to support a sports individual as well, and that was H. Res. 942, for the record. So if we are going to be consistent, let's be consistent on both angles.

With that, I would like to, once again, state that many corporations and many individuals give because they're good corporate citizens, because they want to make our communities a lot better. They want to provide an opportunity for individuals to enhance their education, further their education, be productive citizens. And sometimes many individuals cannot afford to go on to a college or university. It's that assistance that we give to individuals that will allow an individual to further their education, thus for becoming productive individuals.

This is an individual that has helped in that endeavor to make sure that we raise the additional money, whether it's for this institution or whether it's for other institutions. I belong to a variety of different institutions that raise money on a bipartisan basis to make sure that we allow many individuals to be productive individuals within our communities.

Ms. WOOLSEY. I would like to know how much time we have on both sides, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California has 7½ minutes remaining. The gentleman from Tennessee has 12 minutes remaining.

Mr. ROE of Tennessee. I yield 1 minute to the gentleman from Utah.

Mr. CHAFFETZ. Mr. Speaker, what the gentleman from California pointed out is true. Previously I had sponsored and voted for resolutions regarding sports folks. I finally realized this is a colossal waste of time. I took a pledge that I was no longer going to do it. I did it in the past. It was wrong. We have people unemployed. We have people who can't meet their mortgages.

Mr. BACA. It wasn't wrong. It was a good thing you did.

Mr. CHAFFETZ. I have come to find I think they are absolutely a colossal waste of time. Even though they're a lot of good people, but we're not recognizing taking care of the people's business. That's my own personal belief.

But to clarify the question that you had, yes, I did do that in the past. I

wish I hadn't, but I'm a freshman. I made a mistake, and I'm moving forward.

Mr. BACA. I appreciate your doing it in the past, and I look forward to your continued support.

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

Ms. WOOLSEY. Mr. Speaker, again, I ask my colleagues to join me in supporting this resolution to honor and salute golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute.

Mr. Rodriguez uses his experience and his career success to expand opportunities for disadvantaged youth, and he helps them reach their full potential. I thank Representative BACA for his leadership in bringing this resolution forward.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1430, as amended.

The question was taken.

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

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL GEAR UP DAY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1638) supporting the goals and ideals of National GEAR UP Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1638

Whereas Congress created the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in 1998 to increase the number of low-income students who are prepared to enter and succeed in postsecondary education;

Whereas increasing the number of low-income students who complete postsecondary education is critical to the health and vitality of our communities and the Nation as a whole;

Whereas, on February 24, 2009, President Barack Obama addressed a Joint Session of Congress, during which he stated his goal that the United States would once again have the highest proportion of college graduates;

Whereas GEAR UP is currently providing essential college preparatory services to 670,000 students in over 5,000 schools across 46 States, the District of Columbia, America Samoa, Micronesia, and Puerto Rico;

Whereas GEAR UP students are taking more rigorous and advanced courses, graduating from high school and enrolling in postsecondary education at rates significantly higher than their low-income peers;

Whereas these remarkable achievements are attributable to the selfless dedication of the students, families, education professionals, and business and community leaders involved in GEAR UP;

Whereas in September 2009 GEAR UP Day was recognized across the United States, including proclamations by the Governors of the States of Iowa, Maine, Ohio, Oklahoma, and West Virginia, the Governor of American Samoa, and other observances noticed in the Congressional Record on Tuesday, September 22, 2009; and

Whereas September 29, 2010, would be an appropriate day to designate as National GEAR UP Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National GEAR UP Day;

(2) recognizes with gratitude the contributions of caring teachers, counselors, and program staff who encourage and prepare students for success in college; and

(3) encourages all students to set ambitious goals and to work hard to achieve their dreams.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1700

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1638 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1638 which recognizes the goals and ideals of National GEAR UP Day, celebrated on September 29, 2010. GEAR UP, or Gaining Early Awareness and Readiness for Undergraduate Programs, was created by Congress in 1998 to help increase the number of low-income and underserved students who are prepared to succeed in postsecondary education.

This year, the GEAR UP program provided college prep services to over 670,000 students in over 5,000 schools across 46 States, the District of Columbia, American Samoa, Micronesia, and Puerto Rico.

National GEAR UP Day, sponsored by the National Council for Community and Education Partnerships, is an opportunity for us to recognize the continued success of GEAR UP programs nationwide. It guarantees an entire cohort of students beginning no later than the seventh grade and follows that group through high school.

GEAR UP funds are also used to provide college scholarships to low-income students. Students participating in the GEAR UP program, Mr. Speaker, are encouraged in a variety of ways to enter and complete postsecondary education. They may visit local postsecondary institutions and survey classes that interest them, learn about financial aid and scholarship opportunities, or meet with a counselor for career planning.

I want to thank Representative FATTAH for introducing this resolution and, once again, express my support for House Resolution 1638, which celebrates National GEAR UP Day.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1638, supporting the goals and ideals of National GEAR UP Day.

While access to postsecondary education is a barrier for many low-income students, far too many students who enter college fail to complete programs and attain credentials. The goal of the Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP, program is to address both access and success changes to ensure more low-income students succeed in the workforce. GEAR UP provides 6-year grants to States and partnerships to provide services at high-poverty middle schools and high schools. GEAR UP grantees serve an entire cohort of students beginning no later than the seventh grade and follow the cohort through high school or their first year of college. GEAR UP funds are also used to provide college scholarships to low-income students.

Nearly 77 million Americans will retire over the next several decades, and the United States will face a worker gap, a skills gap, and a wage gap. Filling these gaps will require developing better trained and more skilled workers for productive jobs with upward mobility. Ensuring that the Nation's youth enter adulthood well educated, prepared for work, and able to integrate into society will help to ensure we are able to fill these gaps. Currently, the GEAR UP program is providing important college preparatory services to approximately 670,000 students in over 5,000 schools throughout the country.

Today, we support the goals and ideals of National GEAR UP Day, recognize the contribution of teachers, counselors, and program staff that encourage and prepare students for success in college and beyond. I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the author of this resolution and the author of GEAR UP.

Mr. FATTAH. I thank the gentlelady and I thank her colleague for their support for this resolution.

GEAR UP continues, as from its inception, to have bipartisan support. On National GEAR UP Day, we had Governors like Haley Barbour from Mississippi and Governors throughout the country claim GEAR UP Days in their State. We had mayors and school superintendents and college associations all across our country celebrate the great achievements of young people who have been a part of this program and the adults who have worked with them.

The Federal Government partners with States and with higher education institutions in what I call an elongated conversation with young people over the course of 6 years. And in this Congress, we reauthorized GEAR UP and we have now added a seventh year. GEAR UP has proven to be successful over its first decade of work, given the research that has been done, and it has shown that there has been a remarkable success across the 40-plus States, and now 46 States. In communities of every stripe, GEAR UP has worked to increase the number of young people graduating from high school, taking rigorous courses, and going on to college.

We saw a multiday series in The Washington Post focusing on students in Virginia, and thankfully going to colleges in Pennsylvania, through GEAR UP. I have visited GEAR UP youngsters in Wichita, Kansas, and Oklahoma City and California, all across our land. It is an amazing and extraordinary feat to see young people who statistically others would have written off, but now, because of the work of the GEAR UP program and because of their own work and parental involvement, they have been written back in.

The President has said we need to return our country to leadership in the world by 2020 with the number of adults with a college degree. We now are ninth in the world with the number of our young people graduating from college. This is an important program. It is the largest early college program in our country and in our country's history. It began with bipartisan support, and it continues to have that support because it is locally administered. It is a partnership program involving higher education institutions in partnership with middle schools and high schools and community and civic associations. It has worked well in Native American communities and rural communities and urban cities. It has helped in terms of youngsters who have English as a second language.

My great partner in this, Congressman HINOJOSA, who will be speaking, and many others in this Congress have been strong supporters of GEAR UP. I thank the gentleman and the gentlelady for yielding me an appreciable amount of time, and I thank them for their support of this resolution.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in support of House Resolution 1638, a resolution supporting the goals and ideals of National GEAR UP Day.

As subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, I want to thank my good friend and colleague, the gentleman from Pennsylvania (Mr. FATTAH), the father of the GEAR UP program, for his outstanding leadership and unwavering commitment to ensure that low-income students enter and succeed in postsecondary education as well as in life.

I am proud to have joined Congressman FATTAH on the Education Committee back in 1998 to be an original cosponsor of this great GEAR UP program that he introduced.

In supporting the goals and ideals of National GEAR UP Day, it is important that we recognize national teachers and counselors and program staff for their tireless work on behalf of our neediest students. Throughout the year, these extraordinary individuals provide essential college preparatory services to over 670,000 students in over 5,000 schools across 46 States, as well as in the District of Columbia, and American Samoa, Micronesia, and Puerto Rico.

I am extremely proud of GEAR UP students in the Rio Grande Valley of south Texas for setting ambitious career goals and for making their education a top priority. Our region serves approximately 18,000 students, and these young people are studying hard, taking rigorous courses, graduating from high school, and preparing themselves to earn a college degree.

In my congressional district, we are fortunate to have talented and committed individuals who have made GEAR UP a huge success. I personally want to thank Tina Atkins, the director of the Region 1 GEAR UP program, as well as Dr. Martha Cantu, director of the University of Texas-Pan American in Edinburg for their GEAR UP program, and business and community leaders in our region who have done a terrific job in educating and encouraging GEAR UP students and their families to reach for the stars.

On March 30, 2010, President Obama signed the Health Care Education Reconciliation Act of 2010 into law. With the enactment of this law, President Obama and Congress are taking bold steps to ensure accessibility and affordability in higher education.

□ 1710

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

Ms. WOOLSEY. I yield the gentleman an additional 1½ minutes.

Mr. HINOJOSA. These investments in education will undoubtedly provide thousands of GEAR UP students throughout the country with the financial aid and support they need to succeed in college.

As our Nation strives to build a world-class educational system, to increase graduation rates at all levels and to lead the world in the proportion of college graduates by the year 2020, it is critical that we continue to invest in successful Federal programs like GEAR UP.

Today, I urge my colleagues and our Nation to support H.R. 1638 and to encourage greater numbers of low-income students to pursue their dreams by supporting the goals and ideals of a National GEAR UP Day.

Ms. WOOLSEY. Mr. Speaker, I want to thank Representative FATTAH and Representative HINOJOSA for their participation in introducing this resolution.

Once again, I want to express my support for House Resolution 1638, which celebrates National GEAR UP Day—a chance for all of us to recognize the GEAR UP program's accomplishments and its success in increasing the accessibility of college for those students who need it the most. I urge my colleagues to join me in supporting this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1638, a resolution supporting the goals and ideals of National GEAR UP Day. Since 1998, the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) have been serving thousands of at-risk students in entering into and succeeding in postsecondary education.

The GEAR UP programs have been extremely successful in raising expectations amongst our youth. They show our students that obtaining a college education is possible. In communities and high schools where the dropout rate is much greater than the graduation rate, students face an uphill battle in achieving a degree in higher education. GEAR UP exposes them to achievement, and gives them the tools to create academic success in their own lives.

GEAR UP is implementing the type of intervention programs that we need on a larger scale, including: promoting educational ideals of parent involvement; rigorous curriculum; academic and personal counseling; mentoring and tutoring; and college awareness. GEAR UP tracks student progress, rather than letting our children become part of a larger statistical tally. These GEAR UP students were able to attend and succeed in college; a goal that all students should be able to achieve.

We are currently losing millions of bright minds to the achievement gap. Our failure to invest in all of our students has resulting in America falling behind in the rankings of global education. If this continues, America will not be able to compete in the global economy. Programs such as GEAR UP help close that gap.

I would like to thank Congressman FATTAH for introducing this resolution and support its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1638.

The question was taken.

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

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1598) expressing support for the designation of the month of October as National Work and Family Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1598

Whereas, according to a report entitled ''Attraction and Retention'' published by an organization called WorldatWork, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas, according to a 2008 report by the Families and Work Institute entitled National Study of the Changing Workforce, employees with a high level of work-life integration are, compared to employees with moderate or low levels of work-life integration, more highly engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress;

Whereas, according to a 2004 report entitled ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers;

Whereas, according to the Best Places to Work in the Federal Government rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of employee engagement and satisfaction in the Federal workforce;

Whereas finding a good work-life balance is important for workers in multiple generations, as indicated by a 2009 survey entitled ''Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It'', which found that attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and a 2008 study entitled ''A Golden Opportunity'', which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules ''extremely appealing'';

Whereas, according to research by the Radcliffe Public Policy Center in 2000, men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families;

Whereas, according to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life;

Whereas employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a 2000 study entitled Urban Working Families revealed that a lack of job flexibility for parents negatively affects child health by preventing children from making needed doctors' appointments and receiving adequate early care, which makes illnesses more severe and prolonged;

Whereas, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military;

Whereas, according to a Centers for Disease Control and Prevention (CDC) report, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric overweight and obesity;

Whereas, according to the CDC, less than half of mothers who work full time exclusively breastfeed their newborns;

Whereas, according to the CDC, employer policies that encourage breastfeeding benefit individual families as well as employers by improving productivity and staff loyalty, enhancing the employer's public image, and reducing absenteeism, health care costs, and employee turnover;

Whereas studies show that a third of children and adolescents in the United States are obese or overweight and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development, and that children who ate dinner with their family every day consumed nearly a full serving more of fruits and vegetables per day than those who never ate family dinners or only did so occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care for elderly United States citizens, and the Department of Health and Human Services estimates the number of such caregivers to reach 37,000,000 by 2050, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Work and Family Month;

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideals of National Work and Family Month, and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1598 into the RECORD.

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

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1598, which expresses support for designating October as National Work and Family Month.

Over the past 40 years, the family dynamic has changed. Women comprise nearly half of the United States workforce. For most working women, their responsibilities do not cease at the end of the workday but continue on at home as most women serve as their families' primary caregivers. Beyond caring for their own families, working women often take on additional caregiver responsibilities by caring for their parents and/or their spouses' parents.

But it isn't just women who face the challenge of balancing work and family, Mr. Speaker. More than ever before, men have taken on a greater share of family responsibilities in addition to their workplace duties.

With working families taking on extra hours to make ends meet during these tough economic times, the need for a work-life balance is more crucial than ever. Employers who afford their employees with policies that help to balance work and family reap substantial benefits, ranging from improving an employer's bottom line, increasing retention rates, decreasing absenteeism, and improving productivity and morale.

A 2008 report by the Families and Work Institute found that workers who are able to balance work and family

are more highly engaged in their work and less likely to look for jobs in the next year. They also enjoy better overall health, better mental health, and lower levels of stress.

Finding a good balance between work and family is important to most people. A 2009 survey of students found that two-thirds of respondents cited a healthy work-life balance was an important career goal. In addition, Mr. Speaker, research by the Radcliff Public Policy Center found that women in their 20s, 30s and 40s and men in their 20s and 30s identified the most important job characteristic to be a job schedule that allows them to spend time with their families.

According to research by the Sloan Center on Aging & Work, a majority of workers aged 53 and older attribute their success as employees to job flexibility, which contributes to an overall higher quality of life. Job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Families with working parents face many challenges when it comes to balancing family time with working hard to provide for their families, and it is so important that we recognize this every day, because it is such a challenge; but it is equally important to recognize that the substantial benefits accorded and afforded to parents, children and employers when workers have access to policies of support lead to a much healthier work-life balance.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 1598, expressing support for the designation of the month of October as National Work and Family Month.

Establishing a healthy balance between work and family obligations is something that most workers—women and men both—struggle with at some point in their careers. Studies have shown that employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or to feel resentment toward employers or coworkers.

Eighty-five percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs. Workplace flexibility often allows parents to be more involved in their children's lives. Parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Today, with this resolution, we support the designation of the month of October as National Work and Family Month. Through this designation, we recognize the importance of balancing work and family, and we urge public officials, employers, employees, and the general public to work together to achieve more balance between work and family.

With that, I stand in support of this resolution, and I ask my colleagues for their support.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 2 minutes to the author of this resolution, the gentlewoman from New York, Congresswoman MCCARTHY.

Mrs. MCCARTHY of New York. I want to thank Ms. WOOLSEY, who is my colleague on the Education Committee and who has been working with me on this also, and I want to thank Mr. ROE from Tennessee for bringing this up.

Mr. Speaker, I rise today in support of House Resolution 1598, a resolution supporting the recognition of National Work and Family Month. I think my colleague, Ms. WOOLSEY, really spoke about the essence of the bill, so I am going to speak a little bit shorter on this.

I want to thank Representative PLATTS for introducing this resolution with me, and I want to thank Chairman MILLER and Ranking Member KLINE for bringing this resolution to the floor today under suspension.

This resolution highlights the need to focus on a healthy work and family balance. Study after study has shown that finding the right balance between work responsibilities and family obligations is one of the most important things for all of our workers. Workers who have a better work-family balance have better overall health and have less stress. Children also benefit from having their parents available more often. Employees who are able to spend enough time with their families are happier at work and are more productive than those employees who do not have enough time to spend with their families. Achieving a work-family balance is good for all employers, employees and their families.

This resolution just basically asks all Americans to consider how to achieve a healthier work-family balance, to increase the quality of life for our employees and their families and improve productivity for our employers.

Thank you, and I urge the passage of this resolution.

□ 1720

Mr. ROE of Tennessee. Mr. Speaker, I will simply say that one of the great challenges in my life was to balance a professional practice with my family. And I will say also that you will never regret 1 minute that you spend with your children or your grandchildren. So I would encourage support of this.

I thank the gentlelady from California and New York for speaking about this. I think one of the most important issues we have today is time with our families. As our families break down, our children are left alone so much. I would encourage everyone, especially at this time of year, to spend as much time with their families as they can. It will be the best investment you have ever made.

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

Ms. WOOLSEY. Mr. Speaker, most children are lucky if they have a two-parent family these days, but if they even have one parent or two parents, both of those parents are in the workforce. They work long hours, they commute long distances to put food on the table, and quite often they are not able to sit at that table and share that food with their families because their work-life balance is so unbalanced. So families with working parents face many, many challenges when it comes to balancing family time with working to provide for their families, and it's important that we recognize this as an everyday challenge.

It is equally important to recognize that substantial benefits are afforded to parents, children, and employers when workers have access to policies that support a healthy work-life balance. So I want to thank Representative MCCARTHY for sponsoring this important resolution, and I thank Congressman ROE for being part of this with us. I encourage my colleagues to join me today in support of House Resolution 1598.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in strong support for H. Res. 1598, a resolution expressing support for designating October as National Work and Family Month.

As the mom of a three year old and another one on the way, I know first hand the struggles parents face. One of the most challenging aspects is how to balance work and family responsibilities—knowing that our attention to both is critical. We know that parental involvement plays a direct role in our children's growth and development. We know that providing direct care to our aging parents may sometimes be the best and/or only option. Yet, we also know that our employers are looking at ways to stay in business and improve their bottom lines.

H. Res. 1598 highlights the benefits of balancing work and family needs and recognizes the efforts that employers have undertaken.

Statistics demonstrate that a growing number of employers recognize the benefits of providing flexibility in the workplace and are successfully meeting the needs of their employees. Employers understand that having programs in place to address work-life balance issues are effective and necessary and are to the companies' benefit.

I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1598.

The question was taken.

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

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RECOGNIZING PARENTS OF SPECIAL NEEDS CHILDREN

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1576) expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1576

Whereas the reported prevalence of children with special needs, which may include children with healthcare needs, behavioral needs, learning needs, and mental health needs, has grown significantly throughout the last 50 years;

Whereas the Centers for Disease Control and Prevention estimates that an average of 1 in 110 children in the United States have an autism spectrum disorder and 1 in 1000 children are born with Down syndrome;

Whereas active and supportive parents serve a critical role in the development of children with special needs and in preparing them to succeed in school and in life;

Whereas parents of children with special needs deserve annual national recognition for their selfless dedication, compassion, and sacrifice; and

Whereas it is appropriate that the Nation reserve a special day each year to celebrate and honor the parents of children with special needs across the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of honoring the Nation's parents of children with special needs;

(2) expresses its sense that a National Day of Recognition for Parents of Children with Special Needs should be established to honor such parents; and

(3) urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1576 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs.

Parents of children with special needs serve a critical role in the development of their children and in preparing them to succeed in school and in life. Through selfless dedication and sacrifice, these parents work with their schools and communities to ensure that their children are granted equal access to a free and appropriate education that recognizes their individual learning, behavioral, and mental health needs in a healthy and supportive learning environment.

We know that the number of parents raising children with special needs is significant, and it is growing. A National Day of Recognition for Parents of Children With Special Needs not only serves to honor the dedication of these parents, but to highlight resources that they can turn to for information and support.

Mr. Speaker, I want to thank Representative BURTON of Indiana for introducing this resolution and once again express my support for House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs. I urge my colleagues to join me in supporting this resolution.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1576, expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established.

Parents of special needs children must give their children extra time, attention, care, and love. For this reason, they deserve recognition for their selfless dedication, compassion, and sacrifice.

According to the Department of Health and Human Services, 14 percent of children between age 1 and 17 years of age in the United States are diagnosed as having special health care needs. Children with special needs are defined as those who have a chronic physical, developmental, behavioral, or emotional condition that requires special health-related services of a type or amount beyond that required by children generally.

Those of us who have children understand the time, effort, and sacrifice being a parent requires. However, having a child with a disability or chronic illness requires additional time and effort. These parents must find and manage treatment, attend doctor appointments, handle conflicts at daycare or school, and most importantly, seek the right educational choices for their children. In addition, they advocate for their child and must be proactive and take necessary steps to make sure their child receives appropriate services.

Active and supportive parents of children with special needs play an integral role in their children's development and in preparing them for school and for life. Parents of children with special needs often work tirelessly on behalf of their children in the face of financial hardship and maintaining a work-life balance. Although these parents often have additional stress, it is indeed a labor of love in which the rewards are many.

In recognition of the day-to-day love and sacrifice by the parents of children with special needs, and for the exemplary example of courage and devotion these parents provide—in many instances a lifetime of care for their children—I urge my colleagues to support this resolution.

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

Ms. WOOLSEY. Mr. Speaker, I continue to reserve.

Mr. ROE of Tennessee. Mr. Speaker, I would just close by saying that in 30-plus years of practicing medicine and delivering many thousands of babies—many of those special needs children—in a smaller community where I am from, I have seen the stresses personally that this has put on families and have so much respect for these families and what the children offer the parents and the community. I have had my own daughter work in high school in a special needs classroom. I have attended many special needs classrooms while I have been in Congress. So I would urge support for this. This is a terrific resolution, and I appreciate very much the support of this House.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 1576, expressing the Support of the House of Representatives for the establishment of a National Day of Recognition for parents of special needs children. I would like to thank the members of the Education and Labor Committee, especially Chairman MILLER and Ranking Member KLINE for their effort to bring this resolution to the floor today. As the author of the resolution, I also would like to extend my sincere appreciation to all my colleagues who agreed to co-sponsor this resolution. Finally, I would like to thank Representative TURNER of Ohio—a leading co-sponsor of the resolution—who inspired this resolution based on the experiences of one of his constituents, a Mr. George Brooks.

Mr. Brooks, who himself is a disabled veteran, worked for 2 years as an attendant on a handicapped school bus for Centerville City Schools in Ohio. Every day he realized how demanding his job was just providing a safe trip to and from school for these children. However, the more he thought about it, the more he realized that the challenges he faced paled in comparison to what the parents of these children had to cope with every single solitary day of their child's life.

As many of my colleagues already know, my own grandson is autistic, so I know firsthand the kind of challenges Mr. Brooks was contemplating. In addition, as an autism advocate I have talked with countless families who

struggle to deal with the most severe behaviors associated with autism such as seizures with severe breakdowns and explosive behaviors which have caused injury to their child, as well as other children. For these families, broken bones and stitches have become a part of their everyday life. I have also spoken with families who have mortgaged their homes and gone into bankruptcy in their pursuit of treatments to help their children cope with their autism—some treatments, which have helped but are not covered by any insurance, driving these families thousands of dollars into debt with no end in sight.

And autism, although it affects an average of 1 in 110 children in the United States according to Centers for Disease Control's latest figures, is simply one of the many medical and educational special needs that families may face. Cancer and heart defects, muscular dystrophy and cystic fibrosis; chronic conditions like asthma and diabetes; congenital conditions like cerebral palsy and dwarfism; and health threats like food allergies and obesity; ADHD, Fetal Alcohol Spectrum Disorder, Tourette Syndrome, Down syndrome, dyslexia; Mr. Speaker, the list could go on and on.

It has been said that if you pick any two families of children with special needs, you would think that they have very little in common; as a family dealing with developmental delays has different immediate concerns than one dealing with chronic illness, or one dealing with mental illness or learning problems or behavioral challenges. Yet the truth is that all of these families share a common thread, their incredible love and devotion to their children. And it is this love and devotion that gives them the strength to fight for appropriate care and accommodations for their children; for their children to be accepted in their extended family, school and community; plan for their children's uncertain future; and constantly adjust routines and expectations to meet their children's needs.

H. Res. 1576 is a very straight-forward resolution; it: (1) recognizes the importance of honoring the Nation's parents of special needs children; (2) expresses the sense that a National Day of Recognition for Parents of Special Needs Children should be established to honor such parents; and (3) urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

Parents of children with special needs are often more flexible, compassionate, stubborn and resilient than other parents because they have to be. And I strongly believe it is appropriate for this House to honor their sacrifices. To that end, I respectfully ask all of my colleagues to support H. Res. 1576.

Mr. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support for H. Res. 1576, a resolution expressing support for a National Day of Recognition for Parents of Special Needs Children.

Three years ago, my husband Brian and I were blessed with our amazing son, Cole. Not only has Cole given us a new perspective on life, but he has introduced us to so many other parents of special needs children, who have selflessly dedicated their lives for the betterment of their children. It is these parents who have opened their hearts and shared their lives in order to pave the road forward for Cole and other children.

H. Res. 1576 recognizes the tireless efforts of these parents and urges the rest of the Nation to recognize them as well.

Everywhere Brian and I go—we meet families who share with us their stories about a loved one who has special needs. They all speak passionately about the positive impact that their children have on their lives. And it is these parents who have helped Brian and I to see the amazing impact that Cole will continue to have on our lives and in this world.

I urge my colleagues to support H. Res. 1576.

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

Ms. WOOLSEY. Mr. Speaker, I want to again thank Representative BURTON from Indiana for introducing this resolution and Representative ROE for his support of this resolution. I want to express my support for House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs. I urge my colleagues to join us in supporting this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1576, as amended.

The question was taken.

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

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1730

SUPPORTING CHILD ADVOCACY CENTER MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1313) expressing support for designation of May as ''Child Advocacy Center Month'' and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1313

Whereas, in May 1985, the National Child Advocacy Center opened its doors in Huntsville, Alabama;

Whereas there are now more than 900 Child Advocacy Centers in the United States, all based off of the first one in Huntsville, Alabama;

Whereas, in 2009, child advocacy centers served more than 260,000 children;

Whereas services are offered to children who are physically and sexually abused entirely for free to the family;

Whereas child advocacy centers work to streamline the investigation process so that the child may be helped most effectively;

Whereas this is done through a multidisciplinary team managing alleged cases of abuse from the initial investigation all the way through prosecution;

Whereas, during this time, child advocacy centers offer medical, therapeutic, and other support services to victim's and victim's families;

Whereas 1 in 4 girls and 1 in 7 boys will be sexually abused before the age of 18;

Whereas child advocacy centers also reach out to the community and sponsor programs that help bring awareness to this problem;

Whereas education and support for communities has proven to be successful in preventing abuse from occurring;

Whereas the United States Department of Health and Human Services sponsored the Fourth National Incidence Study of Child Abuse and Neglect Report to Congress which found that from 1993 to 2006 there was a 44 percent decrease in the rate of sexual abuse; and

Whereas May would be an appropriate month to designate as ''Child Advocacy Center Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''Child Advocacy Center Month''; and

(2) commends the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1313 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1313, which supports the designation of the month of May as Child Advocacy Center Month and commends the National Child Advocacy Center for 25 years of service and leadership in confronting the epidemic of child abuse.

Tragically, Mr. Speaker, five children die each day as a result of child abuse and neglect in the United States of America. In 2008, a total of 1,740 children died as a result of such abuse. The National Child Advocacy Center provides critical training, prevention intervention, and treatment services to fight this urgent national problem.

In May of 1985, the National Children's Advocacy Center in Huntsville, Alabama, was founded by a young district attorney from Madison County named Robert Cramer, Jr. Mr. Cramer—who went on to be a Member of the House of Representatives from 1991 to 2009—organized the center to improve assistance to abused children and work to end child abuse.

Since then, the National Children's Advocacy Center has become a national leader for training child abuse specialists since their doors opened. After that, the center has trained more than 54,000 professionals from the United States and 20 other countries altogether. The work of the center has helped many children overcome the emotional distress that results from the frightening experience of abuse. This year, child advocacy centers nationwide will celebrate over 25 years of providing invaluable service to the hundreds of thousands of child abuse victims each year, which is an opportunity for us all to recognize the contributions of child advocacy centers.

Mr. Speaker, I express my support for Child Advocacy Center Month and thank Representative GRIFFITH for bringing the bill forward. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1313, recognizing the month of May as Child Advocacy Center Month and commending the National Child Advocacy Center in Huntsville, Alabama, on its 25th anniversary. Recognizing Child Advocacy Center Month allows us not only to raise awareness around the abuse and neglect that many of our children face every day, but also recognize the important work that child advocacy centers do in providing training, prevention, intervention, and treatment services to combat child abuse and neglect so that our Nation's children can live without fear.

Child abuse may include physical abuse, neglect, sexual abuse, and emotional abuse; and often children are victims of multiple forms of abuse. Statistics show that one in four girls and one in seven boys will be sexually abused before age 18. This saddening number highlights the need for child advocacy centers and will provide a place for various members from the community to provide the abused child with appropriate treatment and prevent further victimization while also deciding the best ways to investigate and prosecute child abuse cases.

In May of 1985, the National Child Advocacy Center opened in Huntsville, Alabama. It was the first center to utilize the resources of not only law enforcement and criminal justice professionals, but also child protective services and medical and mental health professionals in one comprehensive group.

In the 25 years since the creation of the Child Advocacy Center model, more than 900 centers have followed in those important first footsteps. Research has shown that education and support for communities has been successful in preventing child abuse. Therefore, it is imperative that, as members of the community, we know how we can help prevent and stop ongoing child abuse. Child advocacy centers provide an important element in these prevention activities. This is why I stand in support of this resolution.

Mr. Speaker, I think one of the greatest tragedies in America today is child abuse. The stories that you read, the horrific stories that you read in the newspapers, to me, are beyond comprehension when you see children die or children are abused. And this abuse will affect them—I have seen this as a physician—30, 40, 50 years after the abuse. I find it incomprehensible that an adult or anyone would abuse a child. You're only a child for a very short time in your life. I was blessed with a loving mother and father to be raised with, so I can't comprehend the situation that many children find themselves.

I want to encourage our colleagues, I want to thank all of the people in this country who get up every day and deal with these tragedies. This is very hard for the caregivers and people who deal with this—law enforcement personnel, the nurses, the doctors, the social workers who deal with this on a daily basis. It's difficult for them, too.

From the bottom of my heart, I absolutely support this, and I want to encourage everyone in this House to wholeheartedly support this resolution.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I once again want to thank Representative GRIFFITH for bringing this bill forward, and I thank Representative ROE for his support of this initiative. I support it, and I ask my colleagues to join me in support of Resolution 1313.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1313.

The question was taken.

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

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 323

Whereas during the Holocaust, which took place between 1933 and 1945, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators;

Whereas prior to and during World War II, the United States consistently refused to permit large-scale immigration of Jewish refugees, including the refusal of 936 Jewish refugees on the SS St. Louis in 1939;

Whereas after the end of World War II and the liberation of the concentration, labor, and death camps, many Jewish refugees who returned home were the victims of numerous violent pogroms, and those who did not return were housed in displaced persons camps in Europe;

Whereas between 1945 and 1952, approximately 96,000 Holocaust survivors displaced after the end of World War II were admitted to the United States;

Whereas since 1952, more than 100,000 additional Holocaust survivors, including Russian immigrants who suffered from persecution and anti-Semitic acts under the Soviet regime, emigrated to the United States;

Whereas approximately 127,000 Holocaust survivors remain in the United States, and many pass away each year;

Whereas those who survived torture and forced labor under Nazi occupation in concentration, labor, and death camps, as well as those who were forced to flee to a country or region not under Nazi rule or occupation during that time, continue to live with the scars of this unconscionable tragedy;

Whereas all Holocaust survivors are at least 65 years old with approximately three-quarters of them older than 75 and a majority in their 80s and 90s;

Whereas approximately two-thirds of Holocaust survivors are elderly women who have challenges such as family caregiving, face risks such as isolation and financial insecurity, and have specific health needs;

Whereas Holocaust survivors are 5 times more likely to be living below the poverty line than other older people living in the United States, and more than half of all Holocaust survivors fall beneath 200 percent of the Federal poverty threshold;

Whereas Holocaust survivors are more reliant on social service programs than most people in the United States over the age of 65, with proportionally more survivors than other older people needing home health care;

Whereas approximately two-thirds of Holocaust survivors live alone, and living alone is a risk factor for institutionalization;

Whereas while institutionalized settings are beneficial for some older people in the United States, institutions have a disproportionate adverse effect on Holocaust survivors by reintroducing the sights, sounds, and routines of institutionalization that are reminiscent of experiences during the Holocaust;

Whereas Holocaust survivors are getting older and frailer, and will be seeking support and assistance from social service providers to enable them to age in place; and

Whereas the United States represents and defends the values of freedom, liberty, and justice and has a moral obligation to acknowledge the plight and uphold the dignity of Holocaust survivors to ensure their well-being in their remaining years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goal of ensuring that all Holocaust survivors in the United States are

able to live with dignity, comfort, and security in their remaining years;

(2) applauds the nonprofit organizations and agencies that work tirelessly to honor and assist Holocaust survivors in their communities;

(3) urges the Administration and the Department of Health and Human Services, in conjunction with the Administration on Aging (AoA), to provide Holocaust survivors with needed social services through existing programs; and

(4) encourages the Administration on Aging to expeditiously develop and implement programs that ensure Holocaust survivors are able to age in place in their communities and avoid institutionalization during their remaining years.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 323 into the RECORD.

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

There was no objection.

Mrs. MCCARTHY of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 323, which supports the goals of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

During the Holocaust, which took place between 1933 and 1945, the Nazis and their partners murdered an estimated 6 million Jews and other targeted groups. Those who survived torture and forced labor under Nazi occupation continue to live with the scars of this horrible tragedy.

□ 1740

This resolution supports the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity and comfort in their remaining years. I applaud the nonprofit organizations and agencies that work extensively to honor and assist the Holocaust survivors in their communities.

This resolution urges the administration and the Department of Health and Human Services, in conjunction with the Administration on Aging, to provide Holocaust survivors with needed social services through existing programs.

Lastly, the resolution encourages the Administration on Aging to develop and implement programs that ensure Holocaust survivors are able to age in place in their communities and avoid being institutionalized during their remaining years.

Mr. Speaker, I want to thank my colleague, Representative WASSERMAN SCHULTZ, for introducing this resolution, and once again express my support. I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 323, to support the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. Sixty-seven years ago, a brave group of Jewish resistance fighters rose up against their German occupiers in the Warsaw Ghetto when the Nazis attempted to transport the remaining population to Treblinka extermination camp. Launched on January 18, 1943, the bulk of the uprising took place from April the 19 through May 16. It was the largest single revolt by the Jewish people during the Holocaust.

The United States officially commemorates the Holocaust during the Days of Remembrance, which is held each April, marking the anniversary of the Warsaw Ghetto Uprising. For the Holocaust survivors admitted or emigrated to the United States in the wake of the horrific atrocities during World War II, these events are a stark reminder of the darkness and hate they endured on a daily basis for more than 12 years.

Today, there are more than 36 million people in the United States who are over the age of 65, making it the fastest growing age group in the country. Of this total, more than 127,000 are Holocaust survivors remaining in the United States. All Holocaust survivors are at least 65 years old, and approximately three-quarters of them are older than 75 years of age, and a majority in their eighties and nineties. As more of these survivors age every year, our Federal, State, and local governments must provide them with the needed services they need to maintain their health and independence in their homes and communities.

The U.S. Administration on Aging, part of the U.S. Department of Health and Human Services, and responsible for administering the Older Americans Act, plays an important role in organizing and delivering social services for elderly Americans. The Older Americans Act is the first stop for seniors and their families to identify home- and community-based long-term care options, as well as transportation, nutrition, and referral to home care, health, and other social services.

When Congress, led by the Education and Labor Committee, last reauthorized the law in 2006, we strengthened the act to promote consumer choice, as well as home- and community-based supports to help older individuals avoid institutional care, improve health and nutrition programs, and educational and volunteer services, increase Federal, State, and local coordination, and reform employment-based training for older Americans. These important changes will ensure the quality and effectiveness of Federal programs aimed at assisting the elderly, including the Holocaust survivors still living and residing in the U.S.

Mr. Speaker, today we honor 127,000 survivors of the Holocaust currently living in the United States, and we pay tribute to those brave souls who have passed away over the last six decades. We applaud the work of nonprofit organizations and agencies that have worked and continued to work tirelessly to honor and to assist Holocaust survivors in their local communities. And we must commit to providing those survivors with needed social services so they are able to live with dignity, comfort, and security in their remaining years.

I urge my colleagues to support House Concurrent Resolution 323.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is the author of this resolution.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to offer House Concurrent Resolution 323, Ensuring that Holocaust Survivors Live with Dignity, Comfort, and Security. This important resolution recognizes the plight of Holocaust survivors, honors their unique needs, and pledges to help survivors attain the utmost comfort and well-being in their remaining years. And I want to thank my colleague from Virginia (Mr. WOLF) for cosponsoring it with me.

At the end of World War II, the Jewish population of Europe had been decimated through brutal, systematic annihilation by the Nazis. The atrocities perpetrated by the Nazi regime against Jews, Roma, the disabled, and other minority populations introduced a level of inhumanity previously unknown to this world. The Holocaust is a stain on our history which our society has pledged to never forget lest we risk repeating the barbarity of the past. The Jewish population around the world is still grieving from the loss of 6 million.

In the wake of this incomparable human destruction, thousands of survivors immigrated to America. Here, they hoped to secure a better future for themselves and their children. Escaping a ravaged Europe, survivors saw our Nation as a global example of freedom, liberty, and justice. They left the wreckage of the Holocaust and sought comfort on our shores. These brave survivors, who faced the terror of concentration camps, the trauma of fleeing Nazi occupation, and the grief of losing so many loved ones, embraced the American dream, raised families, and enriched our Nation and society in fields ranging from academia to medicine, art and government. Our country is stronger for their contributions, and our children have learned so much from the experiences of Holocaust survivors.

Now, more than 70 years later, there is more we can and must do to ensure that those who survived such atrocities live out their remaining years in peace. There are more than 127,000 Holocaust survivors still living in our Nation today, with more than three-quarters of them older than age 75, and a majority in their eighties and nineties. Roughly two-thirds of all survivors in America live alone, and many lack the financial resources for the most basic necessities, including proper housing and health care. In fact, a majority of Holocaust survivors fall below 200 percent of the Federal poverty line, equivalent to $21,660 per year, making this fragile community most at risk for being forced into a group living situation.

It is a little known tragedy that so many survivors of the death camps have aged in poverty and destitution in the United States. As a Nation that so strongly upholds the values of freedom and justice, we have a moral obligation to acknowledge the plight of these survivors and uphold their dignity to ensure their well-being in their remaining years. It is vital that we help this population, as a testament to what they have endured, and to fulfill the promise of justice that they sought in the United States.

As victims of terror and torture, these survivors have special needs that would benefit from the further development of social service programs to allow survivors to age in place in their current residences. Institutionalized settings, while appropriate and even beneficial for many older Americans, have a disproportionately adverse effect on Holocaust survivors, as these environments reintroduce the sights, sounds, and routines reminiscent of experiences during the Holocaust.

It is impossible for us to imagine the traumatic nightmares that survivors still experience. That is why it is so important for us to help this particular population secure alternatives to institutionalization such as aging in place, which may be more appropriate for a Holocaust survivor.

In introducing this legislation, we applaud those organizations that have already dedicated their tireless efforts to honoring and assisting Holocaust survivors in their communities across the country. These organizations strive every day to improve the difficult situations facing survivors in our communities. It is important that in coming years Congress work with the administration and the Department of Health and Human Services to provide Holocaust survivors with needed social services through existing programs, such as at the Administration on Aging.

It is fortuitous that this resolution comes to the floor the same week that we celebrate Chanukah, the Jewish festival of lights. This holiday is a time to dedicate ourselves to the ideals of justice. At a time of year when people of all backgrounds are exchanging gifts, we must remember those in our society who have had so much taken from them in their lifetimes. We must share these stories and proclaim these lessons in public, that ours is a Nation of freedom and justice for all.

Our children's generation will be the last to know Holocaust survivors and hear their stories firsthand. We must do all we can to honor their struggles and their lives by granting them the utmost peace in their remaining years.

I want to thank my colleagues on both sides of the aisle for their strong support; 102 Members are cosponsors of this resolution.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to my distinguished colleague from Virginia (Mr. WOLF).

□ 1750

Mr. WOLF. Mr. Speaker, I rise today in support of H. Con. Res. 323 and thank the gentleman for yielding.

I believe we have a moral obligation to ensure that all members of our society are able to age with grace and dignity and to speak out, to speak out if we notice that a particular group within our society is facing unique barriers toward this goal.

As many have noted earlier, there are approximately 127,000 Holocaust survivors living in the United States today. Despite being victims of unfathomable crimes, and crimes that unfortunately the world stood by and looked the other way for years and years and years, these individuals immigrated and assimilated into the United States to become valuable members and contributors to our society.

Nursing homes and assisted care settings provide many of my constituents with an invaluable service and caring homes. However, we are noticing that a disproportionate number of Holocaust survivors, many of whom are now in their eighties and nineties, are not able to easily transition to these facilities.

This is specifically due to their horrific past experiences. Just remember the movie, Schindler's List. Many facilities simply do not have the additional resources that would be necessary to care for most of these survivors.

Given this challenge, it is important we work to raise awareness of existing opportunities to minimize this emerging situation. Many Holocaust survivors and the nonprofit organizations and agencies that work with them daily have found that aging-in-place programs help to alleviate this problem.

I urge that the administration, the Department of Health and Human Services, in partnership with the Administration on Aging, and nonprofit groups, work with the Holocaust survivors to address their needs through existing programs and also to work on developing innovative and efficient solutions to address this challenge.

I am pleased to work again with my colleague from Florida (Ms. WASSERMAN SCHULTZ), to introduce this resolution to highlight this issue. Again, as I said, for the longest time in the thirties and forties, the world looked the other way.

Just go to the Holocaust Museum and see many times people were crying out and the word was coming out of Germany and yet people looked the other way.

So I strongly urge support of this and I hope when it's voted on, if there is a roll call vote, it will be a unanimous vote.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I rise today in support of this resolution to ensure that all Holocaust survivors in the United States are able to live with dignity, comfort and security and congratulate Congresswoman WASSERMAN SCHULTZ on its introduction.

An estimated 127,000 Holocaust survivors live in the United States today, including over 3,500 in the Chicago area, many in my congressional district. The Village of Skokie is home to one of the largest concentrations of Holocaust survivors in the country, and they inspired the building of the world-class Illinois Holocaust Museum and Education Center in Skokie.

Holocaust survivors are five times more likely to be living below the poverty level than other older Americans, and over half fall beneath 200 percent of the Federal poverty threshold. These men and women have survived the worst of human abuses and many have special needs as they age. It is critical that we uphold the dignity of Holocaust survivors and ensure their well-being in their remaining years.

I would like to applaud the efforts of the Jewish Federation of Metropolitan Chicago and other such organization that are working tirelessly to honor and assist Holocaust survivors in our community. We must all do more to ensure that Holocaust survivors can spend their remaining years living in comfort, dignity and security.

Mr. ROE of Tennessee. I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. I rise today to support this resolution and thank its sponsor, the gentlewoman from Florida, and call for its quick passage.

This important resolution highlights the often forgotten special needs of the few remaining Holocaust survivors. It also calls for the assurances that their final years will be comfortable and dignified.

Over 100,000 Holocaust survivors live in the U.S. today with 3,500 of those living in my city, Chicago. Three-quarters of those are in their eighties and nineties. The majority live alone and more than half live below the poverty line. As these individuals who survived torture, starvation and unspeakable

terrors age, they deserve to do so in their own homes rather than in institutional settings.

After all they have endured and overcome, these spirited survivors of the Holocaust deserve access to social service programs sensitive to their unique needs. This resolution will ensure they spend their last years with the same dignity with which they lived.

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

Mrs. MCCARTHY of New York. I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my fellow New Yorker for yielding.

I rise to support this legislation, this resolution. Everyone has spoken very eloquently, and I concur with everything that has been said. When I was looking at the resolution and the reasons for supporting it, I was absolutely shocked to see that there were still 127,000 Holocaust survivors left in the United States. I would have thought it was much, much less. And, of course, as people are saying many of them are in their eighties and nineties and deserve a little added help.

This great country has been a refuge for so many people throughout the years of this great republic and certainly the Holocaust survivors that came here after the Holocaust have been treated with dignity, have moved into American society. Their children and grandchildren have achieved great heights. But, unfortunately, too many of them today still live alone, are in their eighties and nineties, and need our help.

So I rise to support this resolution. I think this is the most noble thing that we can do. It's a great testimony to our great Nation, and I urge all my colleagues to support it.

Mr. ROE of Tennessee. Mr. Speaker, I want to associate my last remarks with the gentleman from New York and the remarks that have been made.

I think one of the greatest blights in world history is the history of the Holocaust. The world stood by and watched the murder of millions of innocent men, women and children. We just a moment ago spoke about child advocacy, and look at the families that were dislodged, displaced. It's one of the most horrific events in world history, I believe, and should never, ever, be allowed to be repeated on this Earth.

So I strongly encourage my colleagues to vote ''yes'' on this resolution. It's a privilege to be here and be on the House floor to speak on behalf of that.

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

Mrs. MCCARTHY of New York. Mr. Speaker, the Holocaust was one of the most unspeakable tragedies in history. The amount pain and suffering of those individuals who endured the terror of the Nazi regime can never be quantified.

House Concurrent Resolution 323 is an important resolution that calls on our Nation to ensure that Holocaust survivors are afforded appropriate resources in order to live their remaining years with dignity.

I am thankful that we live in a country that continues to cherish individual freedoms and maintains an unbreakable bond with Israel. It's imperative that our Nation teach lessons from the past, be a force for tolerance, and build upon shared democratic values and desire for security and stability.

With this in mind, I was proud to introduce H.R. 6363, the Supporting Law Enforcement through Lessons of the Holocaust Act earlier this Congress.

This legislation creates a new 4-year grant at the Department of Justice, our State and local law enforcement agencies, to carry out the programs that will teach these officers about the implications of the Holocaust for modern day law enforcement professionals.

Stories of personal struggle from the Holocaust live on through our historic records, families, friends and survivors of that horrific time. Our Nation owes it to the survivors to ensure their security and safety with utmost priority.

With that, I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

□ 1800

Mr. KLEIN of Florida. I thank the lady.

Mr. Speaker, I rise today to support H. Con. Res. 323, a resolution that calls attention to the thousands of Holocaust survivors who are living below the poverty line. We know in Florida we have a tremendous number of people that have come from that background. They deserve to live their lives in dignity. Holocaust survivors have endured torturous and unimaginable nightmares. All the more so they should be assured a life of comfort and security. It is truly tragic that Holocaust survivors are five times more likely to live below the poverty line than other older Americans.

We are coming together as Members today to send a clear message that we must all help lift Holocaust survivors out of poverty. This is a community obligation because we are human, and we must not allow suffering like this to reach those who have already suffered so much.

I would like to thank my friend, Congresswoman DEBBIE WASSERMAN SCHULTZ, the chief sponsor of this legislation. South Florida is truly lucky to have you. I would also like to commend the many good organizations in Florida and around the country that provide stellar social services to Holocaust survivors. They understand the unique needs of the survivor population and the urgent imperative to solve this crisis.

I call on my colleagues to swiftly pass this important resolution so that we may tell Holocaust survivors, you are not alone.

Mr. VAN HOLLEN. Mr. Speaker, I rise as an original sponsor of H. Con. Res. 323, a bipartisan resolution conceived with the purpose of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

During the Holocaust, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators. Approximately 96,000 Holocaust survivors were admitted to the United States immediately after the war. Another 100,000 Holocaust survivors were admitted after 1952. Today, approximately 127,000 Holocaust survivors live in the United States.

The majority of Holocaust survivors are at least 65 years old and approximately two-thirds of them are elderly women. Many of them face the risk of isolation and financial insecurity.

Holocaust survivors are 5 times more likely to be living below the poverty line than other older people living in the United States. They are more reliant on social service programs and most of them live alone. Living alone puts these survivors at increased risk of institutionalization.

While institutionalized settings are beneficial for some older people, institutionalization has a disproportionate adverse effect on Holocaust survivors by reintroducing sights, sounds, and routines that are reminiscent of their experiences during the Holocaust.

This bill encourages the Administration and the Department of Health and Human Services, in conjunction with the Administration on Aging, to provide Holocaust survivors with needed social services through existing programs. The bill also urges the Administration to expeditiously develop and implement programs that ensure Holocaust survivors are able to live their remaining years in place in their communities.

Mr. Speaker, the United States is a nation that values freedom, liberty, and justice. As such, we are morally obligated to acknowledge the plight and encourage the dignity of our citizens, such as survivors of the Holocaust, who have suffered and who are in need.

I encourage my colleagues to join me in support of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 323.

The question was taken.

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

Mrs. MCCARTHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING AMERICAN DIABETES MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1690) supporting the

observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1690

Whereas, according to the Centers for Disease Control and Prevention (CDC), there are nearly 24,000,000 Americans with diabetes and 57,000,000 with prediabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race and ethnicity, and income level;

Whereas the CDC reports that Hispanic-, African-, Asian-, and Native Americans are disproportionately affected by diabetes and suffer at rates higher than the general population;

Whereas, according to the CDC, every minute 3 people are diagnosed with diabetes, approximately 4,384 people each day;

Whereas, according to the CDC, approximately 1,600,000 new cases of diabetes were diagnosed last year in people 20 years or older;

Whereas a joint CDC and National Institutes of Health study found that 15,000 youth in the United States are diagnosed with type 1 diabetes annually and about 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas, according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of diabetes is undiagnosed, down from 30 percent in 2005;

Whereas, according to the CDC National Diabetes Fact Sheet, over 10 percent of American adults and nearly a quarter (23.1 percent) of Americans age 60 and older have diabetes;

Whereas, according to the CDC, one in three Americans born in the year 2000 will develop diabetes in their lifetime; this statistic grows to nearly one in two for minority populations;

Whereas, according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and one in ten dollars spent on health care is attributed to diabetes and its complications;

Whereas, according to a Mathematica Policy study, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas, according to the CDC, every day 230 people with diabetes undergo an amputation, 120 people enter end-stage kidney disease programs, and 55 people go blind from diabetes;

Whereas, according to the CDC, diabetes was the seventh leading cause of death in 2007, and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of or delay the onset of type 2 diabetes;

Whereas people with diabetes live healthy, productive lives with the proper management and treatment; and

Whereas November is widely recognized as American Diabetes Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Diabetes Month, including encouraging Americans to fight diabetes through raising public awareness about stopping diabetes and increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and awareness of the risk factors for diabetes, which include being over the age of 45, being a member of a specific racial and ethnic background, being overweight, having a low physical activity level, having high blood pressure, and having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

The SPEAKER pro tempore (Mr. OWENS). Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 1690. Earlier this year, the Energy and Commerce Health Subcommittee held a hearing on our collective battle against diabetes, the progress we have made so far and the challenges that remain.

Over 30 years ago, Congress passed the National Diabetes Research and Education Act, the first significant legislation directed at coordinating and expanding the government's research and prevention efforts related to diabetes. While we have made tremendous progress in understanding and treating diabetes, it remains a significant public health epidemic.

It's staggering to realize that over 23 million Americans have some form of diabetes today and the number is growing. Even more troubling is that 57 million Americans are at serious risk for developing type 2 diabetes, including women with gestational diabetes.

Until recently, kids were rarely diagnosed with anything but type 1 diabetes. But the increasing rate of childhood obesity is changing the face of diabetes, and certainly not for the better. Furthermore, diabetes is the leading cause of heart disease, stroke, blindness, and kidney failure. As is often the case, diabetes disproportionately affects racial and ethnic minorities. American Indians have the highest prevalence of diabetes nationwide, and Hispanics and African Americans are close behind.

Moreover, there is clear economic cost. It has been estimated that over $220 billion in medical expenses in 2007 can be attributed to diabetes. There are serious problems which need aggressive and innovative action. The National Institute of Diabetes and Digestive and Kidney Diseases located at NIH and the Centers for Disease Control are both doing landmark research and surveillance work related to diabetes and have translated this into more effective prevention and treatment strategies, including the development of key therapies and technologies.

I want to commend the sponsor of this legislation, the gentlewoman from Colorado (Ms. DEGETTE) not only for the work on this bill but for all the work on the Energy and Commerce Committee and also as the cochair of the Congressional Diabetes Caucus. I know I'm a member of it. It has well over 200 members, and it does a lot to raise awareness and increase education about the disease.

I urge my colleagues to support this resolution.

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

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Diabetes Caucus and a former vice chair and member of a regional board that included Nebraska for the American Diabetes Association before I came to the United States Congress, I rise in support of House Resolution 1690 supporting the observance of American Diabetes Month.

Diabetes touches nearly every life in this country. There are an estimated 24 million Americans today afflicted with diabetes, and that number is projected to double in the next 25 years. Diabetes is a group of diseases characterized by high blood glucose. It results when the body does not produce sufficient insulin or is unable to process insulin, a hormone that is needed to convert sugars, starches, and other food into needed energy for daily life.

Type 1 diabetes results from the body's failure to produce insulin, which allows glucose to enter and fuel the cells of the body. The most common form of type 1 diabetes is immune mediated diabetes, in which the body's immune system attacks and destroys the insulin-producing cells of the pancreas.

The common name for type 1 diabetes is juvenile diabetes. Even though juvenile diabetes is typically diagnosed during childhood or adolescence, it is a disease individuals must manage their entire lives. Type 2 diabetes, sometimes known as adult onset diabetes, results from the body's inability to make enough or properly use insulin. Type 2 diabetes is the most common form of diabetes, and its prevalence is rising every year. Approximately 57 million Americans are thought to have pre-type 2 diabetes. The complications from both forms of diabetes can be devastating and life altering, ranging from heart disease, stroke, and blindness to kidney disease.

In the case of type 2 diabetes, people can take steps to avoid the onset of the disease and mitigate its effects. Americans must understand that their health and the health of their families are in their hands. Balanced diets and increased physical activity can prevent

the disease and its complications. Those with histories of diabetes in their families must be especially vigilant.

□ 1810

I would like to thank the author of this resolution, the gentlewoman from Denver, the Rocky Mountain State, Ms. DEGETTE, for her efforts to improve awareness of this disease and supporting all of the education efforts. She is very vigilant on this issue, as I know because we are on the Energy and Commerce Committee together. The issue and why it is so necessary to educate is to highlight the importance of early detection. I encourage all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would like to now yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE), who is the author of the resolution and also the cochair of the Diabetes Caucus.

Ms. DEGETTE. Mr. Speaker, I want to thank Mr. PALLONE, the chairman of my subcommittee, who does such wonderful work on these diabetes issues, and also the gentleman from Nebraska. We have served for many, many years together on the committee.

I am very pleased we are able to bring this resolution to the floor while it is still, in fact, Diabetes Awareness Month, November, because diabetes is one of the top public health threats in our country today.

About 70,000 people are thought to have died from underlying causes of diabetes on an annual basis, with tens of thousands more deaths related to the disease. The CDC estimates that right now about 81 million Americans have diabetes or prediabetes, and we know many more will get it. With better research, we can determine how people lose their lives to this disease, and we can both, we hope, find a cure for the disease and also mitigate the losses.

As well as a terrible public health threat in this country, diabetes is also an important economic issue, which is why the Diabetes Caucus worked so hard to raise awareness in this body. Diabetes will cost this Nation almost $3.4 trillion through 2020, according to a recent study released by the United Health Group. One in every $10 in health care in this country is attributed to diabetes and its complications, and diabetes takes up more than 30 percent of our Medicare dollars.

What is more disturbing, Mr. Speaker, is that type 2 diabetes is increasing to epidemic levels, and as previous speakers have mentioned, threatens to take up an even bigger part of our budget in years to come and will affect millions more Americans.

Families, like my family, see diabetes up close every day. We have been touched just in my family by type 1 diabetes, type 2 diabetes, and gestational diabetes. This is not uncommon in America, as more and more families have experience with type 2 diabetes. Even though diabetes is increasing so dramatically, though, because of the research that we have done at the National Institutes of Health, at the CDC, and in the States, the personal toll of diabetes is becoming more manageable as we discover ways both to prevent type 2 diabetes and to treat and even find cures for type 1 and type 2 diabetes. Advancements in lifestyle interventions, screening, and testing can save money and save even more lives.

This year marked the 60th anniversary of the National Institute of Diabetes and Digestive and Kidney Diseases, which is the leading research organization at the NIH dedicated to tackling this devastating disease. And so six decades later, we continue to find different ways to approach this disease and help the millions of families that are affected by it.

So this year, as we support the goals of National Diabetes Month, let's also pass a bill separate from this bill that many of us have cosponsored to fund a special diabetes program. As with all things, this research must be paid for; but the cost of inaction, both physically and economically, is too high.

Diabetes issues have consistently been addressed by this body with interest and passion on both sides of the aisle, and we expect in the 112th Congress that this will continue. The Diabetes Caucus, which several have mentioned, of which I am the cochair, is, in fact, the largest caucus in Congress, with close to 250 members.

I want to take a moment just now because two of our great leaders in this body on this issue are going to be leaving us at the end of this session. MIKE CASTLE, who has been an extraordinary cochair of the Diabetes Caucus, is leaving, as well as ZACK SPACE, a beloved member of our committee, who is the vice chairman of the Diabetes Caucus. I invite all Members to join this caucus. And also, if anyone is interested in being a cochair, let me know, because it is important work that we do.

In the spirit of the bipartisan commitment that all of us have made, I think we need to come together and not just talk about how important research is but actually commit ourselves in the next session of Congress to working together on legislation. We can work together not just on recognizing Diabetes Month, but also work together on the Special Diabetes Program, which will help to save countless American lives and to not leave this critical initiative on the to-do list again another year.

Mr. TERRY. Mr. Speaker, the gentlelady from Colorado mentioned the gentleman from Delaware who wanted to be here and speak on this resolution, her cochair, MIKE CASTLE, but he was called back to his home since we don't have any more votes this evening.

At this time, I yield 2 minutes to the new gentleman to the House of Representatives from the State of New York (Mr. REED).

Mr. REED. I thank my colleague from Nebraska, and I thank you, Mr. Speaker, for the opportunity to stand tonight and rise in support of H. Res. 1690. I appreciate the opportunity to speak today in regard to American Diabetes Month.

To me, it has been an honor and a privilege to be involved with many diabetes advocacy groups over the years, particularly the Juvenile Diabetes Research Foundation.

This issue is a personal issue with my family. My son, Will, who is 10 years old, was diagnosed with type 1 diabetes at the age of 4. I personally will never forget the day, being rushed to the emergency room, as I had to hold him down and look him in the eye, with tears in his eyes, as he screamed in terror as to why, Daddy, are you holding me and letting these doctors hurt me? And we were doing it for his best interest because he had to be administered insulin to take care of his diabetic situation. My wife and I have been living with this disease for well over 6 years. I watch my wife every night get up at 2, 3, 4 in the morning, testing his blood glucose levels to make sure that he is properly monitored and that his diabetes is kept in check.

It is important to me today to stand up and recognize that there is no cure at this point in time for juvenile diabetes or diabetes itself. I hope in the near future and as a Member of this Chamber that that cure will be found. But in the meantime, I join my colleagues in expressing my concern for the 24 million children and adults in the United States who are living with this disease, and the estimated 57 million Americans that are at risk.

Today, we must become aware of this disease and its symptoms to make sure that everyone who suffers these symptoms of frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue and irritability check with their medical providers and make sure that they are checked for diabetes, because it has life-threatening impacts such as blindness, amputation, and kidney failure.

I am here today to stand in support of this measure, and I will do whatever is in my power to raise awareness for diabetes and finding its cure as my tenure here in this House so allows.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), who is the sponsor of the Gestational Diabetes Act, H.R. 5354, which passed the House earlier this year.

Mr. ENGEL. I thank my good friend from New Jersey, the chairman of our subcommittee, who does an excellent job, for yielding to me, and I rise today in support of H. Res. 1690, a resolution supporting the observance of American Diabetes Month. As a member of the Congressional Diabetes Caucus and a cosponsor of this resolution, I urge my colleagues to vote in favor of H. Res. 1690.

My colleagues may be aware that one in every 10 Americans suffers from diabetes. This is nearly 24 million people. Additionally, according to the Centers for Disease Control and Prevention, there are 57 million Americans with prediabetes.

□ 1820

Even more troubling is that these staggering numbers will continue to grow if we sit idle and do nothing. We must continue to raise awareness and find new treatments and preventative measures.

In October, the CDC issued a report which states, if current trends continue, as many as one in three American adults could have diabetes by the year 2050. The report also states that the $174 billion currently spent on diabetes will at least double by 2050. These are costs that we cannot afford both financially and physically, and the prospect of these statistics jumping from 1 in 10 to 1 in 3 is frightening, but the good news is that it is also preventable.

That's why, as the chairman mentioned, I introduced the Gestational Diabetes Act, or GeDi. The GeDi Act focuses research resources on reducing the incidence of gestational diabetes, which is a condition that can result in a higher risk of developing type 2 diabetes during pregnancy for both the mother and child.

The GeDi Act passed the House of Representatives in September. I call upon our colleagues in the other body to pass my legislation in the 111th Congress so we can help turn the tide away from these dire predictions.

While we cannot fight family history, genetic risk factors, or the aging process, we can fight the causes of new cases of diabetes. We in the House of Representatives have the ability and responsibility to raise public awareness about the implications of diabetes and how to prevent it. That is why I stand in strong support of H. Res. 1690.

Mr. TERRY. I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I now yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Thank you, Mr. Chairman, and thank you, Ms. DEGETTE, for your leadership on this issue.

Mr. Speaker, I sympathize with the new Member from New York. He and Ms. DEGETTE and I have something in common. We all have children who suffer from type 1 diabetes. Although it is a family tragedy when it happens—and we all have those stark memories of being told that your child is going to be for the rest of his or her life dependent upon insulin—and although it is life changing, it transcends. The issue of diabetes transcends the personal tragedy that it inflicts on millions of families, and we have heard the numbers by some of my colleagues today.

The ADA, the American Diabetes Association, estimates now that north of $200 billion a year is spent on diabetes in this country. That's ''billion'' with a ''B.'' Those are warlike numbers. The real tragedy is we could avoid that. If we had any kind of foresight envisioned as a Nation, we would invest in a cure. For a fraction of what we spend in this country on diabetes every year, we could cure the disease. It's within reach. This isn't cancer or some complicated disease of the brain. This is an autoimmune disorder that affects the pancreas. We already have the technology for the artificial pancreas. With a very small fraction of what we spend on diabetes every year, we could give every type 1 diabetic in America a closed-loop system—an insulin pump and a glucose monitor—that, through technology, works like a pancreas. We could save, not billions, but trillions of dollars over the next 30 to 40 years.

As parents of diabetics, we know what our children face. By the time my son is my age, for example, he will be facing the prospect of blindness, kidney disease, and amputation, and our government is going to pay for it.

There is an alternative, and I urge this body in the 112th Congress to strongly consider investing here. For every dollar you put in, you will receive hundreds back. You will save lives, and you will advance human life in ways that are difficult to even conceive of right now.

So, again, I want to thank my colleague from Colorado (Ms. DEGETTE) for her tireless work, and I want to thank my chairman, Mr. PALLONE, for this time.

Mr. TERRY. I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I now yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much.

Ladies and gentlemen of the House, with nearly 23 million children and adults in the United States living with this disease, it is, indeed, time to reassess our own fitness and nutrition choices, to educate ourselves on the risk factors, and to then encourage everyone, especially our loved ones, to get tested.

In my home State of Georgia, approximately 700,000 children and adults, or 7.8 percent of Georgia's entire population, have been diagnosed with diabetes. Raising awareness about the devastating effects that diabetes can have on people and their families must not go overlooked.

Many people do not realize that diabetes is the leading cause of blindness among adults between the ages of 20 and 74 years old. It also contributes to serious health problems such as heart disease, stroke, and kidney failure. Nationwide, 23.6 million people, or 7.8 percent of the Nation's entire population, have diabetes. Further, 17.9 million people have been diagnosed, 5.7 million are undiagnosed, at least 57 million people are prediabetic in this country, and 220 million people have diabetes worldwide. These are startling statistics, and the numbers continue to rise. Sadly, thousands more are at an increased risk of getting diabetes because of advancing age, obesity, sedentary lifestyles, unhealthy eating habits, and insufficient physical activity.

Diabetes not only affects the health of our Nation but our economic well-being as well. In my State of Georgia, the cost of diabetes due to medical care, lost productivity, and premature death is over $5.1 billion per year, with $356 million lost in my own congressional district alone.

Early testing is crucial to saving lives and even to preventing the onset of the disease in the first place. When diabetes is diagnosed in later stages, the treatments are more extreme, more difficult, and hospital visits are more frequent. Catching the disease in its early stages helps patients mitigate the harmful effects early.

As a Member of Congress, I will do everything in my power, along with all of my colleagues, to ensure that Americans are empowered to take control of their health and to get tested.

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

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

Mr. SCOTT of Georgia. I also want to continue to work with my colleagues in Congress to address juvenile diabetes because it can be prevented at an early stage with just testing, care, and increased funding for additional research as the number of cases continues to steadily increase.

Again, I am honored to observe November as American Diabetes Month, and I am hopeful with an increased awareness of this devastating disease that we can save more people from being diagnosed with diabetes. We can lick this. There is a cure. All we have to do is put it as the priority it needs to be, and we will save lives, millions of lives.

I certainly appreciate and commend Mr. PALLONE and the gentlelady from Colorado (Ms. DEGETTE) for authoring this important resolution.

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

Mr. PALLONE. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1690, as amended.

The question was taken.

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

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1830

COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

Ms. ESHOO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2847

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 ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ESHOO) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise this evening to urge my colleagues to vote in favor of a bill designed to eliminate the ear-splitting levels of television advertisements and return control of television sound modulation to the American consumer. A vote for this bipartisan bill with 90 cosponsors will send it on to the President for his signature, and when he signs it, it will bring relief to millions of television viewers across the country.

I first introduced the CALM Act more than 3 years ago in the previous Congress. The premise of the bill then, as now, was simple, to make the volume of commercials and regular programming uniform so consumers can control sound levels.

The problem with ear-splitting TV advertisements has existed for more than 50 years—not 5, 50. Television advertisers first realized that consumers often left the room during commercials, so they used loud commercials to grab their attention as they moved to other parts of their home. This has been one of the top complaints to the Federal Communications Commission for decades.

The bill directs the FCC to adopt the engineering standards recommended by the body that sets the technical standards for digital television as mandatory rules within 1 year. These standards were developed when I introduced the legislation in the last Congress.

So now we don't have to wait another 50 years for a solution. With the passage of this legislation, we will end the practice of consumers being subjected to advertisements that are ridiculously loud, and we can protect people from needlessly loud noise spikes that can actually harm their hearing. This technical fix is long overdue, and under the CALM Act, as amended by the Senate, consumers will be in the driver's seat.

I look forward to the enactment of this bill, but most importantly, so do millions of consumers across the country. So I urge my colleagues to vote for the bill.

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

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

How many times a night does this scenario play out: You're on your couch and you're watching a nice program. The program has people conversing and it's getting to that pinnacle point in the show and it fades, and the commercial comes on and it's really loud. You reach for your remote and you can't find the remote. Your spouse in the other room, with her impatient voice, says, Turn that down, but you can't find the remote. You say, where is that blankedy-blank remote. Then you look between the cushions and there it is. You hit the mute button, and peace and calm is now restored in the living rooms of thousands of American households.

Several of my colleagues, people in this House, have said that this act isn't needed, but for that living room on that night it was sure helpful to restore calm. The Commercial Advertisement Loudness Mitigation, or CALM Act, is why we are here today. Some say, and especially coming on the heels of the last bill, a Diabetes Awareness Month bill, that maybe there are more important issues to deal with; well, not for that family in that living room on that night.

I do want to point out one thing here in that the industry has recognized that there is an issue with the loudness of the commercials. On November 5, 2009, the Advanced Television Systems Committee, ATSC, announced the approval of an industry standard, the ''ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television,'' which provides guidance to creators and distributors of TV content focusing on audio measurement, audio monitoring techniques, and methods to control loudness. It's not as easy as we may think to control that, especially when you come off of a calm commercial or a show into a more boisterous commercial.

Now this bill has been amended in the Senate to codify that standard that has been developed by the experts. The industry will move to solve the purported concerns by simply moving to comply with that consensus standard. Furthermore, the act would create a kind of ''safe harbor'' by deeming an operator that installs, utilizes and maintains the appropriate equipment and software in compliance with the act.

Now while many Members may feel that there are more important issues for this Congress to deal with, this is the issue at hand. And as a member of the Energy and Commerce Committee where this went through regular order of subcommittee and committee, we stand in support.

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

Ms. ESHOO. Mr. Speaker, in closing, I would like to thank all of the staff, both at the committee and certainly at my office, that have worked hard on

this bill over the last 3 years. And I would like to thank Mr. TERRY for the remarks that he made about the legislation.

This really is a very simple bill. It started out as a one-page bill, it's now maybe two and a few lines. It was never drafted with the intent that it would solve some of the great, great challenges that are facing our country. It is a small bill, but it is consumer friendly. And it does recognize the complaints that the American people have registered with the FCC over the last 50 years; in fact, it's been the top complaint.

I want to thank the broadcasters for working with us, for those that came up with the technology, the technology standard that will be the national standard for broadcasters, satellite and cable.

Again, I would like to thank all that were involved in this and urge my colleagues to vote for this bill. I think that we will have more peace in homes across the country, as Mr. TERRY described it.

Mr. GENE GREEN of Texas. Mr. Speaker, I am an original cosponsor of the House companion to the bill we are considering today.

I appreciate the leadership shown by Congresswoman ESHOO, who introduced the CALM Act and moved it through our committee and saw it passed by voice vote on the floor late last year.

I am pleased we have the opportunity to consider these measures once again, because I believe it is important to set some boundaries for reasonable practices for television advertisements.

Perhaps only during the Super Bowl do Americans actually look forward to television commercials.

The rest of the time, most of us are mildly inconvenienced but understand that this short time spent watching ads allows for the programming we enjoy.

What has become increasingly prevalent and extremely disruptive is the distinctly higher volume of sound of these commercials compared with the volume of the programming. There is a significant difference and it interferes with the viewer's ability to enjoy the experience.

This bill will effectively end this discrepancy in volume.

I believe that this is reasonable regulation and preserves the viewers' ability to control their own electronic devices without wildly fluctuating sound.

I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill, S. 2847.

The question was taken.

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

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1840

CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1735

Whereas Yeonpyeong Island is a South Korean island in the Yellow Sea, inhabited by over 1,000 South Korean civilians and military personnel;

Whereas, on November 23, 2010, at approximately 2:34 p.m. local time, the North Korean military began firing artillery shells at Yeonpyeong Island;

Whereas North Korea fired over 100 artillery shells, causing considerable harm and damage;

Whereas the artillery barrage killed 2 South Korean marines, 2 civilians, and wounded at least 19 others;

Whereas the USS George Washington Carrier Strike Group is conducting exercises with Republic of Korea naval forces in the waters west of the Korean Peninsula;

Whereas North Korea's shelling of Yeonpyeong Island follows the hostile torpedo attack against the South Korean naval vessel Cheonan on March 26, 2010, that killed 46 sailors;

Whereas the North Korean artillery barrage was one of the most serious attacks on civilians since the Korean War, and press reports indicate the highest levels of North Korea's government ordered the attack;

Whereas the recent disclosure of a newly operational North Korean uranium enrichment plant is a violation of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

Whereas the United States is firmly committed to the defense of South Korea and to the maintenance of regional peace and stability: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns North Korea in the strongest terms for its unprovoked military attack against South Korea in violation of the Korean War Armistice Agreement and for causing civilian casualties;

(2) calls for North Korea to renounce further acts of aggression and abide by the terms of the Korean War Armistice Agreement and its international obligations;

(3) expresses its deep condolences and sympathy to the South Korean victims and their families;

(4) stands in solidarity with the people and Government of the Republic of Korea at this time of national crisis;

(5) reaffirms its strong commitment to the alliance between the United States and the Republic of Korea, the security of South Korea, and stability on the Korean Peninsula;

(6) supports further close, security cooperation between the United States and the Republic of Korea;

(7) encourages continued dialogue and cooperation between the United States and United States allies and other countries in the region in the interests of enhancing peace and security in the Asia-Pacific region;

(8) calls on China to restrain North Korea, its treaty ally, from further acts of belligerence and to work constructively with the international community to promote regional stability;

(9) calls upon North Korea to immediately cease any and all uranium enrichment activities and take concrete steps to dismantle, under international verification and assistance, all sensitive nuclear facilities, in accordance with United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

(10) urges responsible nations to abide by United Nations Security Council Resolutions 1695, 1718, and 1874, and to fully implement the sanctions and other obligations contained therein.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

A little over a week ago on November 23, North Korea launched a brazen daytime artillery barrage on a South Korean island inhabited by civilians. North Korea fired over 100 rounds at Yeonpyeong Island, killing two South Korean civilians and two young Marines. The shelling also caused considerable damage to the island.

This provocative military act by North Korea was one of the most serious attacks involving civilians since the end of the Korean War and is in violation of the Armistice Agreement.

This bipartisan resolution strongly condemns North Korea's unprovoked attack, calls on the North to renounce further acts of aggression and abide by the terms of the Armistice Agreement.

I would also like to express my deepest sympathies and condolences to the South Korean victims and their families.

This resolution expresses the House of Representatives' firm solidarity with the people and the government of South Korea. We stand shoulder-to-shoulder with them at this time of national crisis.

This resolution also expresses support for the continued close security cooperation between the United States and South Korea and for the alliance between our two nations. Indeed, a U.S. aircraft carrier strike group is currently conducting exercises with the

South Korean Navy in waters west of the Korean Peninsula. This exercise demonstrates the strength of the alliance and of U.S. commitment to regional stability through deterrence.

The United States is committed to the security of South Korea, maintaining stability on the Korean Peninsula, and ensuring peace in Northeast Asia. We are ready to encourage cooperation and dialogue with our allies and other countries in the region to promote peace and security in the Asia-Pacific.

Last week's artillery attack was just the latest in a long line of provocations by North Korea. The recent revelations about a new North Korean uranium enrichment facility are very troubling, as it will enable North Korea to again expand its nuclear arsenal.

The construction of this enrichment facility is a clear violation of Security Council resolutions that were passed in 2006 and 2009. We call on North Korea to cease its uranium enrichment activities, take concrete steps to dismantle all of its nuclear facilities, and fully and transparently abide by the relevant Security Council resolutions.

Finally, this resolution urges China to restrain North Korea from further acts of belligerence and to work constructively with the rest of the world to promote lasting peace on the Korean Peninsula and stability in Northeast Asia.

A longtime treaty ally of the North, China can clearly exercise significant leverage on that nation. No one wants to see another war on the Korean Peninsula, but North Korea must understand that its actions have consequences, that it cannot violate the Armistice, kill innocent civilians and break its international obligations.

I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong, vigorous support of this resolution condemning the continued belligerent behavior of North Korea. Pyongyang's brinkmanship threatens the peace and security of not only the Korean Peninsula but the whole region.

The artillery shelling of a South Korean island last week was the first such attack directed at civilians since the Korean War in the 1950s. We join our South Korean allies in mourning the deaths of both civilians and young Marines and offer our sincere condolences to the victims' families.

In addressing another Korean crisis, as a presidential candidate almost six decades ago, Dwight Eisenhower said, ''In this anxious autumn for America one fact looms above all others in our people's minds. One tragedy challenges all men dedicated to the work of peace. This word is Korea.''

For the shelling which we condemn today, and the treacherous attack on civilians, is merely the tip of the North Korean spear of hostility.

Another revelation came a mere week earlier of a North Korean secret uranium enrichment plant, a revelation described by a visiting American physicist as ''stunning.''

The plant also laid bare the duplicity, deceit, and treachery with which North Korea has approached the whole denuclearization issue for the past 20 years.

The unconscionable revelations of classified information in the past few days by WikiLeaks have nonetheless opened our eyes to the full extent of the North Korean cooperation with the little tyrant from the desert, Ahdmadinejad, and the Iranian regime on missile technology. Thanks to Pyongyang's proliferation, Iranian warheads, possibly carrying a nuclear payload, can now reach American allies in the Middle East and even as far away as Europe.

We have also learned that Air Iran transports landed at a Beijing airport to carry missile equipment from North Korea to Iran. There is indeed a North Korean-Iranian axis of evil with malice toward mankind. Its linkage runs right through the heart of Beijing, China.

Does China, a permanent member of the U.N. Security Council, have no guilt or have no shame when it blatantly disregards the Security Council's resolutions directed at both Pyongyang and Tehran?

In that anxious autumn of 1952, Dwight Eisenhower pointed to his World War II experience as a roadmap for dealing with the dictators of Pyongyang. ''I know something of this totalitarian mind,'' the General said. ''Through the years of World War II, I carried a heavy burden of decision in the free world's crusade against the tyranny then threatening us all.

''World War II should have taught us all one lesson. The lesson is this: to vacillate, to hesitate, to appease—even by merely betraying unsteady purpose—is to feed the dictator's appetite for conquest and to invite war itself.''

Without firm resolve, more Six Party tea parties in Beijing, as proposed by China, will prove as meaningless as those that have occurred in the past. Beijing must come to understand and clearly demonstrate that it will no longer provide diplomatic, economic, and even military cover for Pyongyang's dangerously recklessly behavior.

From the Mediterranean to the Yellow Sea, through missiles and artillery, North Korea has become an increasing threat to the peace and the stability of the community of all nations. China must firmly rein in its out-of-control puppet state before events spiral completely out of control.

The risks are grave, Mr. Speaker. Our resolve must be firm as we stand with our South Korean allies in their hour of potential peril. I urge my colleagues to give their vigorous support to this resolution, which I am proud to be a cosponsor.

I reserve the balance of my time.

□ 1850

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to a very distinguished member of our committee, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. Chairman.

I, too, want to express my appreciation for this resolution. I am proud to be a cosponsor. After this event happened, this unprovoked attack by the North on the island, my son and I communicated with a good friend of ours in Korea and learned of some of the devastation and so on. This is a serious matter. This resolution speaks in, I think, excellent detail as to what we expect in terms of activity by the North. And I want to again thank Chairman BERMAN and Mr. POE and others who have brought this to the floor.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU).

Mr. DJOU. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, my congressional district potentially lies in the flight arc of North Korea's ballistic missiles. Should anything happen in the Korean Peninsula and deteriorate to war, it is the soldiers, sailors, and airmen in my congressional district at Pearl Harbor, Hickam Air Force Base, and Schofield Barracks who will be the first ones called into action on the Korean Peninsula.

The United States must make a firm and clear commitment not only to condemn these belligerent acts by North Korea, but also firmly commit our Nation to unifying the Korean Peninsula under a free, democratic, and capitalist regime. Our Nation must make a commitment to a unified, free, and capitalist Korea in the same fashion that we committed to a united, free, and capitalist Germany during the Cold War.

During this past year, the North Korean Government has shown its unwarranted, unprovoked attacks on South Korea by illegally seizing a South Korean fishing vessel and illegally sinking a South Korean naval vessel. And now the shelling of a South Korean island, unprovoked, shows that the North Korean regime cannot be trusted and must be changed.

This is why it is so important the United States commit to a quick and prompt passage of a free trade agreement between the United States and South Korea, and through the passage of this resolution. We must strengthen our bonds between the United States and South Korea to stand as a bulwark against the aggressive and repressive North Korean Government.

Mr. Speaker, I thank you for the opportunity to speak and urge passage of this resolution.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to my friend and colleague from the committee, as well as the Financial Services and Agriculture Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Chairman BERMAN.

This unwarranted attack by North Korea on South Korea demonstrates more than anything else the dangerous state that our world is in. It is extraordinarily important that we here in Congress condemn in the strongest possible way this act, unprovoked on the part of North Korea, and to let the people of South Korea and the people of the world know just where the United States stands. We stand strongly and firmly with our ally South Korea and condemn this unwarranted, gross, unjustified attack on South Korea. I commend Chairman BERMAN for bringing this important resolution to the floor.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), who is the ranking member of the Foreign Affairs Subcommittee on Africa and Global Health.

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

Mr. Speaker, I want to rise in strong support of H. Res. 1735, condemning North Korea's unprovoked shelling of the South Korean island of Yeonpyeong on November 23. I want to thank my good friend and colleague Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN for introducing the resolution. And I, too, like Mr. POE and others, am very proud to be a cosponsor.

Mr. Speaker, with this resolution, we extend our deep condolences and sympathy to the families of those killed and injured in the attack. It's especially fitting that we as Americans do this since, along with the tremendous sacrifices for freedom made by the people of South Korea, we have lost tens of thousands of Americans in that same cause.

Mr. Speaker, since the shelling of Yeonpyeong Island was an act of aggression committed against an ally, the resolution also rightly affirms our alliance with South Korea, supports further cooperation on security matters, and calls on China to use its influence to restrain North Korea.

Mr. Speaker, it's important to remember that North Korea's aggression toward South Korea has almost been nonstop since 1950. It has taken the form of either full-scale war or, since 1953, sporadic shelling and shooting and skirmishing near the DMZ, or tunnelling under the DMZ, or seizing the Pueblo, an American vessel, in 1968, or kidnapping South Koreans abroad, or torpedoing the Cheonan, a South Korean vessel, in March of this year.

Similarly, since 1950, the North Korean Government has treated its own citizenry with profound disrespect and outright hostility. It makes normal human relations impossible for them by creating a system in which parents and children, friends and relatives are forced to spy and report on each other—an atmosphere of total distrust, total fear, and total social atomization.

It terrorizes them into worshipping the Kims, father and son, as if they were gods. Their personality cult is the only religion permitted in North Korea. Economic life is such madness that, about 10 years ago, as many as 2 million North Koreans starved to death. And within this large gulag that is North Korea, the Kim family has created smaller, more severe gulags, Kwan-li-so prison camps, and sent an estimated 200,000 people to live or, better stated, survive in them. Here we move from the nightmare of everyday life into a veritable hell on Earth, where forced labor, near starvation, rape, and the cruelest forms of torture prevail, and forced abortion and chemical experimentation on inmates is commonplace.

Mr. Speaker, our government must continue to stand in solidarity with all those threatened and terrorized by the monstrous Government of North Korea, and with the residents of Yeonpyeong Island, and with all the people of both South and North Korea. I urge strong support for the resolution.

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

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in strong support of this resolution condemning North Korea's act of aggression toward South Korea. Thirty-seven years ago, I was stationed in Korea, within an artillery shell of the DMZ. I have seen firsthand and up close what freedom can do. When I arrived there, it was a military dictatorship. Today, you have a market economy with a freely elected democracy that's being attacked relentlessly, as other speakers have said, by the rogue nation in the North.

I can't emphasize strong enough how important it is for us to act decisively against this act of aggression against a free nation. And I want to associate my remarks also with all of the speakers that have been here today. I also want to call on China to exert every bit of pressure they can on the rogue nation of North Korea. I urge my colleagues to support this resolution.

Mr. BERMAN. I reserve the balance of my time.

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

In closing, Mr. Speaker, the United Nations reports that North Korea trades in missiles and nuclear technology with not only Syria and Iran, but even Burma. And this is a grave situation since China won't do anything, and North Korea takes our western money with the empty promises of peace, but still rattles its sabers and soon will rattle its nuclear weapons.

□ 1900

The United States must finally adopt a policy that holds both North Korea and China accountable for their belligerent actions against South Korea and the free world.

I do want to thank the chairman for bringing this strong resolution to the House floor. I urge all my colleagues to adopt this resolution.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I join in asking for an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1735.

The question was taken.

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

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PROVIDING FOR APPROVAL OF U.S.-AUSTRALIA NUCLEAR ENERGY AGREEMENT

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6411) to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6411

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

SECTION 1. APPROVAL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF AUSTRALIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, done at New York, May 4, 2010, may become effective on or after October 8, 2010, as if all the requirements in such section 123 for consideration of such agreement had been satisfied, subject to subsection (b) of this section.

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954 AND OTHER PROVISIONS OF LAW.—Upon coming into effect, the agreement referred to in subsection (a) shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and any other applicable United States law as if such agreement had come into effect in accordance with the requirements of section 123 of the Atomic Energy Act of 1954.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

Mr. TANNER. Mr. Speaker, H.R. 6411 approves the U.S.-Australia agreement for peaceful nuclear cooperation, which replaces the current U.S.-Australia agreement that expires in January.

I know everyone here agrees that Australia is a close friend and valued ally to our country. Moreover, Australia provides over 20 percent of the uranium used by U.S. domestic nuclear power reactors. While the United States does not need a framework agreement for peaceful nuclear cooperation in force to purchase and receive uranium fuel supplies, Australian law does require such an agreement in order to export uranium.

If a new agreement is not passed and does not come into effect this year, it will have to be resubmitted to the next Congress. Given the statutory requirement for 90 days of continuous session to elapse, it would likely be May before the new agreement could come into effect.

If Australia is therefore forbidden by its own law to export uranium to the United States in the interim, it would stand to lose some $250 million in revenue. But, more importantly, the bill would ensure that this new agreement comes into force and that we, the United States, can continue to purchase what we require in this nuclear domestic power reaction field.

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

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

This companion bill to S. 3844 ensures that the proposed nuclear cooperation agreement with Australia is approved before the existing agreement expires at the end of this calendar year.

Since the Australia 123 agreement was submitted on May 5, changes to the announced House schedule created the possibility that Congress might possibly adjourn before the agreement met the Atomic Energy Act's requirement of a review period of 90 days of continuous session.

The direct result would have been a disruption of several months of our nuclear trade and cooperation with Australia, which supplies the United States 25 percent of its uranium. But now it appears that the projected extension of the lame duck session will be sufficient to meet the 90-day requirement.

However, there are still several reasons the House should still vote to pass this bill. The most important is the opportunity to express our strong support and admiration for our close ally, Australia. For seven decades the United States and Australia have developed ever closer ties, which have been repeatedly tested in both war and peace.

Beginning in World War II and extending through Korea, Vietnam, Iraq, and now Afghanistan, the United States and Australian troops have fought side by side. In fact, Mr. Speaker, Australia has been a loyal ally in every major war since World War II that the United States has fought in.

Without its bedrock support, the defense of our interests in the East and South Asia would be greatly undermined. Reliable allies are rare in this world, and close friends are even rarer.

This bill also is a recognition of Australia's exemplary record in preventing the proliferation of nuclear weapons worldwide. It has taken responsibility very seriously and cooperated closely with the United States on nonproliferation issues across the board, most recently by joining with us to impose new and tougher sanctions on Iran.

There is another and equally important reason the House should vote for this bill: Namely, to demonstrate the contrast between this nuclear cooperation agreement with Australia and that proposed for Russia, which is also before Congress and which also faces an expiration of the 90-day deadline.

While Australia has been a reliable ally and a partner and honest with the United States, Russia has worked to undermine our interests around the world, from Iran to Europe and Venezuela to Syria. Moscow's overt and covert assistance to Iran's nuclear program has been crucial to Tehran's progress in developing a nuclear weapons capabilities.

It has built the Bushehr nuclear facility, which is scheduled to come online in January, and the Russians have said they are ready to construct several more. Russia has repeatedly acted to protect Iran from international pressure aimed at halting its nuclear weapons program.

Its repeated threats to veto any significant U.N. Security Council effort to impose sanctions on Iran have ensured that only weak measures have been adopted, which Tehran has laughed at and ignored. Russia has also signed nuclear cooperation agreements with the rogue regimes in Burma and Venezuela and continues to market its nuclear wares anywhere in the world to anyone that has a little money to spend.

Given this record, an intelligent observer might wonder why we are even considering nuclear cooperation with a country so determined to undermine our interests, that consistently does not tell the truth. Well, the answer is that this nuclear cooperation agreement was offered to Russia first by the previous and then by the current administration as one of a series of gifts in an effort to bribe Moscow into cooperating on Iran.

The strategy obviously has not worked, and the agreement certainly cannot be sold on its merits. Moscow sees this as a way to make money, but it is difficult to identify how the United States might benefit from the agreement.

By voting for this bill, the House will reaffirm its strong support for the United States' alliance with our friends and allies, the Australians.

It will thereby demonstrate that we will support nuclear cooperation agreements only with those countries which have earned our trust, which have not aided our enemies, and which have consistently acted to prevent the spread of nuclear weapons. Russia meets none of these conditions, and we must not reward it for its actions that, either recklessly or deliberately, have greatly undermined the security of the American people and that of the world as a whole.

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

Mr. TANNER. Do you have any more speakers?

Mr. POE of Texas. We have no other speakers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will address the Chair.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 6411.

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.

□ 1910

COMMENDING THE NATO SCHOOL

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 527) commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 527

Whereas the NATO School in Oberammergau, Germany is the North Atlantic Treaty Organization's (NATO) premier operational-level education and training facility and has administered courses to over 185,000 officers, noncommissioned officers, and civilians from NATO allied and partner nations since its inception in 1953;

Whereas for 60 years, NATO has served as the bedrock of transatlantic security and defense, successfully defending the territories of its North American and European member

states from a range of external threats and promoting democratic values throughout North America, Europe, and Eurasia;

Whereas since the fall of the Berlin Wall and the end of the Cold War, NATO has been adapting to address a range of new and emerging security challenges, including transnational terrorism, the proliferation of weapons of mass destruction, the re-emergence of regional and local conflicts, cyber attacks, piracy, and threats to global energy security;

Whereas while NATO transforms to address the emerging security challenges of the 21st century, the NATO School functions as the Alliance's primary vehicle to educate and train the men and women serving in NATO missions to successfully carry out the full spectrum of crisis management operations, from combat and peacekeeping to logistics support, humanitarian relief and governance enhancement, institution building, and civil security;

Whereas the NATO School plays a crucial role in supporting NATO's ongoing operations in Afghanistan, Iraq, Kosovo, the Mediterranean, and elsewhere, providing much of the training for NATO personnel serving in NATO's core stabilization mission in Afghanistan and conducting almost all of NATO's out-of-country training of Iraqi military officers;

Whereas NATO School efforts to support NATO's ongoing mission in Afghanistan, including through its training for personnel in NATO's Provincial Reconstruction Teams, are a particularly critical component of international efforts to combat transnational terrorism;

Whereas the NATO School offers a broad-based and comprehensive approach to its training and educational activities including courses in civil-military cooperation, crisis management, peace support operations, and arms control and non-proliferation that draw upon a range of military, development, and governance tools;

Whereas the NATO School currently offers 90 courses to individuals from over 100 countries including an array of unique programs dedicated to building civilian, governance, and military capacity in aspiring NATO member states;

Whereas in addition to offering courses at its headquarters in Oberammergau, the NATO School conducts a variety of programs through its network of 15 Partnership for Peace Training and Education Centers located in countries ranging from Ukraine to the United States;

Whereas the NATO School raises a large portion of its operating expenses through tuition fees, but also receives significant financial support from both the United States and German governments and relies in large part on the invaluable contribution of expert faculty from NATO member states and partner countries;

Whereas in February 2009 the NATO School hosted a United States Congressional delegation for the first time in the School's history when the United States House delegation to the NATO Parliamentary Assembly (NATO PA) visited the School in an effort to boost domestic and international public and parliamentary support for NATO missions and activities; and

Whereas Congress continues to support the NATO School and recognizes the critical role it plays in enhancing the ability of NATO and the United States to successfully confront the security challenges of the 21st century: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security;

(2) reaffirms its commitment to NATO as the bedrock of transatlantic security and defense; and

(3) expresses appreciation to Colonel James J. Tabak, USA–MC, for his leadership of the NATO School during his tenure as commandant from June 2006 to June 2009 and to the NATO School faculty and staff for their hard work and commitment to advancing the School's mission, to NATO member states and partner countries for their consistent and invaluable contribution of expert faculty to the NATO School, and for the strong partnership between the United States and German governments in providing financial support and leadership for the NATO School.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

Mr. TANNER. Mr. Speaker, this resolution commending the NATO School for its critical efforts to promote peace, stability and security is something long overdue, in my opinion.

Last year, I had the honor of participating in a visit of the bipartisan House delegation to the NATO Parliamentary Assembly to the NATO School in Oberammergau, Germany. The NATO School's mission is to provide courses in support of the current and developing NATO strategy and policy, including cooperation and dialogue with military and civilian personnel from non-NATO countries. As such, the school serves as NATO's premier operational-level education and training center, and it plays, I can tell you, a crucial role in preparing the United States and its allies to face the evolving security challenges of the 21st century.

Since 1953, more than 185,000 officers, noncommissioned officers and civilians from all allied and national military commands within the NATO Alliance have attended courses at the school. In addition, students from the Alliance's Partnership for Peace Program and the Mediterranean Dialogue attend the school. I'm proud to report that ours was the first U.S. congressional delegation to visit the NATO School in its 57-year history.

The curriculum taught at the NATO School offers our soldiers, civilian leaders and allies over 90 different specialized courses on subjects such as arms control strategies, counterinsurgency training, intelligence gathering, electronic warfare, special operations and a host of other programs. Courses are continually revised and updated to reflect current operations and developments in NATO, and in so doing, the school strives for top-down clarity of vision in the educational process.

With the unveiling of NATO's new Strategic Concept earlier this month in Lisbon, which details NATO's evolving role in global affairs, it is especially important that we stop and take a moment to acknowledge and support the work of the NATO School so that we can continue to operate as a truly unified alliance.

I would ask our colleagues to support this resolution.

With that, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first congratulate the gentleman from Tennessee (Mr. TANNER) for sponsoring this legislation, and I rise in strong support of House Resolution 527, which commends the NATO School in Oberammergau, Germany, for its critical support of the NATO Alliance's efforts to promote global peace, stability and security.

The NATO School in Germany provides support and training for NATO's operations, including the stabilization mission in Afghanistan and the training of Iraqi officers. The school offers courses and programs to individuals from different countries focusing on peace support operations, arms control and nonproliferation, civil-military cooperation, governance and the building of military capacity in aspiring NATO member states.

As we all know, the NATO Alliance was the heart of trans-Atlantic security during the Cold War and is now transforming itself to address new security challenges. There is indeed a multitude of emerging threats and challenges that the Alliance must play a role in addressing, including the proliferation of weapons of mass destruction and piracy and the challenge NATO faces in the stabilization mission in Afghanistan. Indeed, NATO's performance in Afghanistan will serve as a test with regard to the Alliance's effectiveness and relevance in addressing the security challenges of the 21st century.

As the measure notes, the NATO School itself is playing an important role in ensuring that the NATO mission in Afghanistan is a complete success.

Again, I would like to express my support of this resolution, and I urge all my colleagues on both sides of the aisle to support it as well.

I reserve the balance of my time.

Mr. TANNER. Thank you, Mr. POE.

At this time, it is with a great deal of pleasure that I yield 3 minutes to my colleague, David Scott, from Georgia. Mr. SCOTT is a member of the NATO parliamentary delegation from the Congress to the NATO Parliamentary Assembly headquartered in Brussels, and he has made an enormous contribution in that area.

Mr. SCOTT of Georgia. Thank you very much, Mr. TANNER. I certainly appreciate that.

Mr. Speaker, I rise today in order to recognize and commend the NATO School for its critical support of NATO's efforts to promote global peace, stability and security. As a member of the NATO Parliamentary Assembly, I have seen firsthand and I have been a part of and supported the many great efforts of the North Atlantic Treaty Organization to maintain security and favorable relations between not only the NATO member states but with those states that are outside of the region and our 28-nation Alliance.

Mr. Speaker, for over 60 years, NATO has been the foundation in maintaining trans-Atlantic security and defense. It has successfully defended the territories of its North American and European member states from numerous external threats while promoting democracy and its values throughout the Western World and Eurasia. Since NATO's beginning, the NATO School in Germany has served as a premier operational-level education and training facility and has supplemented the knowledge, skills and experience of over 185,000 officers, noncommissioned officers, and civilians from NATO-allied and partner nations.

Mr. Speaker, I have visited the NATO School personally during a recent trip to Germany, and I have seen firsthand the extraordinary and effective job that they are doing. As NATO continues to evolve and transform to address 21st century threats, the NATO School's importance is all the more emphasized. Its support role is critical to NATO's ongoing operations in Afghanistan and Iraq, Kosovo and elsewhere, and the NATO School continues to provide much of the training for personnel serving in NATO stabilization mission in Afghanistan and conducts much of NATO's out-of-country training of Iraqi military officers. It is very important to note that the training and education the school provides beyond strictly military strategies, including civil-military cooperation, crisis management, and peace support operations and arms control and nonproliferation, issues that draw upon a range of military, development and governance tools.

Our recognition of the NATO School today, Mr. Speaker, falls just 2 days after confirmation that six NATO troops were killed during training operations in eastern Afghanistan. Their sacrifices underscore the continued importance and relevance of NATO and the NATO School as it evolves in the 21st century, making our Nation's commitment to the organization and its efforts to promote global peace and democracy all the more important.

So this resolution is very important, and I commend the gentleman from Tennessee (Mr. TANNER), who is also the president of the NATO Parliamentary Assembly. And I commend him not only for this resolution, but I commend Mr. TANNER also for the extraordinary service that he has given over the years to NATO.

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

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

The SPEAKER pro tempore (Mr. MCMAHON). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 527, as amended.

The question was taken.

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

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1920

COMMENDING THE MARSHALL CENTER

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 528

Whereas The George C. Marshall European Center for Security Studies (the Marshall Center), a joint partnership of the United States and German governments located in the German city of Garmisch-Partenkirchen, is a world-renowned international security and defense studies institute promoting dialogue and understanding among the nations of North America, Europe, and Eurasia;

Whereas since its inception in 1993, the Marshall Center has sought to advance the legacy, goals, and ideals of the 1948–1951 Marshall Plan by advancing democratic institutions, promoting peaceful security cooperation, and enhancing partnerships among the nations of North America, Europe, and Eurasia;

Whereas the Marshall Center has played and continues to play a critical role in fostering the peaceful transition to stable democratic governance in the formerly communist states of Central and Eastern Europe and Eurasia by developing and expanding defense and security cooperation between these countries and North America and Western Europe;

Whereas today, the security of the United States remains inseparably linked to the peace and stability of Europe and Eurasia;

Whereas the United States and Europe face an array of new and emerging security challenges ranging from transnational terrorism and the proliferation of nuclear, biological, or chemical weapons to regional and local conflicts and failing and failed states;

Whereas successful resolution of these 21st century security challenges will require strong transatlantic cooperation and international, interagency, and interdisciplinary responses;

Whereas through its tailored educational and outreach programs in areas ranging from transnational terrorism and post-conflict stability operations to advanced security studies, the Marshall Center prepares leaders from North America, Europe, and Eurasia to address emerging security challenges and to forge a 21st century security environment defined by peace and cooperation;

Whereas the Marshall Center's programs play a vital role in building support for United States and German defense and security policy and strategies, and fostering understanding and support among friends and allies to combat transnational terrorism and other security threats and to transform national defense establishments to effectively meet the array of 21st century security challenges;

Whereas to date, general officers, members of parliament, ministers, ambassadors, and other high-ranking government officials from over 100 countries have benefited from the Marshall Center's unique programs; and

Whereas the United States House of Representatives' delegation to the NATO Parliamentary Assembly (NATO PA) visited the Marshall Center in February 2009, recognizes the importance of the Center's work, and seeks to support the Center's efforts by engaging in constructive dialogue with parliamentarians from NATO member and associate and observer states on key transatlantic security issues: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Marshall Center for its efforts to promote peace, stability, and security throughout North America, Europe, and Eurasia;

(2) expresses appreciation for the strong partnership between the United States and German governments in advancing their mutual national security interests through the Marshall Center's programs;

(3) expresses appreciation to Marshall Center Director Dr. John P. Rose and his outstanding faculty and staff for their hard work and commitment to advancing the Center's mission;

(4) notes that the security of the United States remains inseparably linked to peace and stability on the European continent; and

(5) reaffirms its commitment to promoting transatlantic cooperation through international collaborative educational programs such as those offered by the Marshall Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

This resolution goes hand in glove with the one that we just took up. It commends the George Marshall European Center for Security Studies. Last year when we visited the NATO School in Oberammergau, we went then to the Marshall Center, which is located in Garmisch not far from Oberammergau, in Garmisch-Partenkirchen, Germany, to highlight our interest as Members of Congress in what was happening and taking place in both the NATO School and in the Marshall Center there.

The Marshall Center was formed in 1993 as a German-American partnership. The Marshall Center is a world-renowned international security and defense studies institute with the mission of creating a more stable security environment by advancing democratic institutions and relationships, especially in the field of defense; promoting peaceful security cooperation; and strengthening partnerships among nations of North America, Europe, and Eurasia.

It is named after the legacy and vision of General George C. Marshall. The Marshall Plan, as we all remember after World War II, was a highly successful event, and the Marshall Center has a variety of unique courses and programs which involve officials from more than 110 countries. The center contributes, in our view, to the national strategy of security cooperation throughout the region through professional education and research, dialogue, and detailed and thoughtful examination of issues that confront nations today.

I am proud of recognizing these institutions, particularly the NATO School and the Marshall Center, because I think it is very important now in this uncertain time internationally, and we have been talking about it now for 30 minutes about the uncertainty in the world today, that we, as the United States House of Representatives, recognize and applaud what is taking place there in Germany in these two institutions.

I think it is time well spent for us to debate, and the critical role that the Marshall Center is playing, particularly in fostering peaceful transitions and stable democracy in the former Warsaw Pact communist states of Central and Eastern Europe and Eurasia, is particularly important today.

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

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 528, a measure that commends the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability, and security throughout North America, Europe, and Eurasia.

The Marshall Center, located in Germany, is named after George C. Marshall, a general in the United States Army, who served as U.S. Army Chief of Staff during World War II, and later as our country's Secretary of State under President Harry Truman.

General Marshall is most remembered for his role in formulating the famous Marshall Plan, which sought to help rebuild and strengthen war-torn Western Europe after World War II. The center, established in 1993, plays a significant role in helping the formerly communist countries of Europe and Eurasia to strengthen their democratic institutions while developing security cooperation with the other countries in the trans-Atlantic community.

Thousands of leading officers from dozens of different countries have participated in programs and courses at the Marshall Center focusing on common security threats, the building of defense institutions, and the fostering of partnerships among the nations of North America, Europe, and Eurasia.

Through its program, the Marshall Center also serves as an important tool in strengthening partnerships aimed at addressing new and emerging security challenges, including the proliferation of nuclear, biological, and chemical weapons. Among other things, this resolution commends the Marshall Center for its work in promoting peace, stability, and security throughout North America, Europe, and Eurasia.

I support this bipartisan measure and urge my colleagues on both sides to support it as well.

I reserve the balance of my time.

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

Mr. POE of Texas. Before I yield back the balance of my time, I want to commend Mr. TANNER for this resolution and the previous resolution, and his long-time work with NATO and his 22 years' experience here in the House of Representatives, much of that time serving on the Foreign Affairs Committee.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 528.

The question was taken.

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

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

REQUIRING FDIC TO FULLY INSURE INTEREST ON LAWYERS TRUST ACCOUNTS

Mr. DOGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6398) to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6398

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

SECTION 1. INTEREST ON LAWYERS TRUST ACCOUNTS.

(a) IN GENERAL.—Section 11(a)(1)(B)(iii) of the Federal Deposit Insurance Act, as added by section 343 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), is amended—

(1) by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and adjusting the margins accordingly;

(2) by striking ''means a deposit'' and inserting the following:

''means—

''(I) a deposit'';

(3) in item (cc), as so redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(II) a trust account established by an attorney or law firm on behalf of a client, commonly known as an 'Interest on Lawyers Trust Account', or a functionally equivalent account, as determined by the Corporation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 31, 2010.

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. DOGGETT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material herein.

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

There was no objection.

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

Mr. Speaker, I thank the chairman and ranking member of the Financial Services Committee, Mr. FRANK and Mr. BACHUS; my colleague and member of the Financial Services Committee, Mrs. BIGGERT; as well as Leaders HOYER and BOEHNER for their assistance in expediting the consideration of this measure.

When an attorney receives funds for use on behalf of a client, those funds are usually deposited in a trust account at some financial institution.

Many years ago, leaders in the legal community across America determined that interest could be earned on such accounts and applied to finance legal services for those who otherwise might have no access to our justice system. They recognized, as we do today, the wisdom of Judge Learned Hand's writing: ''If we are to keep our democracy, there must be one commandment—thou shall not ration justice.''

For decades, revenue from these Interest on Lawyer's Trust Accounts, or IOLTAs as they are commonly referred to, have provided a key funding source for the disadvantaged in all 50 States. Before coming to Congress, I served as a justice on the Texas Supreme Court, which sets forth the rules and oversees the operation of such IOLTA accounts in my State.

□ 1930

I saw firsthand the benefits of these programs in ensuring access to justice for those who otherwise might be unable to secure justice. Some of those who need legal assistance the most—veterans who have served honorably, domestic violence victims, and persons with disabilities—are too often the least able to obtain it. In some States, IOLTA funds are also used to reduce litigation by encouraging conflict resolution outside of the court system.

After hearing a few weeks ago from Terry Tottenham, who is the president of the State Bar of Texas, and after hearing from a number of other local leaders, I introduced this bill to assure continued full FDIC protection for these trust accounts. This protection, which exists today under existing law, would otherwise have expired for these accounts at the end of this year, when the existing law is to be fully replaced by the extensive new Wall Street reform law. Today's legislation simply extends existing Federal Deposit Insurance Corporation protection into the future.

At a time when interest rates are at an all-time low, it is particularly important that there be a complete government-backed guarantee against any loss on these trust accounts. Such protection also ensures that small, independent banks are on a level playing field with their larger competitors in securing these trust fund deposits. This bill is supported by a broad range of groups, including the Independent Community Bankers of America and the American Bar Association. I urge my colleagues to approve it.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6398, which would extend the current Federal Deposit Insurance Corporation's, or FDIC's, guarantee of Interest on Lawyer Trust Accounts, also called IOLTAs, for another 2 years.

I would also like to thank my colleague from Texas (Mr. DOGGETT) for introducing this corrections bill to amend the Dodd-Frank Act.

The IOLTA program represents a significant source of financial support to civil legal aid programs for the poor. These programs operate in all 50 States. In 37 States, including my home State of Illinois, they are mandatory. IOLTAs contain client funds held by a lawyer for a short period of time. Interest generated from these accounts is paid to charitable organizations, not to the lawyer or the client.

In 1978, Florida was the first State to establish an IOLTA program. Illinois became the 11th State to establish IOLTAs, and in 1983, the Supreme Court of Illinois required that the interest from these accounts be collected and administered by the Lawyers Trust Fund, a not-for-profit corporation created in 1981 by the Illinois State Bar Association and the Chicago Bar Association. Since then, these funds have supported civil legal assistance to the impoverished in Illinois.

When State legislatures and State supreme courts created IOLTA, the FDIC carved out an exception to Regulation D that allowed the payment of interest on these demand accounts.

The current Term Asset Guarantee program, or TAG program, under which the FDIC guarantees the total amount of client funds maintained in IOLTAs, expires December 31, 2010. The Dodd-Frank Act creates an equivalent program, running for 2 years beginning January 1, 2011, but makes several changes, including a more narrow definition of a ''covered account.'' In what appears to have been a drafting error, IOLTAs were not covered under the new program established by the Dodd-Frank Act. This bill corrects that inadvertent omission so that IOLTAs are fully insured.

If the current guarantee were allowed to lapse, attorneys in the 37 States with IOLTA mandates, acting in accordance with their fiduciary duties to maintain the security of the client funds, might be forced to transfer IOLTA accounts from local community banks to larger, safer institutions, and attorneys in the other jurisdictions might be forced to transfer funds from IOLTA accounts to non-interest-bearing accounts to qualify for unlimited FDIC coverage. If the coverage for these accounts is not extended, a critical source of civil legal aid might unnecessarily and inappropriately shrink. In addition, according to the Independent Community Bankers of America, the ICBA, ''without this coverage, potentially hundreds of millions of dollars will be withdrawn from IOLTAs, adversely impacting liquidity in the banking system with a disproportionate impact on community banks.''

This bill is supported by the ICBA and the American Bar Association. The Congressional Budget Office has determined that, although the bill costs $15 million over a period of 5 years, the bill would raise $2 million over a 10-year period.

I again urge support for the legislation, and I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, our colleague from Illinois has provided further explanation of the nature of this bill. It is a clean proposal. If we do not get this into law before the end of December, there will be some problems presented. So I would hope not only that we would approve it here but that the Senate would act promptly to approve this narrow bill without attaching any other extraneous matter to it.

In closing, I would also extend my thanks to both the Democrat and Republican staffs on the Financial Services Committee for working with us to see that this measure is promptly approved.

I would move adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT) that the House suspend the rules and pass the bill, H.R. 6398, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOMELESS PERSONS' MEMORIAL DAY

Mr. PETERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 325

Whereas more than 500,000 people in the United States do not have a place to call home each night and half of them are without shelter;

Whereas nationwide each year, an estimated 2,000,000 people experience homelessness;

Whereas adequate housing is essential for healthy families and communities;

Whereas housing has become increasingly inaccessible due to rising costs and a shortage of rental and single-family housing;

Whereas a recent study published in the May 13, 2010, American Journal of Public Health has shown that over 70 percent of people experiencing homelessness have at least one unmet health need and almost half report two or more;

Whereas the mortality rate among homeless populations has been shown to be almost four times that of the general population;

Whereas every member of society, including individuals experiencing homelessness, deserves the dignity of safe, decent, accessible, and affordable housing;

Whereas the President and Congress were presented on June 22, 2010, ''Opening Doors: Federal Strategic Plan to Prevent and End Homelessness'' which describes how the Federal Government will partner with States, local communities, nonprofit organizations, and the private sector;

Whereas remembering that winter poses extreme hardships for inadequately housed low-income men, women, and children across

the United States, the National Coalition for the Homeless and the National Healthcare for the Homeless Council will hold memorial services on December 21, 2010, for those who die each year because of conditions associated with homelessness;

Whereas December 21, 2010, is the first day of winter and the longest night of the year;

Whereas the spirit of the holiday season provides an opportunity for affirmation and renewal regarding the commitment to ending homelessness and promoting compassion and concern for all, especially the homeless;

Whereas in remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future; and

Whereas National Homeless Persons' Memorial Day is recognized on December 21, 2010: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of National Homeless Persons' Memorial Day, in recognition of the people who have died on the streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness;

(2) encourages the President to issue a proclamation in support of the goals and ideals of National Homeless Persons' Memorial Day;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of National Homeless Persons' Memorial Day by issuing proclamations designating National Homeless Persons' Memorial Day;

(4) encourages media organizations to participate in National Homeless Persons' Memorial Day to help educate the public about homelessness in the United States;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day;

(6) recognizes and reaffirms the Nation's commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty; and

(7) acknowledges all of the people in the United States living on the streets who have paid the ultimate price for the Nation's failure to end homelessness and salutes the dedicated professionals and organizations who provide assistance to people in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. PETERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. PETERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 325, which supports the goals and ideals of National Homeless Persons' Memorial Day.

I want to thank Congressman ALCEE HASTINGS for introducing this important resolution.

An estimated 2 million people experience homelessness in the United States each year, and every night, more than a half a million people are homeless. These individuals are at a high risk for mortality, sickness, and mental illness. The mortality rate among homeless persons is four times greater than that of the general population.

Furthermore, according to a 2010 study published in the American Journal of Public Health, over 70 percent of the homeless population has at least one unmet health need, and almost half report two or more. In particular, approximately 2 million youth experience homelessness over the course of a year, and nearly 200,000 children in families were homeless, which is according to a recent one-night count of homelessness by the Urban Institute.

The problem facing the homeless is also why House Concurrent Resolution 325 is so important. It will recognize December 21, 2010, as National Homeless Persons' Memorial Day, and it will reaffirm the commitment of Congress to end homelessness by promoting a comprehensive national response to address the housing, health, and economic causes and consequences of extreme poverty.

Preventing homelessness has been a longtime priority for Congress and this administration. On May 20, 2009, President Obama signed into law S. 896, the Helping Families Save Their Homes Act, which included the Homeless Emergency Assistance and Rapid Transition to Housing Act.

□ 1940

House Concurrent Resolution 325 furthers the mission of Congress to help prevent and end homelessness in the United States. I commend Congressman HASTINGS for introducing this very important legislation and urge my colleagues to vote in support of House Concurrent Resolution 325.

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

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

Mr. Speaker, I rise today as an original cosponsor of House Concurrent Resolution 325, supporting the goals and ideals of National Homeless Persons' Memorial Day on December 21, 2010.

I thank Mr. PETERS of Michigan for managing this bill. I would also like to thank my colleagues, Mr. HASTINGS of Florida, Mr. DAVIS of Kentucky and Ms. BERNICE JOHNSON of Texas, who all worked to bring this important measure to the floor.

As many of you know, the four of us joined together this May to form the bipartisan Congressional Caucus on Homelessness. As part of that effort, we aim to raise awareness about the importance of preventing and ending homelessness in our country through efforts such as the resolution before us today. I would strongly encourage any Member who hasn't already done so to consider joining this important new caucus. Following our initial launch, we held a successful briefing in October to discuss ending veterans' homelessness. During the 112th Congress, we hope to hold similar forums to facilitate exchanges among interested stakeholders to raise national attention and discuss solutions to the challenges facing homeless families, veterans, and especially children and youth.

Today, with this concurrent resolution, we bring to the attention of our colleagues one of the most tragic realities that too often goes unnoticed among homeless Americans, the loss of life. Each year, the National Coalition for the Homeless organizes memorial events on the first day of winter to recognize those Americans who have passed away. Last year, over 150 cities held events to honor those homeless children and adults who died, many without any family, friends or loved ones being given a chance to bear witness to their final moments or to mourn their loss. While homeless individuals too often die in anonymity, their lives each held meaning, purpose and value. This resolution is an opportunity to recognize that fact and reflect on the lives that have been lost.

This winter in the Chicago area, church officials and members, homeless providers, volunteers, government officials, and others will gather on National Homeless Persons' Memorial Day. In my home district, DuPage Public Action to Deliver Shelter, or DuPage PADS, will host an event to recognize the lives of six homeless people in DuPage County who passed away in 2010. In the City of Chicago, where an estimated 25 homeless people have passed away this year, the Ignatian Spirituality Project will sponsor a memorial service at St. Patrick's Church.

Whether in public or in prayer, I encourage my colleagues in Congress as well as Americans across our great country to take a moment during this holiday season to remember our homeless neighbors who have passed on. I also encourage every American to join together at local events this winter as we continue our national campaign to prevent and end homelessness.

I ask my colleagues to support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my strong support of House Concurrent Resolution 325, a concurrent resolution to support the goals and ideals of a National Homeless Persons' Memorial Day, in recognition of the people who have died on our streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness.

On or near the first day of winter and the longest night of the year, National Homeless Persons' Memorial Day events have been held nationwide every year since 1990 to remember the homeless persons whose lives and deaths might otherwise go without any recognition.

Throughout my home state of Florida, this important day is recognized, along with over

200 other local municipalities, organizations, and statewide organizations throughout the United States holding communitywide vigils, memorials, and service events. With the support of more than twelve national organizations, including the National Coalition for the Homeless, the National Consumer Advisory Board, and the National Health Care for the Homeless Council, National Homeless Persons' Memorial Day brings attention to the tragedy of homelessness and memorializes our homeless neighbors and friends who have lost their lives because of our collective failure to end homelessness.

More than half a million people in the United States do not have a place to call home each night and half of them are without shelter. Nationwide each year, an estimated 2,000,000 people experience homelessness. Furthermore, the mortality rate among homeless populations has been shown to be almost four times that of the general population. Homelessness is expensive and can be prevented.

This resolution provides us with the opportunity to commend the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day, to encouraged those not already doing so, and to salute the dedicated professionals and organizations who provide assistance 365 days a year to people in need.

Most importantly, a national memorial day will ensure that we keep the problem in perspective. Through all the statistics on homelessness, all too often, we forget that numbers correspond to actual individuals with actual lives and families.

As the 2010 Federal Strategic Plan to Prevent and End Homelessness declares: "There are no 'homeless people,' but rather people who have lost their homes who deserve to be treated with dignity and respect." In remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future.

Mr. Speaker, we must remember their lives—men, women, and children—and we must remember why they died.

I urge my colleagues to support this resolution and reaffirm Congress' commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty. Let us make this year's first night of winter and longest night of the year, December 21, 2010, a true National Memorial Day.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the resolution, H. Con. Res. 325.

The question was taken.

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

Mrs. BIGGERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5866) to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5866

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 ''Nuclear Energy Research and Development Act of 2010''.

SEC. 2. OBJECTIVES.

Section 951(a) of the Energy Policy Act of 2005 (42 U.S.C. 16271(a)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (5) through (11), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) Reducing the costs of nuclear reactor systems.

''(3) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

''(4) Supporting technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.''; and

(3) by inserting after paragraph (11), as so redesignated, the following new paragraph:

''(12) Researching and developing technologies and processes so as to improve and streamline the process by which nuclear power systems meet Federal and State requirements and standards.''.

SEC. 3. FUNDING.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended—

(1) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

''(1) $419,000,000 for fiscal year 2011;

''(2) $429,000,000 for fiscal year 2012; and

''(3) $439,000,000 for fiscal year 2013.''; and

(2) in subsection (d)—

(A) by striking ''under subsection (a)'' and inserting ''under subsection (b)'';

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

''(1) For activities under section 953—

''(A) $201,000,000 for fiscal year 2011;

''(B) $201,000,000 for fiscal year 2012; and

''(C) $201,000,000 for fiscal year 2013.''; and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For activities under section 952, other than those described in section 952(d)—

''(A) $64,000,000 for fiscal year 2011;

''(B) $64,000,000 for fiscal year 2012; and

''(C) $64,000,000 for fiscal year 2013.

''(5) For activities under section 952(d)—

''(A) $55,000,000 for fiscal year 2011;

''(B) $65,000,000 for fiscal year 2012; and

''(C) $75,000,000 for fiscal year 2013.

''(6) For activities under section 958—

''(A) $99,000,000 for fiscal year 2011;

''(B) $99,000,000 for fiscal year 2012; and

''(C) $99,000,000 for fiscal year 2013.''.

SEC. 4. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by adding at the end the following new subsection:

''(f) PROGRAM OBJECTIVES STUDY.—In furtherance of the program objectives listed in subsection (a) of this section, the Secretary shall, within one year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the scientific and technical merit of major State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department in implementing the programs can assist in overcoming such delays or impediments.''.

SEC. 5. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsections (c) through (e) and inserting the following:

''(c) REACTOR CONCEPTS.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to advance nuclear power systems as well as technologies to sustain currently deployed systems.

''(2) DESIGNS AND TECHNOLOGIES.—In conducting the program under this subsection, the Secretary shall examine advanced reactor designs and nuclear technologies, including those that—

''(A) are economically competitive with other electric power generation plants;

''(B) have higher efficiency, lower cost, and improved safety compared to reactors in operation as of the date of enactment of the Nuclear Energy Research and Development Act of 2010;

''(C) utilize passive safety features;

''(D) minimize proliferation risks;

''(E) substantially reduce production of high-level waste per unit of output;

''(F) increase the life and sustainability of reactor systems currently deployed;

''(G) use improved instrumentation;

''(H) are capable of producing large-scale quantities of hydrogen or process heat; or

''(I) minimize water usage or use alternatives to water as a cooling mechanism.

''(3) INTERNATIONAL COOPERATION.—In carrying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through international cooperation through such organizations as the Generation IV International Forum, or any other international collaboration the Secretary considers appropriate.

''(4) EXCEPTIONS.—No funds authorized to be appropriated to carry out the activities described in this subsection shall be used to fund the activities authorized under sections 641 through 645.''.

SEC. 6. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

''(d) SMALL MODULAR REACTOR PROGRAM.—

''(1) IN GENERAL.—

''(A) The Secretary shall carry out a small modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs.

''(B) The Secretary shall consult with and utilize the expertise of the Secretary of the Navy in establishing and carrying out such program.

''(C) Activities may also include development of advanced computer modeling and simulation tools, by Federal and non-Federal entities, which demonstrate and validate new design capabilities of innovative small modular reactor designs.

''(2) DEFINITION.—For the purposes of this subsection, the term 'small modular reactor' means a nuclear reactor—

''(A) with a rated capacity of less than 300 electrical megawatts;

''(B) with respect to which most parts can be factory assembled and shipped as modules to a reactor plant site for assembly; and

''(C) that can be constructed and operated in combination with similar reactors at a single site.

''(3) LIMITATION.—Demonstration activities carried out under this section shall be limited to individual technologies and systems, and shall not include demonstration of full reactor systems or full plant operations.

''(4) ADMINISTRATION.—In conducting the small modular reactor program, the Secretary may enter into cooperative agreements to support small modular reactor designs that enable—

''(A) lower capital costs or increased access to private financing in comparison to current large reactor designs;

''(B) reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation;

''(C) increased operating safety of nuclear facilities;

''(D) reduced dependence of reactor systems on water resources;

''(E) increased seismic resistance of nuclear generation;

''(F) reduced proliferation risks through integrated safeguards and security proliferation controls; and

''(G) increased efficiency in reactor manufacturing and construction.

''(5) APPLICATION.—To be eligible to enter into a cooperative agreement with the Secretary under this subsection, an applicant shall submit to the Secretary a proposal for the small modular reactor project to be undertaken. The proposal shall document—

''(A) all partners and suppliers that will be active in the small modular reactor project, including a description of each partner or supplier's anticipated domestic and international activities;

''(B) measures to be undertaken to enable cost-effective implementation of the small modular reactor project;

''(C) an accounting structure approved by the Secretary;

''(D) all known assets that shall be contributed to satisfy the cost-sharing requirement under paragraph (6); and

''(E) the extent to which the proposal will increase domestic manufacturing activity, exports, or employment.

''(6) COST SHARING.—Notwithstanding section 988, the Secretary shall require the parties to a cooperative agreement under this subsection to be responsible for not less than 50 percent of the costs of the small modular reactor project.

''(7) CALCULATION OF COST SHARING AMOUNT.—A recipient of financial assistance under this section may not satisfy the cost sharing requirement under paragraph (6) by using funds received from the Federal Government through appropriation Acts.

''(8) PROJECT SELECTION CRITERIA.—The Secretary shall consider the following factors in entering into a cooperative agreement under this subsection:

''(A) The domestic manufacturing capabilities of the parties to the cooperative agreement and their partners and suppliers.

''(B) The viability of the reactor design and the business plan or plans of the parties to the cooperative agreement.

''(C) The parties to the cooperative agreement's potential to continue the development of small modular reactors without Federal subsidies or loan guarantees.

''(D) The cost share to be provided.

''(E) The degree to which the following goals will be advanced:

''(i) Lower capital costs or increased access to private financing in comparison to current large reactor designs.

''(ii) Reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation.

''(iii) Increased operating safety of nuclear facilities.

''(iv) Reduced dependence of reactor systems on water resources.

''(v) Increased seismic resistance of nuclear generation.

''(vi) Reduced proliferation risks through integrated safeguards and security proliferation controls.

''(vii) Increased efficiency in reactor manufacturing and construction.''.

SEC. 7. CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

''(e) CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.—

''(1) IN GENERAL.—The Secretary may carry out a Nuclear Energy Research Initiative for research and development related to steam-side improvements to nuclear power plants to promote the research, development, demonstration, and commercial application of—

''(A) cooling systems;

''(B) turbine technologies;

''(C) heat exchangers and pump design;

''(D) special coatings to improve lifetime of components and performance of heat exchangers; and

''(E) advanced power conversion systems for advanced reactor technologies.

''(2) ADMINISTRATION.—The Secretary may undertake initiatives under this subsection only when the goals are relevant and proper to enhance the performance of technologies developed under subsection (c). Not more than $10,000,000 of funds authorized for this section may be used for carrying out this subsection.''.

SEC. 8. FUEL CYCLE RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended—

(1) in the section heading by striking ''**ADVANCED FUEL CYCLE INITIATIVE**'' and inserting ''**FUEL CYCLE RESEARCH AND DEVELOPMENT**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (d) as subsections (e) through (g), respectively; and

(4) by inserting before subsection (e), as so redesignated by paragraph (3) of this subsection, the following new subsections:

''(a) IN GENERAL.—The Secretary shall conduct a fuel cycle research, development, demonstration, and commercial application program (referred to in this section as the 'program') on fuel cycle options that improve uranium resource utilization, maximize energy generation, minimize nuclear waste creation, improve safety, mitigate risk of proliferation, and improve waste management in support of a national strategy for spent nuclear fuel and the reactor concepts research, development, demonstration, and commercial application program under section 952(c).

''(b) FUEL CYCLE OPTIONS.—Under this section the Secretary may consider implementing the following initiatives:

''(1) OPEN CYCLE.—Developing fuels, including the use of nonuranium materials, for use in reactors that increase energy generation and minimize the amount of nuclear waste produced in an open fuel cycle.

''(2) MODIFIED OPEN CYCLE.—Developing fuel forms, reactors, and limited separation and transmutation methods that increase fuel utilization and reduce nuclear waste in a modified open fuel cycle.

''(3) FULL RECYCLE.—Developing advanced recycling technologies, including Generation IV Reactors, to reduce the risk of proliferation, radiotoxicity, mass, and decay heat to the greatest extent possible.

''(4) ADVANCED STORAGE METHODS.—Developing advanced storage technologies for both onsite and long-term storage that substantially prolong the effective life of current storage devices or that substantially improve upon existing nuclear waste storage technologies and methods, including repositories.

''(5) ALTERNATIVE AND DEEP BOREHOLE STORAGE METHODS.—Developing alternative storage methods for long-term storage, including deep boreholes into stable crystalline rock formations and mined repositories in a range of geologic media.

''(6) OTHER TECHNOLOGIES.—Developing any other technology or initiative that the Secretary determines is likely to advance the objectives of the program established under subsection (a).

''(c) ADDITIONAL ADVANCED RECYCLING AND CROSSCUTTING ACTIVITIES.—In addition to and in support of the specific initiatives described in paragraphs (1) through (6), the Secretary may support the following activities:

''(1) Development and testing of integrated process flow sheets for advanced nuclear fuel recycling processes.

''(2) Research to characterize the byproducts and waste streams resulting from fuel recycling processes.

''(3) Research and development on reactor concepts or transmutation technologies that improve resource utilization or reduce the radiotoxicity of waste streams.

''(4) Research and development on waste treatment processes and separations technologies, advanced waste forms, and quantification of proliferation risks.

''(5) Identification and evaluation of test and experimental facilities necessary to successfully implement the advanced fuel cycle initiative.

''(6) Advancement of fuel cycle-related modeling and simulation capabilities.

''(d) BLUE RIBBON COMMISSION REPORT.—

''(1) In carrying out this section, the Secretary shall give consideration to the final report on a long-term nuclear waste solution produced by the Blue Ribbon Commission on America's Nuclear Future.

''(2) Not later than 180 days after the release of the Blue Ribbon Commission on America's Nuclear Future final report, the Secretary shall transmit to Congress a report, which shall include—

''(A) any plans the Department may have to incorporate any relevant recommendations from this report into the program; and

''(B) how those recommendations for long-term nuclear waste solutions that will be incorporated into the plan compare with plans for a long-term nuclear waste solution of a repository at Yucca Mountain, that may or may not be incorporated into the plan, with regard to the safety, security, legal, cost, and technological and site readiness factors associated with any recommendations related to final disposition pathways for spent nuclear fuel and high-level radioactive waste to the same factors associated with permanent deep geological disposal at the Yucca Mountain waste repository.

''(3) The analysis described in paragraph (2)(B) shall be conducted using scientific and technical materials and information used to support policy actions related to the Yucca Mountain project.''.

(b) CONFORMING AMENDMENT.—The item relating to section 953 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

''Sec. 953. Fuel cycle research and development.''.

SEC. 9. NUCLEAR ENERGY ENABLING TECHNOLOGIES PROGRAM.

(a) AMENDMENT.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the following new section:

"SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.

''(a) IN GENERAL.—The Secretary shall conduct a program to support the integration of activities undertaken through the reactor concepts research, development, demonstration, and commercial application program under section 952(c) and the fuel cycle research and development program under section 953, and support crosscutting nuclear energy concepts. Activities commenced under this section shall be concentrated on broadly applicable research and development focus areas.

''(b) ACTIVITIES.—Activities conducted under this section may include research involving—

''(1) advanced reactor materials;

''(2) advanced radiation mitigation methods;

''(3) advanced proliferation and security risk assessment methods;

''(4) advanced sensors and instrumentation;

''(5) advanced nuclear manufacturing methods; or

''(6) any crosscutting technology or transformative concept aimed at establishing substantial and revolutionary enhancements in the performance of future nuclear energy systems that the Secretary considers relevant and appropriate to the purpose of this section.

''(c) REPORT.—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program conducted under this section, which shall include a brief evaluation of each activity's progress.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 2005 is amended by adding at the end of the items for subtitle E of title IX the following new item:

''Sec. 958. Nuclear energy enabling technologies.''.

SEC. 10. EMERGENCY RISK ASSESSMENT AND PREPAREDNESS REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report summarizing quantitative risks associated with the potential of a severe accident arising from the use of civilian nuclear energy technology, including reactor technology deployed or likely to be deployed as of the date of enactment of this Act, and outlining the technologies currently available to mitigate the consequences of such an accident. The report shall include recommendations of areas of technological development that should be pursued to reduce the potential public harm arising from such an incident.

SEC. 11. NEXT GENERATION NUCLEAR PLANT.

(a) PROTOTYPE PLANT LOCATION.—Section 642(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16022(b)(3)) is amended to read as follows:

''(3) PROTOTYPE PLANT LOCATION.—The prototype nuclear reactor and associated plant shall be constructed at a location determined by the consortium through an open and transparent competitive selection process.''.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report providing a status update of the Next Generation Nuclear Plant program that provides analysis of—

(A) its progress;

(B) how Federal funds appropriated for the project have been distributed and spent; and

(C) the current and expected participation by non-Federal entities.

(2) CONTENTS.—The report shall include—

(A) an analysis of the proposed facility's technical capabilities and remaining technological development challenges, and a cost estimate and construction schedule;

(B) an assessment of the advantages and disadvantages of funding a pilot-scale research reactor project in lieu of a full-scale commercial power reactor;

(C) an assessment of alternative construction sites proposed by private industry;

(D) an assessment of the extent to which the Department of Energy is working with industry and the Nuclear Regulatory Commission to ensure that the Next Generation Nuclear Plant program meets industry expectations for long-term application of technologies and addresses potential licensing procedures for deployment;

(E) an assessment of the known or anticipated challenges to securing private non-Federal cost share funds and any measures to overcome these challenges, including any alternative funding approaches such as front loading the Federal share;

(F) an assessment of project risks, including those related to—

(i) project scope, schedule, and resources;

(ii) the formation of partnerships or agreements between the Department and the private sector necessary for the project's success; and

(iii) the Department's capabilities to identify and manage such risks; and

(G) an assessment of what is known about the potential impact of natural gas and other fossil fuel prices on private entity participation in the project.

SEC. 12. TECHNICAL STANDARDS COLLABORATION.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish a nuclear energy standards committee (in this section referred to as the ''technical standards committee'') to facilitate and support, consistent with the National Technology Transfer and Advancement Act of 1995, the development or revision of technical standards for new and existing nuclear power plants and advanced nuclear technologies.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The technical standards committee shall include representatives from appropriate Federal agencies and the private sector, and be open to materially affected organizations involved in the development or application of nuclear energy-related standards.

(2) CO-CHAIRS.—The technical standards committee shall be co-chaired by a representative from the National Institute of Standards and Technology and a representative from a private sector standards organization.

(c) DUTIES.—The technical standards committee shall, in cooperation with appropriate Federal agencies—

(1) perform a needs assessment to identify and evaluate the technical standards that are needed to support nuclear energy, including those needed to support new and existing nuclear power plants and advanced nuclear technologies;

(2) formulate, coordinate, and recommend priorities for the development of new technical standards and the revision of existing technical standards to address the needs identified under paragraph (1);

(3) facilitate and support collaboration and cooperation among standards developers to address the needs and priorities identified under paragraphs (1) and (2);

(4) as appropriate, coordinate with other national, regional, or international efforts on nuclear energy-related technical standards in order to avoid conflict and duplication and to ensure global compatibility; and

(5) promote the establishment and maintenance of a database of nuclear energy-related technical standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2011 through 2013 to the Director of the National Institute for Standards and Technology for activities under this section.

SEC. 13. EVALUATION OF LONG-TERM OPERATING NEEDS.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academies to conduct an evaluation of the scientific and technological challenges to the long-term maintenance and safe operation of currently deployed nuclear power reactors up to and beyond the specified design-life of reactor systems.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress, and make publically available, the results of the evaluation undertaken by the Academies pursuant to subsection (a).

SEC. 14. AVAILABLE FACILITIES DATABASE.

The Secretary of Energy shall prepare a database of non-Federal user facilities receiving Federal funds that may be used for unclassified nuclear energy research. The Secretary shall make this database accessible on the Department of Energy's website.

SEC. 15. NUCLEAR WASTE DISPOSAL.

To the extent consistent with the requirements of current law, the Department of Energy shall be responsible for disposal of high-level radioactive waste or spent nuclear fuel generated by reactors under the programs authorized in this Act, or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5866, the bill now under consideration.

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

There was no objection.

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

The ongoing national discussion on our path forward towards a comprehensive energy strategy necessarily raises questions about climate change, national security, and economic stability. In having this discussion, most experts have come to agree that any realistic strategy will require a diverse portfolio of energy sources. Renewables, clean coal and gas, and nuclear power must all play a role in moving our Nation towards energy independence while balancing our Nation's economic interests.

Before us today is H.R. 5866, which amends the Energy Policy Act of 2005 to modernize and improve our Federal nuclear energy R&D programs. I introduced this legislation after close collaboration with my friend from Texas, RALPH HALL, Mrs. BIGGERT, and many others on the committee on a bipartisan basis who share my belief that we must continue to seek the answers to the challenges of high capital costs for nuclear power systems and management and recycling of nuclear waste. Our Nation's 104 commercial reactors today produce 20 percent of our electricity, 70 percent of our emissions-free energy. Clearly, if we are to increase our energy independence, nuclear must

continue to be a large part of our Nation's energy mix.

Once the world's leader in nuclear energy technologies, the U.S. is losing its competitive edge after decades of being dormant. Of the nearly 60 reactors currently under construction worldwide, most are in Asia, with China making up the bulk of that using its own CPR–1000 reactor technology. This trend will represent billions of dollars in foregone opportunities for the U.S.

As I mentioned, this bill is the result of a truly bipartisan effort over the past 8 months that has won the support of the nuclear industry, nuclear suppliers, and numerous trade associations. I would like to take a moment to thank the committee staff who worked on this bill, specifically Rob Walther and Chris King of the majority side and Dan Byers on the minority side. And I would like to thank Energy Subcommittee Ranking Member Mr. INGLIS and Subcommittee Chair Dr. BAIRD for their effort to bring this bill before us today. I call on my colleagues to support H.R. 5866.

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

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

I am pleased to be a cosponsor of H.R. 5866, and I thank Chairman GORDON and Ranking Member HALL for their leadership on this legislation.

Due to population and estimated economic growth over the next 25 years, the United States' demand for electricity is expected to rise by 30 percent. To meet rising demand for power for our homes and businesses, we need to expand our domestic and electricity production and create affordable, reliable electricity production in an environmentally responsible way. Nuclear power is the only way to do this.

My home State of Illinois already leads the way, deriving half of its electricity from nuclear energy, but we need to do more to expand nuclear here and across the country. That is why I cosponsored this legislation which supports the development and deployment of small modular nuclear reactors and reauthorizes nuclear R&D activities at the Department of Energy.

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A complement to existing large-scale reactors, small modular reactors create less time and money to construct and are based on current reactor designs, thereby reducing the burdensome licensing process. This is an ideal solution for growing communities and cash-strapped utilities that need extra generation capacity at a fraction of the cost.

More importantly, H.R. 5866 extends and modifies R&D activities that promote advanced research to close the nuclear fuel cycle and recycle spent nuclear fuel. My district's scientists and engineers at Argonne National Laboratory lead the Nation in research and development for nuclear fuel or recycling.

Recycling is not just important for the reduction of waste created but also for the conservation of worldwide uranium resources. It will also encourage the deployment of expanded nuclear power for industry and States that want to provide affordable electricity without unnecessary liabilities.

In summary, H.R. 5866 is a strong bipartisan bill. It will complement the current revival of the nuclear industry by extending DOE's research and development activities to pursue longer term advances in three ways: reactor designs, fuel cycle R&D, and in cross-cutting areas such as materials and computer modeling and simulation.

I do want to note that there are a few minor changes made to the bill that was reported by the committee in section 4 and section 15. These changes should in no way be interpreted to change the intent or purpose of the language.

This bill is endorsed by a comprehensive group of key stakeholders, including the Nuclear Energy Institute, the Next Generation Nuclear Plant Industry Alliance, the American Chemical Society, Toshiba-Westinghouse, and GE-Hitachi.

I urge Members to support H.R. 5866.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield such time as he may consume to my friend from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and I would like to express my deep appreciation of the ranking member as well as the chairman now of the full committee. And again, you have heard these accolades many times, but you will be missed in the next Congress. We have worked together in a very bipartisan way to accomplish things through technology for our country and our people and the people of the world.

I rise today in support of H.R. 5866. Nuclear power has been a cornerstone of American domestic energy policy for decades, and it could have had a greater positive impact had we not succumbed to irrational attacks by environmental radicals who seem to oppose any type of energy. They ended up costing us hundreds of billions of dollars for imports that we otherwise would not have needed.

We now, however, have a tremendous opportunity to use the latest nuclear technology developments to produce safe, clean, cost-effective energy for our country and for the world. This bill updates America's nuclear energy research and funds those technologies that show the greatest possibilities. We are on the cusp of a new era, a new era of nuclear energy. Small modular reactors will provide safe, cost-effective electricity without the significant risks evident in the current, large-scale reactor system.

The next generation of reactors will be using as fuel the waste of today's reactors. Thus America's waste storage needs will be drastically cut. Advanced, gas-cooled nuclear systems will meet industrial needs without relying on a lot of water sources, eliminating conflict over water use and leftover waste and other environmental concerns. New high-temperature, gas-cooled reactor systems will leave behind less waste, and it will be impossible for them to melt down; this, based on their pebble bed design.

Investments in such innovations now will provide long-term benefits of energy production, waste disposal, and environmental stewardship; all of these enhanced by this legislation and the use of these reactors.

The security implications, of course, of weaning ourselves off of foreign oil is evident to all Americans. Obviously, a sustainable long-term, domestically produced clean energy future is in the best interests of all Americans. Investing in new nuclear technologies can accomplish this and will put our country back on the path to energy self-sufficiency.

One admonition, however. Powerful interests would have us waste money on old technologies like light water reactors or on nuclear fusion, which has had little demonstrable progress after decades of massive investment. So it is time for us to start building what is possible for us to build, especially when it has come so far already and is ready to go.

It is for these reasons that I strongly endorse the American nuclear energy industry, and I ask all of my colleagues to join me in support of H.R. 5866.

Mrs. BIGGERT. In closing, I would like to thank the chairman for all of the work he has done as chairman of the Science Committee, and this bill shows what you've been able to accomplish in the research and development, the basic science, and how this will benefit so much our country, and we really thank you for all the work that you put into this.

I yield back the balance of my time.

Mr. GORDON of Tennessee. I will conclude by saying it's a ''we,'' not ''you.'' Mrs. BIGGERT and Mr. ROHRABACHER have been a strong part and, again, a bipartisan effort in an effort to bring forth good legislation. I'm proud of the fact this is the 151st bill and resolution that we have been able to bring forth here in a bipartisan way in the last 4 years. I think that's a record. And I thank you for being a part of that.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5866, as amended.

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

A motion to reconsider was laid on the table.

HONORING THE HISTORIC CONTRIBUTIONS OF VETERANS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1622) honoring the historic contributions of veterans throughout all conflicts involving the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1622

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and great sacrifices;

Whereas the people of the United States owe the security of the Nation to those who defended it;

Whereas United States veterans past and present have served the Nation in times of peace and war at great personal sacrifice for both themselves and their families;

Whereas historic contributions include involvement in the Revolutionary War, War of 1812, Eastern Indian Wars, Mexican War, Civil War, Western Indian Wars, Spanish-American War, World War I, World War II, Korean War, Vietnam Conflict, Lebanon crisis of 1958, Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, and other conflicts;

Whereas veterans have served the United States in hundreds of deployments, large and small, responding to acts of aggression against the United States and its allies, protecting and evacuating civilians, bringing stability to areas experiencing political turmoil, and providing comfort and support in the wake of natural disasters;

Whereas the service and sacrifice of generations of men and women have shaped the history of the United States and transformed its society;

Whereas as civilians, veterans continue to provide a valuable service by working and volunteering in their communities across the Nation;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 6103(a) of title 5, United States Code, provides that ''Veterans day, November 11th'' is a legal public holiday;

Whereas we must honor and express the Nation's gratitude to all veterans for their unwavering commitment to country, justice, and democracy; and

Whereas as the Nation reaffirms its obligation to provide veterans and their families with the essential support they were promised and have earned: Now, therefore, be it

Resolved, that the House of Representatives—

(1) recognizes and honors the courage, service, and sacrifice of all veterans and their historic contributions to the United States;

(2) encourages the people of the United States to demonstrate their support for Veterans Day each year by treating that day as a special day of reflection;

(3) encourages schools and teachers to educate students on the historic contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(4) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to recognize the historic contribution of all veterans by observing that day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1622.

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

There was no objection.

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

Mr. Speaker, 2 weeks ago, as we all know, Americans came together to honor Veterans Day and pay tribute to the over 23 million veterans that have served our Nation. We have a proud legacy of appreciation and commitment to the men and women who have worn the uniform and have made great sacrifices. We know that we owe the security of this Nation to those who defended it.

This resolution before us encourages Americans to demonstrate their support for veterans also. No other group of Americans has stood stronger and braver for our democracy than our troops and our veterans.

I firmly believe that Veterans Day should not be observed for just one day a year but that our Nation's heroes must be celebrated, honored, and remembered for their service to our Nation the whole year through. So I encourage all Americans to reach out to veterans, thank them and their families for their amazing sacrifice, learn more about their great contribution to our Nation, and gain the wisdom of their personal stories of this Nation's history.

This year, like the last, our country observed Veterans Day while engaged in conflicts abroad that required the dedication of our uniformed troops. Our thoughts remain with those who are in uniform engaged in conflicts abroad.

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We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion that this grateful Nation can bestow. This democracy must stand together to support our veterans because our freedom and liberty depend on it. On Veterans Day and this whole year through, join me and take the time to show your gratitude to those who have answered the call to duty.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1622, a bill honoring the historic contributions of veterans throughout all conflicts involving the United States. All of our veterans have provided a great service to our country through their personal sacrifices. As a Nation, we owe them our gratitude for their service.

Section 6103 of title 5 of the United States Code provides that Veterans Day, November 11, is a legal public holiday. House Resolution 1622 reaffirms the Nation's obligation to support our veterans and their families.

H.R. 1622 would resolve that the House of Representatives recognizes the honor, the courage, sacrifice, of all veterans, and their historic contributions to the United States. It encourages the people of the United States to demonstrate their support for Veterans Day each year by treating that day as a special day of reflection. It encourages schools and teachers to educate students on the historic contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces, and after completing their service, and requests that the President issue a proclamation each year in connection with the observance of Veterans Day, calling on the people of the United States to recognize the historic contribution of all veterans by observing that day with appropriate ceremonies and activities.

However, I am saddened that the House of Representatives was unable to pass this worthy resolution before Veterans Day, November 11.

Again I urge my colleagues to support H.R. 1622, and I reserve the balance of my time.

Mr. FILNER. I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I do want to again say that in our district and in many districts around the country it's not just Veterans Day, it's Veterans Week. We spend an entire week celebrating the service and sacrifice made by our veterans. During this past 2 weeks ago we had Veterans Day during the entire week because many of us as Congressmen like to attend as many of these as we can. To show you the support, in one small community of Morristown, Tennessee, there were almost 6,000 people at an event for veterans. Our keynote speaker was General Livingston, who is a Medal of Honor winner, a Marine.

I attended church the following Sunday with Arnold ''Bud'' Pate, who lost his arm in Vietnam, who is a Baptist pastor there. And on and on we see stories of these heroes who served our Nation. So I would encourage all of us to support this resolution.

Mr. BACA. Mr. Speaker, I am proud to rise in support of House Resolution 1622, legislation I introduced to honor the historic contributions of veterans throughout all conflicts involving the United States.

Every Veterans Day, Americans come together to remember those who have served

our country in the name of freedom and democracy.

It's important that all Americans reflect on the sacrifices made by men and women in uniform from all conflicts involving the United States, from the Revolutionary War to current wars and conflicts.

Regardless in time of peace or in the time of war—the service and sacrifice of generations of men and women shaped America's history and transformed our society.

A great example of this courage is one of my constituents from Fontana, California—CPL Ernest Gonzalez, who received the bronze star for actions against Cambodian armed and hostile forces in 1970, including bravely exposing himself to enemy fire to retrieve his platoon leader.

For most veterans, their contributions extend well beyond active duty, and include their service as valuable members of our communities.

Another constituent of mine, Robert Allen Bartleman, from San Bernardino, California recently received military decorations for his courageous service as a combat Marine in Vietnam. He is now active in the legal community in my district.

Pete Martinez, an Airborne Paratrooper during the Korean war, is currently active in the Inland Empire Airborne Association in my district. He continues to work on behalf of veterans and is a great asset to his community.

After serving his country, Marine Col. John Kazalunas—formerly of the Rialto Unified School Board—went on to obtain his Ph.D. in Education to further contribute his talents and hard work in the field of education.

John Weininger, a proud Marine and Army veteran, and formerly a member of my district staff, remains a dedicated supporter and true champion of veterans after his service to this country.

Two additional veterans I'd like to mention are Mike Trujillo, a former member of my district staff and Jess Vizcaino, currently on my district staff. Both have been valuable assets to me by providing outstanding public service to the constituents of my district.

Another dedicated veteran is Anthony Acevedo, a World War II veteran who was 1 of 300 captured American soldiers held prisoner at a Nazi slave labor camp.

Through his courageous work as a medic, Mr. Acevedo kept a detailed diary of his imprisonment. Decades later he worked tirelessly to obtain the recognition of the U.S. Army for this group; his diary is now part of the U.S. Holocaust Memorial Museum.

This resolution: Urges all Americans to recognize and encourages schools to educate students about the historic contributions of all veterans; and makes a request to the President to issue a proclamation for Veterans Day.

I urge my colleagues to vote in favor of H. Res. 1622. As a Vietnam-era veteran, I am committed to ensure America keeps its promises to our nation's troops and the 23 million plus American veterans.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1622, "Honoring the historic contributions of veterans throughout all conflicts involving the United States." I would like to begin by thanking my colleague, Representative BACA, for introducing this resolution to the House, as honoring those who have fought for our Nation should remain a priority. I urge my colleagues to also support this resolution, which recognizes that our great Nation stands strong today because of the dedication and sacrifice of American veterans. The United States is surely indebted to the veterans of every conflict, who have made great sacrifices for themselves and their families in defense of our national security. Our freedom is intertwined with the sacrifices of our veterans, whose devotion to our way of life is unparalleled. I am privileged to officially honor their sacrifices and the role they play in our Nation.

Every Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines and Coast Guardsmen and their families, our country would not live so freely.

This resolution not only solidifies the importance of Veterans Day, but also extends the importance of support for veterans throughout the year. In observing Veterans Day, the people of the United States must also encourage the education of our youth on how those dedicated individuals have contributed to the United States history and today's society. We must continue the tradition of honoring those who have served for the greatest causes, freedom, democracy, and justice; their commitment to the United States at home and abroad should never be forgotten. I am truly proud to rise in support of the recognition of the courage, service, and sacrifice of all United States veterans.

We recognize and honor the veterans of the Armed Forces not only of today, but also of years past, who have sacrificed their lives for our great Nation. House Resolution 1622 recognizes the historic contributions of the United States veterans in the involvement of the Revolutionary War, War of 1812, Eastern Indian Wars, Mexican War, Civil War, Western Indian Wars, Spanish-American War, World War I, World War II, Korean War, Vietnam Conflict, Lebanon crisis of 1958, Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, among other conflicts. This resolution reaffirms our country's utmost respect and pride for our service people who have contributed to the shaping of the United States' history and our current place in the world today. This resolution expresses our deepest gratitude to United States Armed Forces veterans throughout history who have committed and sacrificed their lives to serve their country and its dedication to democracy. Currently, our Nation has 3 million troops and reservists, and 23 million veterans, who deserve the greatest respect from their fellow citizens. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country, and we must ensure that this legacy continues in the future.

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

Mr. FILNER. Mr. Speaker, I have no further requests for time, I urge my colleagues to unanimously support House Resolution 1622, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. TONKO). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1622.

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.

DIRECTING VA TO DISPLAY A WOMEN VETERANS BILL OF RIGHTS

MR. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5953) to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5953

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

SECTION 1. DISPLAY OF WOMEN VETERANS BILL OF RIGHTS.

(a) DISPLAY.—The Secretary of Veterans Affairs shall ensure that the Women Veterans Bill of Rights described in subsection (b) is printed on signs in accessible formats and displayed prominently and conspicuously in each facility of the Department of Veterans Affairs and distributed widely to women veterans.

(b) WOMEN VETERANS BILL OF RIGHTS.—The Women Veterans Bill of Rights described in this subsection is a sign stating that women veterans should have the following rights:

(1) The right to a coordinated, comprehensive, primary women's health care, at every Department of Veterans Affairs medical facility, including the recognized models of best practices, systems, and structures for care delivery that ensure that every woman veteran has access to a Department of Veterans Affairs primary care provider who can meet all her primary care needs, including gender-specific, acute and chronic illness, preventive, and mental health care.

(2) The right to be treated with dignity and respect at all Department of Veterans Affairs facilities.

(3) The right to innovation in care delivery promoted and incentivized by the Veterans Health Administration to support local best practices fitted to the particular configuration and women veteran population.

(4) The right to request and get treatment by clinicians with specific training and experience in women's health issues.

(5) The right to enhanced capabilities of medical providers, clinical support, non-clinical, and administrative, to meet the comprehensive health care needs of women veterans.

(6) The right to request and expect gender equity in provision of clinical health care services.

(7) The right to equal access to health care services as that of their male counterparts.

(8) The right to parity to their male veteran counterpart regarding the outcome of performance measures of health care services.

(9) The right to be informed, through outreach campaigns, of benefits under laws administered by the Secretary of Veterans Affairs and to be included in Department outreach materials for any benefits and service to which they are entitled.

(10) The right to be featured proportionately, including by age and ethnicity, in Department outreach materials, including electronic and print media that clearly depict them as being the recipient of the benefits and services provided by the Department.

(11) The right to be recognized as an important separate population in new strategic plans for service delivery within the health care system of the Department of Veterans Affairs.

(12) The right to equal consideration in hiring and employment for any job to which they apply.

(13) The right to equal consideration in securing Federal contracts.

(14) The right to equal access and accommodations in homeless programs that will meet their unique family needs.

(15) The right to have their claims adjudicated equally, fairly, and accurately without bias or disparate treatment.

(16) The right to have their military sexual trauma and other injuries compensated in a way that reflects the level of trauma sustained.

(17) The right to expect that all veteran service officers, especially those who are trained by the Department of Veterans Affairs Training Responsibility Involvement Preparation program for claims processing, are required to receive training to be aware of and sensitive to the signs of military sexual trauma, domestic violence, and personal assault.

(18) The right to the availability of female personnel to assist them in the disability claims application and appellate processes of the Department.

(19) The right to the availability of female compensation and pension examiners.

(20) The right to expect specialized training be provided to disability rating personnel regarding military sexual trauma and gender-specific illnesses so that these claims can be adjudicated more accurately.

(21) The right to expect the collection of gender-specific data on disability ratings, for the performance of longitudinal and trend analyses, and for other applicable purposes.

(22) The right to a method to identify and track outcomes for all claims involving personal assault trauma, regardless of the resulting disability.

(23) The right for women veterans' programs and women veteran coordinators to be measured and evaluated for performance, consistency, and accountability.

(24) The right to burial benefits under the laws administered by the Secretary of Veterans Affairs.

SEC. 2. DISPLAY OF INJURED AND AMPUTEE VETERANS BILL OF RIGHTS.

(a) DISPLAY.—The Secretary of Veterans Affairs shall ensure that the Injured and Amputee Veterans Bill of Rights described in subsection (b) is printed on signs in accessible formats and displayed prominently and conspicuously in each prosthetics and orthotics clinic of the Department of Veterans Affairs.

(b) INJURED AND AMPUTEE VETERANS BILL OF RIGHTS.—The Injured and Amputee Veterans Bill of Rights described in this subsection is a statement that injured and amputee veterans should have the following rights:

(1) The right to access the highest quality prosthetic and orthotic care, including the right to the most appropriate technology and best qualified practitioners.

(2) The right to continuity of care in the transition from the Department of Defense health program to the Department of Veterans Affairs health care system, including comparable benefits relating to prosthetic and orthotic services.

(3) The right to select the practitioner that best meets their orthotic and prosthetic needs, whether or not that practitioner is an employee of the Department of Veterans Affairs, a private practitioner who has entered into a contract with the Secretary of Veterans Affairs to provide prosthetic and orthotic services, or a private practitioner with specialized expertise.

(4) The right to consistent and portable health care, including the right to obtain comparable services and technology at any medical facility of the Department of Veterans Affairs across the country.

(5) The right to timely and efficient prosthetic and orthotic care, including a speedy authorization process with expedited authorization available for veterans visiting from another area of the country.

(6) The right to play a meaningful role in rehabilitation decisions, including the right to receive a second opinion regarding prosthetic and orthotic treatment options.

(7) The right to receive appropriate treatment, including the right to receive both a primary prosthesis or orthosis and a functional spare.

(8) The right to be treated with respect and dignity and have an optimal quality of life both during and after rehabilitation.

(9) The right to transition and readjust to civilian life in an honorable manner, including by having ample access to vocational rehabilitation, employment programs, and housing assistance.

(c) MONITORING AND RESOLUTION OF COMPLAINTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, acting through the veteran liaison at each medical center of the Department of Veterans Affairs, shall collect information relating to the alleged mistreatment of injured and amputee veterans.

(2) QUARTERLY REPORTS.—For each fiscal quarter, the veteran liaison at each medical center of the Department shall submit to the Chief Consultant of Prosthetics and Sensory Aids of the Department a report on any information collected under paragraph (1) during that quarter.

(3) INVESTIGATION AND ADDRESSING OF COMPLAINTS.—The Chief Consultant, in cooperation with appropriate employees of a medical center of the Department, shall investigate and address any information collected under paragraph (1) at that medical center.

SEC. 3. EDUCATION AND OUTREACH.

(a) EDUCATION OF DEPARTMENT EMPLOYEES.—The Secretary of Veterans Affairs shall ensure that—

(1) all employees of the Department of Veterans Affairs receive training on the Women Veterans Bill of Rights described in section 1; and

(2) employees of the Department who work at prosthetics and orthotics clinics and who work as patient advocates with veterans who receive care at such clinics, including Federal recovery coordinators and case managers, receive training on the Injured and Amputee Veterans Bill of Rights described in section 2.

(b) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall conduct outreach to inform veterans about the Women Veterans Bill of Rights described in section 1 and the Injured and Amputee Veterans Bill of Rights described in section 2 by—

(1) ensuring that such Bills of Rights are available on the Internet website of the Department of Veterans Affairs; and

(2) conducting other types of outreach targeted at specific groups of veterans, which may include outreach conducted on other Internet websites or through veterans service organizations.

SEC. 4. EXCLUSION OF CERTAIN SERVICES.

Nothing in this Act shall be construed to establish a right to any service excluded under 38 C.F.R. 17.38, as in effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5953, as amended.

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

There was no objection.

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

Mr. Speaker, this bill before us is an important piece of legislation, establishing a bill of rights on the one hand for women veterans, and on the other hand for injured and amputee veterans. This has been the subject of over a year of discussion in our committee and around the country with various groups and stakeholders to try and refine the legislation to one that everyone can support.

Let me just speak on the first half, and that is women veterans. There are almost 2 million women veterans now, Mr. Speaker, and they are one of the fastest growing subgroups of veterans in our Nation. It is estimated that the number of female veterans who use the VA health care system will double, assuming that the current enrollment rates remain constant.

The VA health care system, as we know it, was built to accommodate the war-related illnesses and injuries of male veterans. It's a male institution as it was created. In fact, many of the VA providers, many of the VA customers are veterans, have little or no exposure to women veterans. As women are serving in combat conditions alongside their male counterparts, it is important that the Department embrace and recognize the needs of all veterans, both men and women alike.

Through hearings and roundtable discussions that we have held during this year, women veterans have come forward to share their personal stories. From their accounts, it is clear that while the VA has made some strides in caring for women veterans, significant gaps remain. The veterans testifying before the committee have shared stories of feeling unwelcomed, alienated, disrespected in some of our VA medical centers so that they are now reluctant to pursue the benefits and services that they have earned with service to their country.

We have heard about women veterans walking into the lobby of a medical center and having catcalls come from all corners of that lobby. We have

heard that a woman who had her arm amputated from battle in Fallujah, when she appeared before a doctor at her VA, the doctor thought she had cancer. He couldn't imagine her as having lost an arm due to combat conditions. We have had single women who have had to bring their children because they could not get child care, and doctors refusing to see them. We have got to change this institution to meet the needs, the real needs of the women veterans of our Nation.

The VA must recognize and be equipped to treat the unique medical concerns that women veterans have. They must respect privacy concerns, eliminate cultural insensitivity that may otherwise bar women from accessing the VA health care system. In most of the VA medical centers they are not even changing in privacy curtains so that women may have that deserved privacy.

We made a lot of progress this Congress in addressing the women veterans with the enactment of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2010. This bill, H.R. 5953, would bring the VA another step closer to providing equal care for women to their male counterparts.

My bill would require the VA to display in all of its facilities the 24 fundamental principles governing the treatment of women veterans, as well as require VA to widely distribute the bill of rights to women veterans.

Among the key principles of this bill of rights is the right to coordinated, comprehensive primary women's health care at every VA medical center, the right to receive care from clinicians who have special training and experience in women's health issues, and gender equity in accessing all clinical services. My hope is that this legislation will lead to bold changes that will effectively tackle the needs of our brave and honored women veterans.

This bill, as amended, mandates also another bill of rights. Let me just say one last thing, though, on the women's bill of rights. There was some concern raised in recent days about the relationship to this bill and the rights conferred on women veterans, and therefore the bringing of abortion services into the VA medical facilities. This bill did not do that. It made no reference to all the laws on the books that prevent Federal facilities from doing that. But in a discussion with the gentleman from New Jersey (Mr. SMITH), who previously chaired this VA Committee, who is a leader of the so-called pro-life forces in this Congress, he said we can fix that for you. All you have to do is add a line that he gave us and we have put in this bill.

So nobody need be concerned that this bill somehow overrides all previous laws and mandates abortion services in the VA clinics. It says and is included in this bill by manager's amendment that nothing in this act shall be construed to establish a right to any service excluded under 38 Code of Federal Regulations 17.38, as in effect on the date of the enactment of this act.

□ 2010

Those are the regulations that ban abortions in Federal facilities. So just to make sure that people feel that they can vote for this without violating some other principles, this sentence is in there, and the gentleman from New Jersey feels that that adequately and definitively eliminates that problem that had been brought up in recent days.

Let me if I may, Mr. Speaker, go on to the Injured and Amputee Bill of Rights. There are not many of us who have not heard of the horrific battleground stories experienced by our young men and women who have served in Operation New Dawn and Operation Enduring Freedom. These stories reveal a gruesome and difficult war in which servicemembers often sustain long-lasting emotional and physical injuries. Of these none is more disheartening than the amputations undergone by servicemembers as a direct result of the widespread use of roadside bombs, otherwise known as IEDs, Improvised Explosive Devices.

This class of injuries, which has spiked significantly since the onset of Operation New Dawn, requires special consideration within the Department of Veterans Affairs. After returning home, these individuals must embark upon a long road to recovery that includes extensive rehabilitation and specialized treatment.

This bill instructs the VA to inform veterans and educate employees at each VA prosthetics and orthotics clinic that there is an Injured and Amputee Veterans' Bill of Rights. The bill requires the VA to monitor and resolve complaints from injured and amputee veterans alleging mistreatment.

I believe that this bill will do much to protect the rights of our injured and amputee veterans, as well as bolster the consistency of prosthetic and orthotic care throughout the VA health care system.

I urge my colleagues to support this important legislation. We have been working on these bills for a long, long time, and I am pleased that we have been allowed to bring these bills even in this lame duck session to allow the VA to move into the 21st century in terms of treatment of our women veterans and in treatment of our veterans who have undergone amputations.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 5953, as amended, would direct the Secretary of Veterans Affairs to display in each VA facility a Women Veterans' Bill of Rights. Included as part of the manager's amendment is H.R. 5428, a bill to direct VA to create, educate, and inform staff and veterans about an Injured and Amputee Veterans' Bill of Rights.

The intent of the bill is laudable. The sacrifices of women, injured and amputee veterans should be recognized and respected. And, unquestionably, they have unique needs that require specialized care and services. But H.R. 5953 is a flawed bill that has been brought to the floor under a flawed process.

In Congress, certain procedures are put in place to ensure that policy is done correctly. Under regular order, once a bill has been introduced, it's referred to a committee of jurisdiction. Once in committee, it may be referred to a particular subcommittee or held in full committee, where hearings and markups—and that for the public would be votes—are held and Members and interested stakeholders are given the opportunity to examine legislation for sound policy and unintended consequences. If Members desire, they may offer amendments to improve a bill before it's voted out of committee and brought to the House floor for further debate before being voted on by the full House.

This is a time-tested democratic process, and I have seen numerous bills made better when we follow regular order. Instead, this bill is being brought to the floor in a closed process. It bypasses regular order in spite of numerous and serious objections, including those of our ranking member, Congressman BUYER.

We were supposed to have debated and voted on H.R. 5953 yesterday, but it was pulled from consideration at the very last minute after grave concerns were raised by the Pro-Life Caucus, the National Right to Life Committee, the Concerned Women for America, and the United States Conference of Catholic Bishops, among others, over language that could have created a legal basis to require government-funded abortions at VA medical centers. I am pleased that a new section was added to the bill we will consider today that is intended to address these particular concerns.

However, H.R. 5953, as amended, still continues to raise significant policy questions, including whether rights are consistent with current veterans' health care eligibility under title 38 of the United States Code.

Among these rights in question are the right to equal consideration in hiring and employment. This right seems to create an unfounded expectation regarding employment in both public and private sectors but leaves the meaning of equal consideration unknown. Equal to whom or what? Do existing employment laws and regulations meet this new undefined standard or will additional regulations be required?

The right for female veterans to have female personnel assist them in their disability claims process. It is unclear whether this provision refers to VA employees, to veterans service organizations, to others who may assist a veteran in filing or appealing a claim, or to all of the above groups. But VA has no control over the gender of third parties who represent claimants before VA.

Similarly, the right for female compensation and pension examiners to be made available to women veterans is problematic. There are several locations where a female examiner may not be present, which could place the female veteran at a disadvantage for a timely exam.

Correcting issues like these are why we have a hearing process. Good government is worth taking our time.

The Committee on Veterans' Affairs has never held a hearing on H.R. 5953. Consequently, Members have not been provided the opportunity to examine or amend the legislation to rectify any unintended consequences the bill could have or to improve it. Even the VA has not been provided the opportunity to present their official views, and none of the veterans service organizations or other interested stakeholders have been provided the opportunity to comment on the bill, which could directly impact so many of their daily lives.

Additionally, we are going to vote on the bill without knowing what it will cost because the Congressional Budget Office was not given the opportunity to prepare a cost estimate.

Yesterday, a last-minute fix was needed to ensure this bill would not provide a basis for federally funded abortions. What else is in the bill that may require a fix? We don't know because we weren't able to properly vet it before it was brought to the floor.

How would this Bill of Rights be enforced? What would happen if VA personnel didn't comply? We don't know.

What we do know is the VA already has a comprehensive list of patients' rights displayed in each facility. The existing Bill of Rights applies to each and every veteran and includes the right to be treated with dignity, compassion, and respect, and the right to information about VA benefits to which you may be entitled and other important rights for veteran patients cared for in a VA medical facility, including women veterans and veterans with amputations.

I and my Republican colleagues are strongly committed to meaningful oversight for the benefits and services we provide for our veterans. I would have appreciated the opportunity to have a voice in the process of bringing H.R. 5953 to the floor today. That is why the voters of Tennessee sent me to Congress, and I fully intend as a member of the VA Committee to ask for hearings on these issues in the 112th Congress.

I just want to say, the chairman and I have worked on many things together during this past year, many good things. And I, as a veteran, I am a veteran, and I am an Ob/Gyn physician who has treated veteran patients for over 30 years in my community, which has a veterans hospital, so I am very well aware of these issues.

I certainly agree with a Bill of Rights. The problem is we had no way and no process in which to look through this.

I understand what the chairman—as I said, it's laudable what he wants to do. I agree with many of the issues here. I have no problem with that. I am here discussing basically the process of how we got here to the floor.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I do want to assure the gentleman that, as he knows, we have had several roundtables. We call them roundtables rather than hearings, because we literally sit around the table and have discussions rather than just have people questioned. And we have had people from all over the country testify on this bill.

We have sent the bill to every single veterans service organization, to everyone who has ever asked or complained about treatment as women veterans. We have had enormous input from around the country on this, probably more than any other bill that we have done. The bill has undergone a whole lot of changes and has responded to a lot of the input that we had, including from Members of the opposite party who have been at some of the roundtable discussions.

□ 2020

It is time, Mr. Speaker, to move into the 21st century on this. The VA has been a male institution. We cannot keep waiting for change. It has to come. Women are performing an incredible, incredible role in the conflicts that we have ongoing. We should not say ''thank you'' by an unwelcome response to their coming to a VA facility. It's time that we had a Bill of Rights for women veterans.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, again, this bill, 5953, did not come in from the full Veterans' Affairs Committee like other bills that I've seen. Again, I'm new, as you are. I have been here 2 years. But what I've seen is these bills come up. We have a markup, and a markup means just a vote on the bill, and then the chairman will ask, Are there any amendments at the table? We will discuss those amendments and vote them up or down. We didn't have a chance to vet that with this process.

And I think it's a laudable thing, as I have said, to do. I certainly see many things in here, and I've got the Bill of Rights right here that the VA has posted on the wall, and I certainly would have liked to have had the opportunity to go over this Bill of Rights. This particular bill was introduced July 29, 2010. I was at all the Veterans' markups. I certainly didn't miss this one, and it didn't come through the regular order. That's my complaint, not the content so much.

Mr. SMITH of New Jersey. Mr. Speaker, every American has a duty to respect, honor and support our veterans.

Congress has the responsibility to ensure that the profound respect owed to our veterans is translated into meaningful and tangible action.

For generations, Members on both sides of the aisle have sought world class medical care for wounded and ill veterans, compensation for the service connected disabled, funding for higher education and housing, and programs to rescue and re- enfranchise the homeless.

And as Lincoln said so eloquently, the Federal Government should care for ''his widow and orphan.''

I am the prime sponsor of numerous veterans laws, including the Homeless Veterans Assistance Act, the Veterans Education and Benefits Expansion Act, Veterans Survivor Benefits Improvement Act and numerous health care laws including the Veterans Health Program Improvement Act which, among scores of provisions, made permanent the authority of the Secretary to provide sexual trauma counseling to veterans—especially women.

Women who serve in our nation's Armed Forces deserve special gratitude and recognition in law. As veterans, they face unique challenges that both the Executive and Legislative Branch has and is attempting to address.

In September, the Advisory Committee on Women Veterans made ten recommendations to improve the quality of care provided to women veterans—to help ensure that the services and benefits we provide keep pace with the fastest growing segment of the veterans' population. They stated that we must bulk up the VA's gender-specific workforce and train and equip qualified staff to handle the unique challenges women face when transitioning to civilian life. They confirmed what many of us know and have been working on for years—that homelessness among veterans, and women in particular, is a plague we must work harder to eliminate. Improvements in outreach and childcare services would allow more women to take advantage of the health care, and mental health care in particular, that are available for them.

Today, the House considers a bill to establish a Bill of Rights for women veterans as well as those men and women who have lost limbs to further ensure prompt, comprehensive and effective treatment within the VA.

I am especially pleased that Chairman FILNER's bill—H.R. 5953—makes absolutely clear that abortion is not health care under this bill and so-called abortion rights are not implied by any of the rights specified in the legislation. In addition to eliminating any legal grounds for implying a right to abortion access, abortion funding or any other abortion-related activity, the newly added Section 4 also neutralizes any legal effort to use the Women Veterans Bill of Rights as a basis to infer a right to other controversial services such as abortion counseling, IVF and gender alteration as well as spa or gym memberships, care for veterans in prison and unapproved drugs and devices.

Section 4 of H.R. 5953 states: ''Nothing in this Act shall be construed to establish a right to any service excluded under 38 CFR 17.18, as in effect on the date of enactment of this Act.''

Specifically the services listed as exclusions under 38 CFR 17.38 as of the date of enactment of H.R. 5953:

(1) Abortions and abortion counseling.

(2) In vitro fertilization.

(3) Drugs, biologicals, and medical devices not approved by the Food and Drug Administration unless the treating medical facility is

conducting formal clinical trials under an Investigational Device Exemption, IDE, or an Investigational New Drug, IND, application, or the drugs, biologicals, or medical devices are prescribed under a compassionate use exemption.

(4) Gender alterations.

(5) Hospital and outpatient care for a veteran who is either a patient or inmate in an institution of another government agency if that agency has a duty to give the care or services.

(6) Membership in spas and health clubs.

Mr. Speaker, VA hospitals and Community Based Outpatient Clinics are today extraordinary places of healing, recovery, and recuperation. Abortion is not health care.

Because abortion methods dismember, decapitate, crush, poison, starve to death and induce premature labor, pro-life Members of Congress, and according to every reputable poll, significant majorities of Americans want no complicity whatsoever in this violence.

Abortion hurts women's health and puts future children subsequently born to women who aborted at significant risk. At least 102 studies show significant psychological harm, major depression and elevated suicide risk in women who abort.

Recently, the Times of London reported that, ''[S]enior . . . psychiatrists say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems.'' They found, ''that women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant. . .''

In 2006, a comprehensive New Zealand study found that 78.6 percent of the 15–18 year-olds who had abortions displayed symptoms of major depression as compared to 31 percent of their peers. The study also found that 27 percent of the 21–25 year-old women who had abortions had suicidal idealizations compared to 8 percent of those who did not have an abortion.

At least 28 studies—including three in 2009—show that abortion increases the risk of breast cancer by some 30–40 percent or more yet the abortion industry has largely succeeded in suppressing these facts.

Abortion isn't safe for subsequent children born to women who have had an abortion. At least 113 studies show a significant association between abortion and subsequent premature births. For example a study by researchers Shah and Zoe showed a 36 percent increased risk for preterm birth after one abortion and a staggering 93 percent increased risk after two.

Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Another study shows the risk increases 9 times after a woman has had three abortions.

What does this mean for her children? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering from chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments and behavior problems. Low birth weight is similarly associated with neonatal mortality and morbidity.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you in support of H.R. 5953, ''to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights.'' I would like to begin by thanking my colleague, Representative FILNER for introducing H.R. 5953 in the House. I urge my colleagues to also support this noble resolution as it reaffirms the importance of gender equality within the Department of Veterans Affairs. This bill recognizes the absolute importance of equity between men and women veterans, as they have both equally sacrificed for our great Nation. As patriotic Americans, in return, we must honor and respect these heroes.

Women's contribution to our armed forces has a long tradition, which began during World War II. This contribution included not only the women who courageously served in our Armed Forces at a time in our Nation's history where women did not possess the rights we have today, but also the six million women who manned the manufacturing plants which produced munitions and material during World War II while the men who traditionally performed this work were off fighting the war.

Today, there are 1.8 million women veterans throughout the United States, that still deserve the same acknowledgement of rights that other veterans have received. This is an important resolution which recognizes the Women Veterans Bill of Rights within each facility of the Department of Veterans Affairs. This resolution upholds a strong standard of respect and dignity for equality within the Department of Veterans Affairs. Our commitment to veterans is to both men and women veterans who have courageously dedicated their lives to serve their Nation.

The Women Veterans Bill of Rights enumerates a number of non-controversial, necessary rights for female veterans of the United States Armed Forces. The Bill of Rights includes the right to be treated with dignity, the rights to primary health care, and the right to treatment by those clinicians with training and experience in women's health issues among others.

This is an important bill that advocates the equal treatment of women veterans. It encourages the fair treatment of anyone that has served this country by defending the United States, and establishes that no one should be treated any differently based on their gender. This bill is truly American and represents an undivided Nation that respects both men and women equally and fairly. I urge my colleagues to support H.R. 5953 and support the rights of women veterans throughout the United States.

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

Mr. FILNER. Mr. Speaker, I urge my colleagues to support H.R. 5953, as amended.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5953, as amended.

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

The title was amended so as to read: ''A bill to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes.''.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF NATIONAL VETERANS HISTORY PROJECT WEEK

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1644) expressing support for designation of a ''National Veterans History Project Week''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1644

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by the United States Congress in order to collect and preserve the wartime stories of United States veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of ''service'', ''sacrifice'', ''citizenship'', and ''democracy'';

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas ''National Veterans Awareness Week'' has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of a ''National Veterans History Project Week'';

(2) recognizes ''National Veterans Awareness Week'';

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of United States wartime veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1644.

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

There was no objection.

Mr. FILNER. I yield myself such time as I might consume.

Mr. Speaker, this bill, H. Res. 1644, the National Veterans History Project Week, comes to us from our colleague from Wisconsin (Mr. KIND) to honor the lives of our Nation's veterans, and I thank him for introducing the resolution before us today.

I would like to yield to the gentleman from Wisconsin for as much time as he may consume.

Mr. KIND. Mr. Speaker, I thank my good friend and colleague from California for yielding me this time and for his support of H. Res. 1644.

Mr. Speaker, as the author of the Veterans History Project, I rise in strong support of this resolution before us this evening. The Veterans History Project, however, isn't new. It's been in existence for 10 years. We celebrated its 10-year anniversary just this year.

Simply put, it's the last task of a grateful Nation to our veterans to ask them to help us preserve an important part of American history—what it was like for them to serve our Nation during times of conflict and times of peace. And since the creation of the Veterans History Project, we have close to 80,000 veterans' stories that have been recorded, collected, and are now being archived in probably the best place in the entire world where it can and should be archived—out of our own Library of Congress here in Washington, D.C.

The genesis of the Veterans History Project occurred over a Father's Day weekend back home in my city of La Crosse, Wisconsin. I was sitting around the picnic table with my father, who is a Korea generation veteran, Elroy, and his brother, my uncle, Don Kind, who was with a bomber crew in the Pacific during the Second World War, and they started sharing with me their experience in serving our Nation. And I told them to wait. Since my two little boys were toddlers at the time and couldn't understand or wouldn't understand what they were saying, I ran into the house, grabbed the family video camera, set it up on the picnic table, and then asked them to continue talking about their experience serving our Nation. And I got to thinking, given the advent of modern technology today, how accessible it is for most families, most people, we should be doing this nationwide, and that was the basis of the Veterans History Project.

Today, it is the largest oral history collection in the United States, and I believe it's the world's largest oral history collection. I want to commend the leadership of the Library of Congress, under Colonel Bob Patrick, who heads up the Veterans History Project and his 25-person staff there, but also especially our own Librarian of Congress, Dr. Jim Billington, for his leadership on this as well.

What I've discovered throughout the years in conducting many of the interviews myself and reading many of the transcripts of the Veterans History Project is a common theme that runs through most of the stories. First, most of the veterans don't feel they did anything special. They were only doing their duty. They were answering the call to service. And secondly, one of the great motivators in having them do that, especially at times of conflict, was not letting their colleagues down serving next to them. And yet these are ordinary Americans from all walks of life, from every corner of America who went on to do extraordinary things, and each of them had a role to play at times of conflict, at times of peace.

Sometimes it's difficult asking our veterans to come forward and share their stories because they don't feel like they have much to contribute or anything significant, but each of them do in their own way.

And I also want to thank the tremendous support and contribution of so many organizations and entities around the country that have been helping to get the word out that this Veterans History Project, in fact, exists, from the VFW and American Legion halls through the Nation, AARP has been a major sponsor of this legislation, to countless social and community organizations in all of our towns and communities. And that has been one of the great challenges, because the clock is ticking and time is of the essence.

We are losing close to 1,700 veterans a day, mainly of the World War II and Korea generation who are passing away. And if we don't go and talk to them and record their stories, they take with them an important part of American history—their service to our Nation. And that's why the Library of Congress, again, has been working furiously to try to get the word out about the existence of this project, and they have done a commendable job in doing it.

That's why I think this resolution is necessary to have Congress consider designating a week for the Veterans History Project which would help us get information out to even more people. And it's as simple as a person just approaching their own family member, friend, neighbor, loved one in their life and asking them to share their story and then setting up that family video camera across the kitchen table and letting them go. It could be a 10-minute interview; it could be 2 hours, depending on how much the veteran wants to share. And that's what makes these stories so remarkable.

I had an at-risk high school back in La Crosse, Wisconsin, who has taken the lead for a number of years of those students that are actually going out making contact and interviewing these veterans. Many of these kids are at risk of dropping out. They're not the greatest performers in school, and yet this is a project that has caused the history to come alive in their own lives. They have to do a little bit of research, some background on the veterans and the time period in which they're going to conduct the interview, and then it gives them a chance to connect with the veterans in their own community. It's been a great bridge between the older and younger generation.

And I asked one of the students who got done interviewing a veteran, who participated in it, what he thought of it. And he said, you know, I've never been a great student. I don't like doing a lot of reading. History bores me to death. But by doing this project, I felt as if I was doing my own small contribution to preserving American history.

That's what this is about. It's about preserving these stories so future generations never forget. And if I had a nickel every time a family member or acquaintance or some stranger walked up to me said, Gee, I wish I had talked to my father or mother or grandfather or grandmother before they had passed away, I would probably be the richest person in the whole world right now. There is a lot of regret out there. But it doesn't have to be that way with the help and cooperation of so many people throughout the Nation.

I've been especially pleased with the strong bipartisan support that this and previous Congresses have shown toward the Veterans History Project, but there's still so much work that needs to be done, especially now with so many of our veterans returning home from conflicts overseas, whether it's Iraq, Afghanistan or wherever our troops are serving us throughout the globe.

So I would encourage my colleagues to support this resolution, to support the Veterans History Project overall, help get the word out. And for those who are looking for more information about what this is and how they can participate, they can go to the Library of Congress Web site, loc.gov, and read and download the information, or they can contact any one of our congressional or Senate offices or get in touch with a veterans service organization right in their own community who would have this information readily available.

□ 2030

In 10 years, there are close to 80,000 stories.

And one final note, I also want to thank and commend the National Court Reporters Association. My wife, who happens to be a court reporter, very early on in the creation of this project approached them to see if they could volunteer their time in transcribing a lot of these video interviews so there is a written record of it, too. Many of them throughout the Nation have stepped up and have donated countless volunteer hours in transcribing these videotapes, so there is a written record.

The library now is creating books and documentaries based on these interviews. Historians have a place to go and receive original historical research for books and articles that they are writing. It has really turned into a treasure trove of information, and again an important part of American history, what it was like for our veterans to serve our Nation during times of peace and also during times of war.

I encourage my colleagues to support the resolution. I want to thank Chairman FILNER for his support of the resolution, and the gentleman from Tennessee, and encourage its passage.

Mr. FILNER. I thank the gentleman. Thank you for your leadership, Mr. KIND. You have done an incredible job. I happen to be an historian myself. I have done a lot of work in oral history, and you described it so eloquently. I wish my father, who was in World War II, we could have taped before he died.

Just a couple of weeks ago when I was back home, I met with a group of black soldiers who in 1946, 2 years before the Executive order that integrated our armed forces, the black soldiers had been approached by General Eisenhower to say hey, the Battle of the Bulge has taken so many of our infantrymen, who will volunteer to join the infantry, the white infantry? About 5,000 volunteered. To hear their stories, and I referred them. I said get right over to our project; we need to hear that because most of us don't know about that little history, and that is very inspiring to hear what they were able to do.

Thank you for your leadership. I think, as you said, it is not only to maintain our own history, but to bridge the gap between generations. So I thank the gentleman once again.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1644, a bill expressing the support of the House of Representatives for the designation of a National Veterans History Week.

On October 27, 2000, Public Law 106–380 was signed by President William Jefferson Clinton to establish the Veterans History Project. The legislation before us supports the designation of a National Veterans History Project Week, recognizes National Veterans Awareness Week, and calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project, and encourages local, State and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of United States wartime veterans.

The Veterans History Project is maintained by the American Folklife Center in the Library of Congress. It collects, preserves, and makes accessible the personal accounts of American war veterans so that future generations may hear directly from veterans and better understand the realities of war.

The collection features firsthand accounts of U.S. veterans who served in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War from 1990–1995, or Afghanistan and Iraq conflicts, 2001 to present.

It also contains the accounts of U.S. citizen civilians who actively supported war efforts such as war industry workers, USO workers, flight instructors, medical volunteers, defense contractors, and so on. Citizens can participate by obtaining a field kit from the Library of Congress which contains the tools necessary to conduct interviews or help veterans with the interview process.

Several Members of Congress have already participated in interviews relating to their military service. I am one of them. Other Members are CLIFF STEARNS, the deputy ranking member of the committee, who reported his experience as an Air Force captain during the Vietnam War; and Ranking Republican STEVE BUYER , who recorded his experiences during the Persian Gulf War in Iraq.

Again, I urge my colleagues to support H. Res. 1644, and just to thank the gentleman. We had the Traveling Vietnam Wall in my hometown of Johnson City, Tennessee, a little over a year, a year and a half ago. We had thousands of people come by. I was able to participate myself as a veteran. We got hundreds of stories from during the Vietnam War.

In a small church in Sevierville, Tennessee, a small Baptist church, 15 young men went off to World War II and three did not return. I asked them to record this history for their church and for their community.

My history professor in college, Dr. Preston Hubbard, wrote a book ''Apocalypse Undone,'' recounting his capture in the Philippines, the Death March, and time as a slave laborer in Japan for 4 years, an incredible account.

I spoke recently to a 96-year-old veteran at the Mountain Home VA Medical Center in Johnson City about his experience before there was World War II when the U-boats wolf pack were sinking our ships taking supplies to England. He flew missions to bomb those before there was a war. I looked at his record and that part was inked out. That is a history that would have been lost without this.

My own father-in-law flew combat missions in Burma supporting Merrill's Marauders during World War II.

I was in a Hardees one morning campaigning, shaking hands. I sat down to talk to two gentlemen, and who did I talk to but two veterans who had survived the Battle of the Bulge, and they shared their stories with me.

One veteran in the same county the very same day had won a Silver Star after having a severe head injury. And I asked him how he was doing. He said he was cutting back on his farming a little bit; he was 87 years old. That is the generation that built this Nation. To lose those histories, and I agree with you completely, how many times have we heard, I wish I had taken a note of it, I talked to someone who served and gotten their story.

It is not all, most of us veterans won't share everything we did. I want to make that clear, too, for the House tonight. There are some things that probably just need to be left unsaid. But those stories have meant a lot to me and my family, and I would encourage now that we have an opportunity for all veterans who can and are able to and are willing to, to share these stories and document them. They are very important, because as was stated, we are losing 1,500 to 1,700 World War II veterans per day.

I strongly encourage my colleagues to vote for this resolution.

I yield back the balance of my time.

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

I have had the honor, privilege of chairing the Veterans' Affairs Committee for the last 4 years. The voters of this Nation have changed the party in charge, and so I think this will probably be my last day on the floor as the chairman. I just want to thank the veterans of this Nation from around the country and around the world. I have met with them. They have changed me as a person. I have learned incredible amounts from them. I have learned how much we have to do to fulfill our commitment to our Nation's veterans.

I think we have done a lot in this committee for the last 4 years. Some of our staff is here, and I want to thank them because they have made it all possible. In fact, Mr. Speaker, we have a fellow from the Military Fellows Program who worked with us for a year that the Speaker set up for us to bring in the military folks from different services and from different occupations to both help us and to help them with a year on Capitol Hill. One of those is completing his year just about now, Ricco Player. We want to thank you, Ricco, for all of your work. As a marine, he is going to be deployed to Afghanistan after Christmas, so we wish him the best but we want to thank him for the work. He has taught us a lot, and hope that you will bring back some of our knowledge to your fellow marines.

In the last 4 years, Mr. Speaker, we have added almost $25 billion to the health care needs of our veterans. That is over a 65 percent increase. That is unprecedented in the history of VA to have such an increase, and we needed to do that. We have literally hundreds of thousands of new veterans, many with brain injury, many with PTSD, post-traumatic stress disorder. We have veterans from Vietnam War who are aging, and even earlier wars, obviously. So we have tremendous need, and we put in billions of dollars into especially mental health care of our Nation's veterans.

We wrote a GI bill for the 21st century which matched the GI bill really from 1944, the original GI bill.

□ 2040

I don't know about you, Mr. Speaker, but I'm here because of the GI Bill. My dad came back from the war. He got some education, and we were able to buy a house. We were middle class for the first time in our lives because of the GI Bill, like 8 million other families who took advantage of that.

So we have brought those benefits in line to what it really costs to go to college. As you have seen today, we have worked on homeless veterans, and we have worked on women veterans. We have tried to improve access for rural veterans. We have done quite a bit.

I am looking forward to working with our counterparts in the new Congress to continue the progress that we have made for veterans. We intend to cooperate fully. Mr. ROE has been very good to work with.

I am not sure who the chairman will be from your side, but we have established, I think, good working relationships with nearly every member of your committee.

So, as we conclude this bill, Mr. Speaker, I want to thank again the staff of our committee. I want to thank the staffs on both sides of the aisle for their work and for doing so much for veterans during the last 4 years.

I would urge passage of the Kind bill, H. Res. 1644.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1644.

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.

ALTERNATIVE PLAN FOR 2011 LOCALITY-BASED COMPARABILITY PAYMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–156)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Oversight and Government Reform and ordered to be printed:

To the Congress of the United States:

The law authorizes me to implement an alternative pay plan for locality pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2011, if I view the adjustments that would otherwise take effect as inappropriate due to ''national emergency or serious economic conditions affecting the general welfare.'' Our country faces serious economic conditions affecting the general welfare. As the economic recovery continues, the time has come to put our Nation back on a sustainable fiscal course, an effort that requires tough choices and shared sacrifice. Accordingly, I have determined that it is appropriate to exercise my statutory alternative plan authority under 5 U.S.C. 5304a to set alternative January 2011 locality pay rates. This decision will not materially affect our ability to attract and retain a well-qualified Federal workforce.

Under the authority of section 5304a of title 5, United States Code, I have determined that the current locality pay percentages in Schedule 9 of Executive Order 13525 of December 23, 2009, shall not increase from their 2010 levels. Pursuant to the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911–1919, Public Law 111–84), I am also establishing applicable 2011 locality pay rates for Alaska and Hawaii that are based on 2010 locality pay levels.

The locality pay rates established in 2010, and continued in 2011 under this alternative plan, are shown in the attachment.

BARACK OBAMA.

THE WHITE HOUSE, *November 30, 2010*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

(Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE AND COMMUNITY SERVICE OF JERRY LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today I rise to honor the rich and transformative legacy of Jerry Long. Mr. Long died earlier this month after serving as a leader in Winston-Salem, North Carolina, civic and business life for decades.

From his years of serving at the head of R.J. Reynolds to his time at the helm of the Winston-Salem Chamber of Commerce or his dedicated philanthropic efforts, Jerry Long was nothing short of a catalyst for dramatic and positive change for the people of Forsyth County and Winston-Salem. Thanks to his decades of tireless advocacy for Winston-Salem, the area is today a better place to live than it would have been had Jerry Long not taken such keen interest in the well-being of the people and businesses of Winston-Salem.

Passing away earlier this month at 82 years of age, Jerry Long left a potent legacy of caring, generosity and a positive force of personality that helped transform Forsyth County and Winston-Salem into the place it is today. His irreplaceable impact on this corner of North Carolina will not soon be forgotten.

Jerry Long's investment in the community was only one facet of his character. He was also a dedicated husband of 56 years to his wife, Marieanne, as well as a faithful father to their six children and a grandfather to 16 grandchildren and one great-grandchild. He was truly a man who knew how to live well and shape his world for the better.

I hope that, upon reflecting on his rich life, many will be inspired to invest in and give back to their communities and families in the way that Jerry Long poured himself into Winston-Salem, Forsyth County and his own family.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

(Ms. RICHARDSON 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 New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

(Mrs. MILLER of Michigan 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 Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2050

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order ordered in favor of the gentleman from Arizona (Mr. FRANKS) is vacated.

There was no objection.

THE STATE OF OUR NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I know that it comes as no surprise to this House that I have been one very critical of this administration's policies on a number of different fronts, and I suppose that will be no different tonight. But Mr. Speaker, I guess I wanted to start out tonight by addressing the WikiLeaks issue. I know that a lot of people across America have looked upon this with interest, and I guess it's significant in my mind that what we've seen on the WikiLeaks issue is really more confirmatory than it is anything that's informative. In many ways what the WikiLeaks information has demonstrated is that this administration has practiced for a long time a foreign policy of appeasement, and I think it has been a disaster for our country, Mr. Speaker.

I suppose it goes without saying that the most pressing question is how a 22-year-old private first class in a remote location in Iraq could have gained access to so many of these documents, especially since they are far outside his scope of responsibilities. It represents, really, a glaring failure on parts of the State Department and even some parts of the Defense Department. And some of these commonsense security measures could have been implemented prior to this. The Pentagon has since announced that it will be implementing new policies, including a technology that makes it impossible to copy classified documents to portable storage devices. Now the fact is that it has taken too long for such a commonsense policy to sink in, and this administration certainly had lead time to consider this long before now, but I guess it is, in a sense, indicative of why bureaucracies are so inefficient most of the time. It took the leak of hundreds of thousands of sensitive documents before this government decided to get up to speed with the unique risks posed by one of the most basic modern conveniences, that being the computer.

Private Bradley Manning, the U.S. Army soldier suspected of leaking the documents, and WikiLeaks founder Julian Assange hid behind the claim that the government's so-called ''lack of transparency'' is unjustified. This is their main reason for justifying their own actions, Mr. Speaker. Unfortunately, in that process they have provided a wealth of aid and comfort to groups that are at war with the United States of America. Of course Mr. Assange claims to be fighting for truth and transparency. The reality is that his desire to promote himself has outweighed his concern for scores and perhaps hundreds of innocent lives that he has endangered with his reckless publicity in this kind of a stunt in the guise of some greater cause.

But Mr. Speaker, it's telling that the foreign media sometimes is almost more comforting to justice than the American media sometimes. The American media willingly complied in disseminating this information and they are complicit, in my judgment, in any harm that will come to American servicemembers or American personnel across the country as well.

Just to give you an example, Mr. Speaker, the same New York Times that was reticent to cover the story that's often referred to as ''Climategate'' willingly ran the WikiLeaks cover story on the front page of their newspaper. Now this is a hypocrisy, Mr. Speaker, that I think is absolutely astounding. In other words, just to put it in perspective, I will just read what one of the bloggers there of The New York Times said. Andrew Revkin of The New York Times, he is actually a reporter, was one of the first ones to cover Climategate. And in his first story only a matter of a few hours after Climategate's blog posted, in his story he states, ''The documents''—this is the Climategate documents, Mr. Speaker—''appear to have been acquired illegally and contain all manner of private information and statements that were never intended for the public eye, so they will not be posted here.'' Well, how gallant, how noble of Mr. Revkin to want to protect some of his perhaps liberal friends from being exposed in some of the over-hyped notion of global warming, but yet when people's lives are at stake, when American national security is at stake, then all of a sudden The New York Times is all too willing to publish the WikiLeaks information in the interest of full disclosure and grand journalism, and I find that unbelievable, Mr. Speaker. If the Times reporters had felt such urges of chivalry when it comes to protecting the men and women who give up their lives so that we can all sleep peacefully at night, it's just a strange time for them to do that. And to cap it all off, Mr. Speaker, it is rumored that the leading candidate for Time magazine's ''Man of the Year'' now is none other than WikiLeaks' Julian Assange.

Mr. Speaker, before I yield to one of my colleagues here, I would just like to say that, unlike authoritarian regimes across the world, democratic governments like ours hold secrets largely because citizens agree that they should in order to protect legitimate policy and national security. But this massive breach of our national security has endangered our ability to build trust and cooperation with our allies, it has certainly not served the public's interest, and most of all, it has strengthened and emboldened our enemies. Mr. Assange and WikiLeaks should be profoundly ashamed, and I think they should be pursued with whatever legal actions can be brought, and of course The New York Times, for their complicity in this effort, should be ashamed beyond measure.

With that, I would like to yield to my good friend, Congressman LAMBORN from Colorado, to see if he has any thoughts.

Mr. LAMBORN. I thank the gentleman for yielding.

Let me point out that, to its credit, The Wall Street Journal did not accept

the offer to disseminate these WikiLeaks latest round of documents from the diplomatic arena, and I think that that is to their credit. Unfortunately, The New York Times did not have the same scruples, which is extremely disappointing to me.

Representative FRANKS, as we look at some of the reports of what were contained in these diplomatic leaks, there are some really troubling national security implications that arise. One is that we find, for instance, that it is confirmed that Iran has received 19 advanced missiles from North Korea. Now we have long suspected that there have been ties on a covert basis between those two countries, we have some evidence of that; this just makes it more of a glaring issue. And our administration needs to be doing more, not just to stop WikiLeaks in the future from revealing our national secrets, but in stopping Iran and North Korea from the propagation of deadly nuclear and missile technology that they seem to be doing. The fact that Iran has received 19 advanced missiles from North Korea, each of which is capable of reaching Western Europe or even Moscow, is very troubling to me. These are our NATO allies that we are bound to defend if they are attacked, and I don't think our administration is doing enough to stop the propagation, the dissemination of deadly technology from North Korea to other countries.

When we are done talking about WikiLeaks, Representative, I would like to make sure we talk more about some of these national security implications as well.

I would like to yield back at this time.

Mr. FRANKS of Arizona. Well, thank you, Mr. LAMBORN. It is my judgment that this would probably be a good time to transition to that. And we would also like to hear from Congressman STEVE KING from Iowa. STEVE, do you have any thoughts about this? Because some of these national security issues I know DOUG and I are kind of obsessed with them—for good reason, but we know that they care about national security in Iowa as well.

□ 2100

Mr. KING of Iowa. I thank the gentleman from Arizona for yielding and for managing this Special Order here tonight and for bringing this issue, Mr. Speaker, before the American people.

This is a critical national security issue. And I'm so grateful that we have individuals here in this Congress, as intended by our Founding Fathers, that focus on a variety of issues that could clearly see and be focused on the intelligence that can bring this before the American people in such a way that they can understand, Mr. Speaker, that you will turn your focus hopefully on this subject matter.

There has been a lot of discussion across the country now and in the news media about the WikiLeaks issue. And I look at this, and I think Julian Assange, an Australian citizen, a person who made his living as a hacker, a person who is proud of being able to crack anybody's security code and get in there and pull that information out and then dump it into the public arena, into the public media sphere. For what purpose? What possible constructive purpose could be achieved by an individual who is a product of Western civilization pouring forth state secrets from Western civilization itself? It has to be for either self-aggrandizement, for that or the combination of undermining Western civilization. An enemy, an enemy of the things that we believe in.

And I don't stand here with the intent to indict the Aussies. I love the Australians. They are a free spirited, strong free market, free will group of people. They had to also take a continent and settle a continent about the size of the United States itself and make a living down there in an environment that's sometimes beautiful and sometimes harsh. They have a spirit of their own. They remind me that in every conflict that the United States has been in they got there first, and some of them they've been in all of them. It's a pretty good thing to say about the relationship between the United States and Australia.

There's not much to say about their citizen—whom I wish today were an American citizen, and at that point I think he might be subject to charges of treason against the United States.

So as I listened to the speakers here, I reached into my dog-eared Constitution and took up this definition, the constitutional definition of treason, and it says—and I know that some have called for charges of treason to be brought against Mr. Assange. I know they apply to an American citizen. But this says, Article III, section 3: Treason against the United States shall consist only in levying war against them or in adhering to their enemies—which certainly al Qaeda and the Taliban and the enemies of the terrorists who are lining up against us are our enemies—and giving them aid and comfort, giving aid and comfort to the enemies.

Well, Mr. Speaker, I think it's a subject that we wouldn't have much debate on here in this Congress that Mr. Assange has given aid and comfort to the enemy. He's empowered the enemy. He's put Americans at risk. He's put the allies of Americans at risk. And in this precarious situation around the globe, in this geopolitical-military-economic chess game that goes on constantly on the entire planet, he's taken away some of our advantage and he's given it to our enemies.

And I wish and I hope that there's a way that we can find a way to prosecute a man like that, that we can protect ourselves. And if we fail to do that, or even if we're successful in that and it exposes some other vulnerabilities, I suggest, Mr. Speaker, that this Congress take a look at some new legislation, a new structure of law, that's really not brought about because of the actions of Mr. Assange but brought about because of the actions of our enemies, our terrorist enemies.

And I have come to realize, and I think that there will be a significant number of Members of Congress that have come to realize, that we don't have the tools to fight these enemies; that the idea that we could catch terrorists like, for example, Osama bin Ladin's chauffeur, and we can't find a way to try that chauffeur and put him on trial with legitimate expectations of an effective prosecution and a conviction and a penalty.

We have Khalid Sheikh Mohammed sitting down in Guantanamo Bay yet. Two years into the Obama Presidency, when President Obama said he was going to close Guantanamo Bay and try these terrorists in civilian courts, and now we found out what happens when you try these terrorists in civilian courts—a whole bunch of evidence that's essential to the conviction has been left out of the prosecution, and they were not successful in an effective prosecution and conviction of the last terrorist that was tried in civilian court.

So I look at this and I make the charge that I think our military tribunals are a useful way to do this and Guantanamo Bay is the best place on the planet to keep them. But we don't quite have the legislative tools. We don't have the judicial tools.

I'm hopeful that this Congress will consider a proposal that's rooted in this thought; that we will set up a special court like a FISA court, or perhaps even the FISA court, and ask them to immediately adjudicate when we catch somebody that's working against the United States, that's perpetrating terrorism against the United States, and be able to process them immediately through a special court, and have that court be able to rule that this was an attack against Americans or whether it was an attack against America's civilization that was designed to spread terror and fear here rather than a crime that was committed against individual Americans, and be able to rule that that individual then fit within the category of an enemy of the United States, an enemy in this war on terror that we have, and then instantly move them off of the shores of the United States and down to Guantanamo Bay or another jurisdiction that's even further removed from these courts, and under Article III, section 2, strip these Federal courts from the jurisdiction of ruling upon these decisions of terrorists that are attacking America.

If we do that—and it's a pretty sticky constitutional question on how we would deal with American citizens in that category, but it's not when we deal with someone like Julian Assange. An Australian citizen could be put into that category, moved over to a place offshore of the United States outside of the jurisdiction of the Federal courts, the civilian Federal courts in the

United States, and adjudicated under a military tribunal in a fashion that was designed by this Congress and directed by this Congress. That's what I'm hopeful that we'll be able to do.

Mr. LAMBORN. I think this recent civilian trial of the person formerly who was in Guantanamo Bay, who was tried in New York City, I believe, who was found not guilty of about 250 counts of murder—although that's about how many people were killed in the terrorist attack on the embassy in Africa—but was found only guilty of conspiracy to destroy government property when over 200 people were murdered in that terrorist attack shows the weakness of using civilian trials to try these terrorists who are committing acts of war against our country.

And the WikiLeaks documents, getting back to those, show that this administration has been trying to place these Guantanamo detainees in other countries around the world, like Saudi Arabia. They are offering them money. They are offering them concessions if they'll take some of these people off of our hands so that the President can move closer to his goal of closing Guantanamo Bay. But that is a misguided policy from day one.

These people should not be released. I think Saudi Arabia said in one of the cables that was disclosed, or they said later on, that they would just release the people eventually if they were sent to their country and they would ultimately, as we know from cases in the past, many of them would find their way back to the battlefield where they would kill Americans or American allies.

So I think that the whole misguided policy of Guantanamo Bay being closed is exposed by some of these WikiLeaks documents. But still, these should have never been disclosed in the first place. This administration needs to find a way to punish those involved and make sure it never happens again.

Mr. FRANKS of Arizona. I guess, Mr. Speaker, I would like to agree with the gentleman from Colorado because, you know, many of us, including the gentleman from Colorado, including the gentleman from Iowa, were very vociferous in saying that there would come a time where it would be obvious to the world that these civilian trials wouldn't work for enemy combatants that are terrorists that were taken off the battlefield in Afghanistan or Iraq or wherever it might be, because we knew that this would give al Qaeda and other terrorist groups a perfect opportunity, a staging ground, as it were, to be able to manipulate our system.

Not only does it give them the ability to have discovery where they are able to potentially undermine our security apparatus and gain information that is critical to protecting our agents in the field, but this also gives them the ability to claim all kinds of things before the world. And of course you know the security elements of it are astonishing. And of course they use our own court system and our own court rules to make it very possible for them to escape justice.

I thought, to paraphrase President Bush, he said something like this. He said, We should not allow our enemies to use, to destroy liberty by using the forums of liberty to destroy liberty itself. And the reality is is that sometimes we can become victims of our own ostensible decency.

And this administration, in its kowtowing to terrorists, has been more committed to protecting terrorist rights than it has been to protecting the lives of American citizens. And I think that is profound beyond anything I could suggest.

□ 2110

Because it just tells me that somehow the administration has a philosophical bent that is going in a way that I think endangers American freedom and future generations. And I am hoping that somehow they will wake up in time. But yes, the gentleman is correct that WikiLeaks, among other things, has exposed once again this administration's effort to try to put these combatants in different countries to try to avoid the trap that they have set for themselves in America by insisting that this be done in civilian trials.

And again, it is a disgrace beyond words that this man that was instrumental in the murder of about, I think it was 224 people, Mr. LAMBORN, and yet he gets conspiracy to destroy government property. And that is unfortunately—you know, sometimes the administration thinks of these things always in sort of academic terms. But this is real life. And national security in the 9/11 age is something we should all be focused on. And this administration seems to be asleep at the wheel. And I just wonder if my colleague from Iowa might have any thoughts on that.

Mr. KING of Iowa. I thank the gentleman from Arizona. And I reflect upon a trip that I made down to Guantanamo Bay I believe it was a year ago last Easter. And the trip was designed to fill me and a handful of other members on the Judiciary Committee in on the practices and the facilities that they had at Guantanamo Bay. And I think this is something that the American people have not had an opportunity to witness or actually hear about within the news, that there is a facility that's perfectly structured for the job that we have, which is to bring these terrorists to a location and legitimately try them and give some resolution to their circumstances.

And I don't remember the exact number of inmates that they had down there at the time, but it was down to the hard core of the hard core. They had already released those that could be released. And the rest of them were a danger to Americans, a danger to free people everywhere, and a danger if they were released to come back, and as Mr. LAMBORN said, to attack Americans again, but also NATO troops and other people that represent the free world.

And as we are looking at that facility, oh, it's a pretty wonderful facility if you want to be in a jail and be a Muslim, for example. And you walk into these cells, first of all the temperature is set at 75 degrees. Seventy-five. My house is a lot warmer than that in Iowa in the summertime. Because 75 degrees, they argued, was their cultural temperature. And I don't know that that's true. I would think 140 degrees is more likely some of their cultural temperature. But in any case it's set at 75.

And you open the door on any of the cells, and they have their own personalized cells, there is an arrow there that points towards Mecca. So they never have to guess which direction that they are praying. Every one of them gets a nice fancy prayer rug that's all embroidered. It takes a lot of hand work. It's a beautiful piece of work. And they get a little skullcap that's also hand-worked and done. And the Korans that they get are carried in a ziplock bag so they are nice and protected and never touched by the hands of an infidel, because that might anger the inmates at Gitmo. And they had their nice television and a little break room that they got together. And here is this flat screen TV. And that went on pretty fine for a while.

Oh, by the way, their meals, they get a choice out of nine selections a day of Islamicly approved meals. And they can pick three squares out of the nine every day that fit within their cultural heritage in their way. It isn't like Americans are serving them ham and beans like they would give me or you or anybody else that was in there. They get to select from this special menu, a special menu for special people that get a special rug and a special skullcap and a special ziplock bag-delivered Koran that is never touched by an infidel.

And they have as many as 20 attacks on Americans a day at Guantanamo Bay. About half of them are physical attacks, where they try to get one of our guards down, usually Navy personnel, and get their handcuffed chains around their throat and try to strangle them, attack them with the metal that's part of their restraints. And the other half are throwing human feces in the face of our troops. What is the punishment for that? If it happened to be a domestic prisoner in a domestic prison, if you continued with that you would find yourself in solitary confinement. And eventually, the punishment would go to the point where you would be locked up in prison for life. Eventually.

But what we do is nothing. There is no penalty. If Khalid Sheikh Mohammed attacks the guards every day, several times a day, the worst thing we can do to him is cut his outdoor exercise down to 2 hours a day. Two hours a day outdoors. The rest of the time

you are in 75-degree air conditioning with your own selected meals, three out of the nine that are the choice of the menu there, on your own specialized prayer rug with your own Koran. And there was one inmate that wanted a Bible in Gitmo. He converted to Christianity. But it was verboten to bring a Bible into Guantanamo Bay because it would set the inmates off, the other inmates off who thought that a Bible was an insult and affront to them.

And they were watching their flat screen TV in their little break room, and a lady came on to do a commercial, and she had a short-sleeved shirt on and showed her elbow. Showed her elbow. I don't get really all that worked up over an elbow. But they got all worked up over the elbow and trashed the room, tore up the furniture, broke the flat screen TV, scattered it all. It was like a little riot in their little break room. What's their punishment for that? New furniture, new flat screen TV. We coddle these prisoners. We don't even have a punishment for those that attack our American guards.

And we set up the trial room so that there are microphones, a sound system, places for witnesses to sit, places for family members to observe, a soundproof glass that's there. And when it gets down to the critical component of the testimony, we have an officer that is assigned with the job to cut off the testimony until such time as the witnesses that don't have access to classified are marched out of the witness chamber, and they pick up the testimony.

This facility is laid out for the purposes of trying people where national security is an issue. And if we had been trying the individual you talked about, Mr. LAMBORN, I believe he would have been convicted in Guantanamo Bay. Because the evidence that was necessary to convict him would have been used rather than held back for fear that it becomes a spillage of a national secret that becomes the subject here of the WikiLeaks.

So those are things that go across my mind. We have got to do a lot more. We have got to be a lot smarter about this. What would be very helpful is if we had a Commander in Chief who was making the ask of this Congress rather than us trying to push that chain uphill, having a President that would actually be pulling it in that right direction. I yield back.

Mr. FRANKS of Arizona. Thank you, Mr. KING. You know, I suppose that there are a lot of different issues we could talk about with the WikiLeaks situation here. But I would point out that probably one of the big things that it showed is that just our appeasement toward our enemies. And I think probably one of the most dangerous areas there has been is just the passive nature that this administration has shown toward North Korea.

North Korea is one of the most dangerous police states in the world. And they have shown time and again that they are not interested in becoming a stable diplomatic partner really to any member of the international community for that matter, but certainly not the United States.

And a recent timeline of North Korea's blatant provocations would probably be worth looking at here. Just to give you an example, in March of 2010 they were involved in the sinking of a South Korean submarine. It killed 46 sailors. In November of 2010, U.N. Security Council reports revealed that North Korea has been passing, as Mr. LAMBORN said, forbidden nuclear technology to state sponsors of terror. I know Mr. LAMBORN mentioned the missile technology, which is more recent, but also nuclear technology to sponsors of terrorism, including Iran and Syria. Of course the Syrian plant was almost a mirror image of the one in North Korea. And fortunately our friends in Israel were able to make sure that that one didn't work so well any more. And they did the world a great favor in that regard. Because nuclear weapons in the hands of Iran or Syria would be a great danger to the human family to say the very least.

In November of 2010, North Korea shelled the Yeonpyeong Island, a group of South Korean islands, and it claimed the lives of two South Korean marines. Two civilians I believe were also killed. It wounded somewhere around 15 marines and three other civilians. And of course this administration, while they have some shows of resolve here lately, a lot of these things have occurred because they have stood by and let North Korea get away with this so long. And really in a sense North Korea sometimes does this to get attention, and they have no respect for innocent human life. So blowing up a few people to try to get one of the Democrat administrations to give them more money is something that they don't hesitate to do. And they have done this on a regular basis.

The U.S., Mr. Speaker, must move to re-list North Korea as a state sponsor of terrorism and call on all responsible nations to adopt tough new sanctions on the North Korean regime. The North Korean regime will collapse on itself if China and other countries in the world do not continue to prop them up.

□ 2120

China should be especially called upon to stop enabling this regime and to join responsible nations in sending an unequivocal message to North Korea, abandon your aggressive agenda now. And, of course, you know it shouldn't come as a surprise to us, but China's objections kept us from seeing a U.N. Security Council report revealing that North Korea has been passing banned technology to nations like Syria and Iran, and they delayed that for 6 months.

In other words, because of China, because of their commitment to delay this, Iran was given 6 additional months to work on advancing their nuclear capacity without public scrutiny. And there is no telling how far they were able, willing to go, really, to advance this effort. But they were eventually forced to see this information like the rest of the world.

Mr. Speaker, I just have to say that, you know, weakness and passiveness is provocative. It invites aggression, and it is time that this administration and the United States embark on one singular goal for North Korea, and that is to see that North Korean Government fall and North Korea be reunited and somehow, some semblance of freedom come to that people and that this country, like many of its people, would like for it to be reunited with the world community in a responsible way.

To pursue a lot of diplomacy with North Korea is wasted effort, and we should be pursuing now the effort to see a North Korea and South Korea reunited under a free government like South Korea.

I wonder if my friend from Colorado would have any comments on that?

Mr. LAMBORN. I thank the gentleman from Arizona for yielding.

I would like to say that this administration has not done enough with North Korea. Some good efforts have been made, but much more needs to be done and much more needs to be done with Iran.

I am particularly appalled that we did nothing in the last year, when the Green Revolution started, when the fraudulent election took place, Ahmadinejad was reelected as President. There was rampant fraud throughout the country. It was obvious to any observer, and the people of Iran were offended and resented that and they rebelled and took to the streets.

We did nothing to support them.

That would have been, and maybe still is, the best way possible to overthrow this murderous regime in Tehran. But we are doing nothing to help the opposition.

That type of lack of effort, I don't understand it. It's our best shot at freeing the people of Iran so that they can become more democratic and peace loving. There are many pro-Western Iranians, especially young people. Some of them have been to the West, and they like the West. And yet we are doing nothing to support those in opposition to this government.

And to find out from WikiLeaks, to have the confirmation that 19 intermediate range missiles that could go as far as Moscow or Western Europe have been sent from North Korea to Iran, and that we know Iran is working on a nuclear weapon at the same time to put on these missiles, there is no question about that, this is unacceptable. This should not be happening. We should not be allowing North Korea to send deadly arms to countries like Iran or Syria. Rumors have it that they want to do the same with Burma or Venezuela. We have to not let North

Korea proliferate like this, and our administration should and needs to do more.

Mr. FRANKS of Arizona. Before I yield to my friend from Iowa, I would just like to kind of follow up what the gentleman from Colorado said.

You know, sometimes I think we are unaware as a people—and certainly this administration seems oblivious—to how serious a nuclear Iran, what a serious danger to the peace of the entire human family that would represent.

But just for a moment, let's consider that for a moment. You know, the Ahmadinejad government, the government of the mullahs and Ahmadinejad there, have, through their very brazen, open statements, have condemned Israel, have condemned the United States and threatened both of our countries in very specific terms, wanting to see Israel wiped off the map and the United States be ended as a world power and to see us completely brought to our knees.

I mean, it's hard to even, to repeat some of the things that this Iranian administration has said about America. And it's very clear what their intent is, and there are two elements to every threat, Mr. Speaker, when it comes to national security. One is the intent of a potential enemy and the second one is the capacity of that enemy to carry through with their threats.

And if we have not understood by now the intent of jihad, the intent of state sponsors of terrorism like Iran, then we are not listening very well, Mr. Speaker. The intent is clear. Iran would see America destroyed tomorrow if they could. Now, not the Iranian people, but the Iranian Government, as it stands now, would see America in ashes if they could.

So the idea of allowing them to gain nuclear capability seems to be just astonishing beyond words to me, Mr. Speaker. I mean, this administration seems to have embraced some sort of a surreptitious policy of allowing Iran to gain nuclear weapons and then pursuing the traditional idea of containment, like we have in other situations with the Soviet Union.

But that won't work with a jihadist government. Because when we were dealing with the Soviet Union, we put our security, in a sense, in their sanity. We knew that they wanted to survive and we had the capability to respond in such an overwhelming way that they were deterred from attacking America. But when it comes to the jihadist mindset, Mr. Speaker, that is no longer a strategy that can be embraced.

Let me just say, Mr. Speaker, if Iran gains a nuclear capability, if they gain nuclear weapons, this world will step into the shadow of nuclear terrorism. Terrorists will have these weapons and, Mr. Speaker, I can't express to you the danger that that will represent and the change that it will represent to all of us in the free world and, really, throughout the planet.

Because Iran has shown themselves willing to make some of the most deadly weapons that we face in Iraq and blowing up our soldiers with their explosively formed penetrators. They pay money to see some of the Taliban kill American soldiers in Afghanistan. They have demonstrated their intent very clearly, and this administration seems willing to allow them to have the capacity to carry out that intent.

Mr. Speaker, let me just, while I am walking by the neighborhood, remind this administration that Iran has done military exercises that appear to every reasonable military analyst to be preparation for an EMP attack against this country or some other enemy that they might have.

Mr. Speaker, I think that this administration seems woefully unprepared or even unaware of how serious an electromagnetic pulse or a high altitude nuclear blast to create an electromagnetic pulse could be to this country. Mr. Speaker, if Iran gains a nuclear capability it will give them the asymmetric capability to, in fact, launch an EMP attack against this country, and that could cripple our infrastructure. It could cause an almost inarticulable damage to this country.

The EMP Commission says a major EMP attack on this country could be the one thing that could defeat the U.S. military. It could see more than 60 percent of the population of the United States unsustainable. I don't know how you wrap your mind around a number like that.

But, yet, that is the path that we are on with this administration continuing to allow Iran to gain nuclear weapons. And I would just call upon the Senate, Mr. Speaker, tonight on this floor, to pass the grid bill that we passed out of this body some time ago to begin to protect our electric infrastructure from either geomagnetic storms or from a high altitude electromagnetic pulse from a nuclear weapon that could be launched against us like Iran.

This administration has paid no attention to that, and yet it represents a very real, very credible threat against the United States, and it is the ideal asymmetric weapon for terrorists, and they know it. We have discovered their writings. They understand that and yet we stand by, and this administration embraces the notion that we can allow a jihadist, terrorist state like Iran to gain the world's most dangerous weapons and to be able to potentially launch against this country an attack that could be absolutely devastating to our civilization.

I just continue to be astonished that this administration has forsaken its number one constitutional duty in making sure that the protection of the citizens of this country and the national security of this country are job one.

□ 2130

And I really don't know what to add to that except maybe to ask my friend from Ohio—from Iowa—I know you are not from Ohio—to comment.

Mr. KING from Iowa. Well, I thank the gentleman from Arizona. And I loved Ohio until Ohio State beat the Hawkeyes a week and a half ago, but I'm holding my judgment until next year when we have some reconciliation meeting that takes place.

I'm very interested in the comment that you have made, the shadow of nuclear terrorism, that comment. When we think about this as Americans, watching this world, this Western civilization world falling under the shadow of nuclear terrorism, if we think worrying about some jet airliners being flown into the Twin Towers or into the Pentagon just down the road a little ways or off into the field in Pennsylvania, what that did to this country, how it shook up this country, how it immobilized our financial markets and our daily lives, right down to football games and weddings were brought to an immediate halt, even though it was more than 1,000 miles away, nearly 2,000 miles away to get to the other side of the continent, they stopped their football games there, too. They stopped their weddings there, too. And I suppose they stopped some funerals for a while. That's how much it devastated this country. And I thought that we really should have looked at those crises on September 11, 2001 and said it's not going to break our stride. We're going to keep our pace. We're going to go forward, and we're going to live, and we're going to live while we adapt to the new threat that has come upon us.

But this new threat that's out there now that hangs over our head, the shadow of nuclear terrorism that hangs over our head out of North Korea, who is completely belligerent today, and out of Iran as well.

And I will tell you, Mr. Speaker, that I wasn't very happy with the job that was done by then-Commander in Chief Bill Clinton on each of these issues but primarily with Korea. I thought that he was too soft, too tepid, not bold enough, and I looked through that and I thought North Korea will march through his path and they'll become a nuclear power and nothing is going to stop them because we are not bold, we're not strong enough, and we didn't show the resolve necessary to cause them to back up and back off, North Korea. Also true with Iran.

And as I watched President Bush, Bush 43, come into office, I was hopeful there would be a bolder position with regard to our posture towards North Korea and towards Iran. And I can remember serving here in this Congress through some of those years. And I watched how the political handcuffs were put on George W. Bush in such a way that he didn't have the political support to use the bold actions that I believe might have been necessary then to avert the nuclear power that has materialized in North Korea nor the impending nuclear power that appears

to be materializing in Iran. I don't think that George Bush was able to utilize those tools. I don't know if he had the will. I believe he did. I believe he had the judgment, but I don't think he had the political tools because this Congress was so lined up against George Bush, there were so many debates that emerged from over on this side of the aisle that attacked the President, the Commander in Chief, and undermined our military when they were in the field where lives were being sacrificed for our liberty, 44 votes forced by this Speaker of the House that were designed to unfund, underfund or undermine our troops. And all of that was designed to expand their political power and diminish the power of the Commander in Chief.

While that was going on, North Korea was furiously building a nuclear capability, Iran was building a nuclear capability, and one thing that did happen very good, and many of them did happen good under George Bush, was he began the process to establish the missiles in Poland and the radar in Czechoslovakia and he had it set up to go to protect Western Europe and eventually America from missiles coming out of Iran, and what happened? We elected a new President, one who I don't think has an understanding of this geopolitical chess game that's going on with our national security and the destiny of all humanity, who did what? Pulled the missiles out of Poland, the radar out of Czechoslovakia, and the headlines in the Warsaw paper said ''betrayed.'' Betrayed. And I believe that that was the largest and most colossal foreign policy mistake made by the Obama administration that emboldened not just Iran to accelerate their nuclear endeavors but emboldened North Korea as well to go to the point of shelling the island in South Korea because they know or they believe, and I actually think they know, this President doesn't have the resolve to do the confrontation necessary to protect our liberty.

So we live now under the shadow of a nuclear terrorism that is emerging.

And I would just ask this question, does this Nation have the capability and the will to shut off that capability, that building capability in Iran and in North Korea? If we do, we have a strong position to negotiate from. If we do not, we need to achieve that ability and negotiate from a strong position.

There is more I would say, but I yield back to the gentleman the Arizona.

Mr. FRANKS of Arizona. I thank the gentleman. I would like to yield to the gentleman from Colorado.

Mr. LAMBORN. I thank the gentleman, Representative TRENT FRANKS from Arizona, and I thank STEVE KING for making some good points about Iran and the mistakes made by this administration in canceling the third site. And I was with the group that went and talked to the people in Warsaw and Prague, and they were not happy. They put the best face on it. They knew it was inevitable, but they were not and are not happy. And, yes, there are attempts to contain Iran with a theater defense, and that's good as far as it goes. But theater defense for missiles against missiles is not the same as defense against intercontinental ballistic missiles. And that's what we would have had with the ground based interceptors in Poland.

So, yes, I do like that we will have Aegis ships with theater missile defense missiles on them in places around Iran. I'm troubled by the role of Turkey. I think they are not as stable of an ally as they once were under their current leadership. And I'm not sure they're very dependable these days. I hope they become more so. But Iran is developing threats that will go beyond our theater defenses faster than we will have intercontinental protection in place. So they will be able to go beyond our theater defenses before we have intercontinental defenses. So their threat is emerging faster than our defenses will be put into place.

And that is what concerns me about the phased adaptive approach, which is the theater defense in the alternative to the third site that would have been in Poland. And I yield back to the gentleman from Arizona, who is an expert on these issues

Mr. FRANKS of Arizona. Well, I think the gentleman is absolutely correct, not that I'm an expert, but that your points are absolutely correct.

I would say that it's important to realize that the European site was not only a redundant protection to the United States from potentially ICBMs coming from Iran, but it was also something that could have calculated or factored into the calculus of Iran in moving towards developing nuclear capability in the first place, because in a sense, Mr. Speaker, missile defense is the last line of defense against an incoming missile. And I think everyone can understand that basic equation. But it's also the first line of defense against nuclear proliferation. Because a rogue state like Iran knows that they face great challenges and great dangers by pursuing nuclear weapons because they realize that their neighbors understand the aggressive nature of that rogue state of Iran and can't abide them having nuclear weapons, and they realize that could potentially invite some type of preemptive attack. But they continue to do that because they understand the strategic advantage that they would gain to threaten their neighbors would be overwhelming.

But if indeed, Mr. Speaker, we could have been in a place in Poland to be able to intercept or knock down any missiles coming toward our allies in Europe or the United States, it could have demonstrated to Iran that they would not have gained any strategic advantage by continuing forward, and it may some day in the history books be written that that is where we lost the battle because that is maybe where Iran began to see that they were going to be able to get away with creating a nuclear capability.

But, Mr. Speaker, it's astonishing that this administration betrayed the people of Poland, betrayed the people of the Czech Republic. When we had made promises to them, we did everything we could to reach out to them to have courage to stand with America in this endeavor, and then our own administration pulls the plug and betrays them. And now it makes it very difficult for other allies to express that same kind of courage.

Of course the phased adaptive approach is a name that we put on. It's a good name. There's nothing wrong with the name. Some of our military leaders understand that there are many, as Mr. LAMBORN said, many important aspects to the phased adaptive approach. The irony is that the Bush administration was pursuing the phased adaptive approach long before the Obama administration ever even understood that there was such a thing. And these things were on the books, and all the Obama administration really did was to cancel the third site and unfortunately then make it clear that we would not have redundant capability to interdict any ICBMs or long-range missiles that Iran could place a nuclear weapon on because we simply would not be able to do it in time. Our Aegis capability is a wonderful capability, Mr. Speaker. But the present Aegis capability does not have the capacity or the speed to shoot down ICBMs, unless they're in a perfect spot, which is a very rare occurrence. And I would just suggest to you that this administration, once again, has placed their ideological commitment to the left above national security.

□ 2140

You know, there may be some day when we wished we had these days back again. With all of the challenges we face, it seems like the administration forgets its first responsibility, its first constitutional duty of defending the citizens and the national security of this country. It shouldn't surprise us that they forget the idea of property rights, and it shouldn't surprise us that they forget the idea of protecting the rights of innocent, unborn children. And it shouldn't surprise us that they are willing to put people on the courts that have no respect for the Constitution. And it shouldn't surprise us that somehow the foundations of the Nation, the right to live and be free and pursue our dreams, is subordinated to the notion that we want to build a large State. Those things shouldn't surprise us. But if this administration continues to go in the direction it is going, Mr. Speaker, I am afraid that we will all wish we had these days back again when we could have prevented some great tragedies that may befall us because of the ideological commitment of this administration to weaken America.

I wonder if my good friend, the gentleman from Texas (Mr. GOHMERT) has any comments along those lines.

Mr. GOHMERT. I have the same concerns my good friend from Arizona has. As has been discussed here, people around the world, nations around the world watch everything we do to determine are we serious about providing for a defense for America. Are we serious about providing a defense for our allies. Are we serious about standing up against rogue nations, against attacks on freedom and liberty.

I know there is some disagreement among historians, but there are those who believe that when the Secretary of State 60 years ago gave a speech which in essence indicated that Korea was really outside our sphere of influence, North Korea had been massing and they had been preparing, but it happened that they began moving south after that speech. People notice when there is a weakness evidenced in America's leadership, and often it leads to acts of violence.

Do you think it was any accident that the flotilla went against the Israeli blockade of Gaza where thousands of rockets had flown into Israel, destroying, killing, terrorizing Israelis. We agreed originally that the blockade was necessary because of all of the death and destruction. Was it any accident that the flotilla ends up setting sail to try to at least challenge that blockade after this White House snubs the prime minister of Israel, treats them worse than Chavez or some Third World dictator, treats them so shabbily, and begins to side with Israel's enemies, like in May voting with Israel's enemies to make them disclose all of their weaponry. I mean, was it any accident that is when those who want to challenge Israel's very existence sent the flotilla south? I don't think so.

When it comes to strong leadership that protects America, I mean, my friends have been discussing this issue of Guantanamo. I know that you would be as delighted as I was to read the headline, ''5 Charged in 9/11 Attacks Seek to Plead Guilty.'' A New York Times article, Guantanamo Bay, Cuba: ''The five Guantanamo detainees charged with coordinating the September 11 attacks told a military judge on Monday that they wanted to confess in full, a move that seemed to challenge the government to put them to death. At the start of what had been listed as routine proceedings Monday, Judge Henry said he had received a written statement from the five men dated November 4 saying they planned to stop filing legal motions and to 'announce our confessions to plea in full'. Speaking in what has become a familiar high-pitched tone in the cavernous courtroom here, the most prominent of the five, Khalid Sheikh Mohammed said, 'We don't want to waste our time with motions.' '' That was what they said.

This administration, unfortunately, came in after, just a month after this because this is December 8, 2008. These guys were ready to plead guilty. They were ready to be put to death. They had already proclaimed, as Khalid Sheikh Mohammed did, as well as authorized by the other four, they were ready to plead guilty and take their punishment. Oh, no. The strong leaders in this administration came in and said, whoa, whoa, not so fast. We want to give you a show trial in New York City, cost ourselves billions of dollars, put New Yorkers at risk so you can have a big show, and we can pound our chest and talk about how civilized we are.

What civilized nation would not protect itself so it can remain civilized instead of being overtaken by barbarians? The civilized thing to do is to protect the civilized people that put you in office. But that is not what this administration did. They came in and basically said, you know what, hold off on that guilty plea. Once these guys heard they were going to get a show trial, well for heaven's sake, they pulled back on their guilty pleas and here 2 years later, 2 full years later, this administration has now announced basically that we are not sure when we are going to get around to bringing them to trial. We are not sure where we are going to try them. It has shown weakness in leadership.

I just remind my friend, and I know he knows the quote from John Stuart Mill, who said in the 1800s: ''War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself.''

Mr. FRANKS of Arizona. Mr. Speaker, it is kind hard to top that. The message I was hoping that could be relayed more than anything else is that there has been a general lackadaisical, asleep-at-the-wheel, detached perspective of this administration when it comes to national security. And unfortunately, we live in a 9/11 world where there are those out there who don't hold to the ideals of freedom and protecting innocent life, like has been the ideal of America. This administration is continuing down this path.

Mr. Speaker, I don't want to have to come to this floor in future days and have to decry what we failed to do. I think there is still time for this administration to wake up and realize that allowing Iran to gain nuclear weapons, allowing North Korea to proliferate nuclear capability, missile capability throughout the world, allowing terrorists to use the forms of liberty to destroy liberty itself in our civilian courts, allowing the potential of terrorists to gain control of an EMP capability that could threaten our whole society, standing by while the Senate sits quietly and does nothing to pass the GRID bill passed in the House of Representatives, these are very, very important things, Mr. Speaker. I just hope somehow this administration realizes that their first purpose and their first responsibility to God, country, and their fellow human beings is to protect the lives and constitutional rights of the citizens of the United States.

Mr. Speaker, I hope that happens.

GETTING BACK TO OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, I have so much respect and abiding love and appreciation for my dear friend from Arizona, as well as my friend from Colorado and my friend who was here earlier from Iowa, my dear friend STEVE KING. Congressman KING and I were down in Guantanamo together, and I heard him earlier talking about pulling back the privileges and punishing assaults at Guantanamo Bay against our own servicemembers.

□ 2150

I did recall something that he may not have recalled. There is another severe form of punishment when such an assault is committed on our guards at Guantanamo, which apparently is pretty customary down there, of throwing urine or feces on our guards. They have to come up with creative ways to do that, and do so.

One of the other ways—and it's the only other way in addition to taking some of their outdoor exercise time down to 2 hours. The other thing that they have been known to do in order to really punish them, to actually torture them, is to take away some of their movie-watching time during the day. It's just devastating, you know, to the Guantanamo detainees to have some of their movie-watching privileges taken away because they threw feces or urine on one of our gallant servicemen or -women. You've got to take away some of their movie-watching. It really teaches them a lesson. It just shows them we're not going to be messed with. If you mess with us, you won't get to watch as many movies today as you would have otherwise. We'll show 'em.

I was also hearing on the news today that Uyghurs, Chinese Muslims who have been transferred out of Guantanamo, had given interviews, indicating, actually, they were a lot better treated in Guantanamo than they were at home in China. So, despite the way some people have tried to characterize the prison in Guantanamo, it is not quite as bad—in fact, not by a long shot. It provides better living conditions than many of these people have ever had in their lives.

Then again, some of them wanted to blow themselves up, and they haven't had that opportunity down there. So, if their version of a great, abundant life is to blow themselves up and to kill a lot of innocent people, then, yes, they have not had that kind of abundant life of blowing themselves up and killing innocent people in Guantanamo Bay.

But the messages that are coming out of this administration are particularly worrisome. When our own enemies perceive weakness in the President of this country or his administration, it propels them into action. It propels them into actions that harm the United States that they would otherwise be afraid to move forward with. In fact, when one thinks about President Bush, with support from Democrats and Republicans alike, going into Iraq, one of the things that came out of that was a country teetering once again on the edge of nuclear proliferation, a nuclear program going forward.

When President Bush ordered our troops into Iraq, the potential terrorist-harboring state of Libya realized, uh-oh, this President is quite serious. He is willing to commit American troops into harm's way to take out a ruthless leader who at least says he supports terrorism and supports threatening the United States. ''Maybe I'd better cancel our nuclear program and make peace with the United States.''

One of the byproducts of the invasion of Iraq was a message that, at that time at least, there was a President who would step up and who was not afraid to take action when someone continued to try to threaten the United States.

A friend who publishes in the Jerusalem Post—and I've had the opportunity, honor and privilege to read some of Caroline Glick's writing here on the House floor before—has great insight so often into areas of foreign policy, not only with regard to Israel but with regard to the United States and our place in international stability when we do show that we can and will be strong. There was an article that was published in the Jerusalem Post, written by Caroline Glick on November 26, 2010. Caroline's perspective and the things she has to say, I think, are important enough to read into our RECORD, Mr. Speaker, for anyone who may not otherwise have been privy to her observations. This is her article.

It begins, ''Crises are exploding throughout the world. And the leader of the free world is making things worse.'' I'm quoting from Caroline Glick.

''On the Korean Peninsula, North Korea just upended 8 years of State Department obfuscation by showing a team of U.S. nuclear scientists its collection of thousands of state-of-the-art centrifuges installed in its Yongbyon nuclear reactor.

''And just to top off the show, as Stephen Bosworth, U.S. President Barack Obama's point man on North Korea, was busily arguing that this revelation is not a crisis, the North fired an unprovoked artillery barrage at South Korea, demonstrating that, actually, it is a crisis.

''But the Obama administration remains unmoved. On Tuesday, Defense Secretary Robert Gates thanked his South Korean counterpart, Kim Taeyoung, for showing 'restraint.'

''On Thursday, Kim resigned in disgrace for that restraint.

''The U.S. has spoken strongly of not allowing North Korea's aggression to go unanswered. But in practice, its only answer is to try to tempt North Korea back to feckless multilateral disarmament talks that will go nowhere because China supports North Korean armament. Contrary to what Obama and his advisers claim, China does not share the U.S.'s interest in denuclearizing North Korea. Consequently, Beijing will not lift a finger to achieve that goal.

''Then there is Iran. The now inarguable fact that Pyongyang is developing nuclear weapons with enriched uranium makes it all but certain that the hyperactive proliferators in Pyongyang are involved in Iran's uranium-based nuclear weapons program. Obviously, the North Koreans don't care that the U.N. Security Council placed sanctions on Iran. And their presumptive role in Iran's nuclear weapons program exposes the idiocy of the concept that these sanctions can block Iran's path to a nuclear arsenal.

''Every day, as the regime in Pyongyang and Teheran escalate their aggression and confrontational stances, it becomes more and more clear that the only way to neutralize the threats they pose to international security is to overthrow them. At least in the case of Iran, it is also clear that the prospects for regime change have never been better.

''Iran's regime is in trouble. Since the fraudulent Presidential elections 17 months ago, the regime has moved ferociously against its domestic foes.

''But dissent has only grown. And as popular resentment towards the regime has grown, the likes of President Mahmoud Ahmadinejad, supreme dictator Ali Khamenei and their Revolutionary Guards have become terrified of their own people. They have imprisoned rappers and outlawed Western music. They have purged their schoolbooks of Persian history. Everything that smacks of anything non-Islamic is viewed as a threat.

''Members of the regime are so frightened by the public that, this week, several members of parliament tried to begin impeachment proceedings against Ahmadinejad. Apparently, they hope that ousting him will be sufficient to end the public's call for revolutionary change.

□ 2200

But Khamenei is standing by his man, and the impeachment proceedings have ended as quickly as they began. The policy implications of all this are clear.

''The U.S. should destroy Iran's nuclear installations and help the Iranian people overthrow the regime, but the Obama administration will have none of it.

''Earlier this month, Gates said, 'If it's military solution, as far as I'm concerned, it will bring together a divided nation.'

''So in his view, the Iranian people, who risk death to defy the regime every day, the Iranian people who revile Ahmadinejad as 'the chimpanzee' and call for Khamenei's death from their rooftops every evening, will rally around the chimp and the dictator if the U.S. or Israel attacks Iran's nuclear installations.''

Continuing with Caroline Glick's article, she says, ''Due to this thinking, as far as the Obama administration is concerned the U.S. should stick to its failed sanctions policy and continue its failed attempts to cut a nuclear deal with the mullahs.

''As Michael Ledeen noted last week at Pajamas Media, this boilerplate assertion, backed by no evidence whatsoever, is what passes for strategic wisdom in Washington as Iran completes its nuclear project. And this U.S. refusal to understand the policy implications of popular rejection of the regime is what brings State Department wise men and women to the conclusion that the U.S. has no dog in this fight. As State Department spokesman P.J. Crowley told The Wall Street Journal this week, the Parliament's bid to impeach Ahmadinejad was nothing more than the product of 'rivalries within the Iranian Government.'

''Then there is Lebanon. Since Ahmadinejad's visit last month, it is obvious that Iran is now the ruler of Lebanon and that it exerts its authority over the country through its Hizbullah proxy.

''Hizbullah's open threats to overthrow Prime Minister Saad Hariri's government if Hizbullah's role in assassinating his father in 2005 is officially acknowledged just make this tragic reality more undeniable. And yet, the Obama administration continues to deny that Iran controls Lebanon.

''A month after Ahmadinejad's visit, Obama convinced the lame duck Congress to lift its hold on $100 million in U.S. military assistance to the Hizbullah-dominated Lebanese military. And the U.S. convinced Israel to relinquish the northern half of the border town of Ghajar to U.N. forces despite the fact that the U.N. forces are at Hizbullah's mercy.

''In the midst of all these crises, Obama has maintained faith with his two central foreign policy goals: forcing Israel to withdraw to the indefensible 1949 armistice lines and scaling back the U.S. nuclear arsenal with an eye towards unilateral disarmament. That is, as the forces of mayhem and war escalate their threats and aggression, Obama's central goals remain

weakening the U.S.'s most powerful regional ally in the Middle East and rendering the U.S. incompetent to deter or defeat rapidly proliferating rogue states that are at war with the U.S. and its allies.

''Having said that, the truth is that in advancing these goals, Obama is not out of step with his predecessors. George H.W. Bush and Bill Clinton both enacted drastic cuts in the U.S. conventional and nonconventional arsenals. Clinton and George W. Bush adopted appeasement policies towards North Korea. Indeed, Pyongyang owes its nuclear arsenal to both Presidents' desire to be deceived and do nothing.

''Moreover, North Korea's ability to proliferate nuclear weapons to the likes of Iran, Syria and Venezuela owes in large part to then-Secretary of State Condoleezza Rice's insistence that Israel say nothing about North Korea's nuclear ties to Iran and Syria in the wake of Israel's destruction of the North Korean-built and Iranian-financed nuclear reactor in Syria in September 2007.

''As for Iran, Obama's attempt to appease the regime is a little different from his predecessors' policies. The Bush administration refused to confront the fact that the wars in Afghanistan and Iraq are to a large degree Iranian proxy wars.

''The Bush administration refused to acknowledge that Syria and Hizbullah are run by Teheran and that the 2006 war against Israel was nothing more than an expansion of the proxy wars Iran is running in Iraq and Afghanistan.

''Obama's failed 'reset' policy towards Russia is also little different from his predecessors' policies.

''Bush did nothing but squawk after Russia invaded U.S. ally Georgia. The Clinton administration set the stage for Vladimir Putin's KGB state by squandering the U.S.'s massive influence over post-Soviet Russia and allowing Boris Yeltsin and his cronies to transform the country into an impoverished kleptocracy.

''Finally, Obama's obsession with Israel land giveaways to the PLO were shared by Clinton and by the younger Bush, particularly after 2006. Rice, who compared Israel to the Jim Crow South, was arguably as hostile toward Israel as Obama.

''So is Obama really worse than everyone else or is he just the latest in the line of U.S. Presidents who have no idea how to run an effective foreign policy? The short answer is that he is far worse than his predecessors.

''A U.S. President's maneuver room in foreign affairs is always very small. The foreign policy establishment in Washington is entrenched and uniformly opposed to bending to the will of elected leaders. The elites in the State Department and the CIA and their cronies in academia and policy circles in Washington are also consistently unmoved by reality, which as a rule exposes their policies as ruinous.

''The President has two ways to shift the ship of state. First, he can use his bully pulpit. Second, he can appoint people to key positions in the foreign policy bureaucracy.

''Since entering office, Obama has used both these powers to ill effect. He has traveled across the world condemning and apologizing for U.S. world leadership. In so doing, he has convinced ally and adversary alike that he is not a credible leader; that no one can depend on U.S. security guarantees during his watch; and that it is possible to attack the U.S., its allies and interests with impunity.

''Obama's call for a nuclear-free world combined with his aggressive stance toward Israel's purported nuclear arsenal, his bid to disarm the U.S. nuclear arsenal, and his ineffective response to North Korea's nuclear brinksmanship and Iran's nuclear project have served to convince nations from the Persian Gulf to South America to the Pacific Rim that they should begin developing nuclear weapons. By calling for nuclear disarmament, he has provoked the greatest wave of nuclear armament in history.

''Given his own convictions, it is no surprise that all his key foreign policy appointments share his dangerous views. The State Department's legal advisor, Harold Koh, believes the U.S. should subordinate its laws to an abstract and largely unfounded notion of international law. Undersecretary of Defense for Policy, Michele Flournoy, believes terrorists become radicalized because they are poor. She is advised by leftist extremist Rosa Brooks. Attorney General Eric Holder has decided to open criminal investigations against CIA operatives who interrogated terrorists and to try illegal enemy combatants in civilian courts.

''In all these cases and countless others, Obama's senior appointees are implementing policies that are even more radical and dangerous than the radical and dangerous policies of the Washington policy establishment.

□ 2210

Not only are they weakening the U.S. and its allies, they are demoralizing public servants who are dedicated to defending their country by signaling clearly that the Obama administration will leave them high and dry in a crisis.

''When a Republican occupies the White House, his foreign policies are routinely criticized and constrained by the liberal media. Radical Democratic Presidents like Woodrow Wilson have seen their foreign policies reined in by Republican congresses.

''Given the threats Obama's radical policies are provoking, it can only be hoped that through hearings and other means, the Republicans in the Senate and the House of Representatives will take an active role in curbing his policies. If they are successful, the American people and the international community will owe them a debt of gratitude.''

That was as published in the Jerusalem Post posted November 26, 2010. Interesting.

It is quite disconcerting when we realized that this administration is sending out signals we won't stand by our friends and thinking that if we send a message out that we will embrace those who want to destroy our way of life, destroy our country and have pledged to do so; if we just show that we're willing to be compassionate, they'll be deeply moved and they'll come around to our side. Hardly.

History teaches us very clearly that when people who despise another nation get messages that that nation they despise is weak or will not defend itself, then they are provoked to action to destroy it, to take it over. Now, hopefully we're a long way from that happening because there are enough people here in Washington that believe that strength and a showing of strength and a showing of willingness to do what it takes to keep our oath to provide for the common defense of this country, that that is what keeps us at peace, that is what helps prevent wars. I believe it was Reagan who used to talk about no one was ever attacked because people believed they were too strong. They attack because they think there is a weakness they can take advantage of.

That's why after we pulled out of Vietnam and that footage remains being shown to Muslims in an attempt to radicalize them, see, America flees in the face of danger. See what happened in 1983 after the Marine barracks was blown up and nearly 300 Marines were killed? They left Beirut. See what happened back in 1979 when an act of international law, what international law would say was an act of war, American soil was attacked when our embassy was attacked, hostages taken. We did nothing but beg for Tehran to let them go for over a year. That was another sign of weakness.

When another act of war on the USS Cole was committed, we responded by lobbing some rockets doing virtually no damage to people who were at war with us.

So what are our enemies who want to see the United States destroyed, who have sworn to destroy this country and our way of life, what are they to think when repeatedly we show weakness and we show that those who have nothing but hate, disdain, and contempt for this country will be met with a warm embrace? What are they to think but to have more contempt for this country?

Now Caroline Glick mentions international law and that this President is advised by people who believe the U.S. should subordinate its laws to an abstract and largely unfounded notion of international law. I took a course in international law at Baylor Law School under a visiting professor from Japan. I did a research paper. Got an A on it by the dean of a Japanese law school who was visiting Baylor for that year.

And in having a conversation with him after the course was over, I said, For all of the reading we've done, all of the studying, the discussion, the debate, I come back to the conclusion that basically in short international law is whatever the strongest nation around says it is. And he says in essence, you have learned from this course well. That's exactly right. International law is whatever the strongest nation around says it is.

And yet in response to attacks, threatened attacks, threatened efforts to destroy our way of life, what we have seen is an effort to bow before those who want to destroy us, those who are not our friends.

I filed in the three Congresses that I have been in office here, and I will file in the fourth one next year, the U.N. Voting Accountability Act that says a nation that votes against us more than half the time in the U.N.—they're sovereign nations; they can do what they want to. We're not going to tell them how they have to vote, but any nation that votes against our position more than half the time will not get a dime of financial assistance from this country for the following year. As I said, you don't have to pay people to hate you. They'll do it for free. And it's still true.

America, the United States of America is truly the greatest nation in the history of mankind. There are more liberties and more freedoms in this country than have ever been observed by the citizens of any country. As great as Solomon's Israel was, it didn't have the liberties for the people that this Nation has.

This is a nation that is supposed to be governed by the people who, on Election Day, go out and actually hire people to do their bidding for the subsequent years. For too long, not enough people have come on hiring day to make sure that the best people got hired. For too long people have not studied the applications, the resumes, done the interviews of those who are seeking to be hired as the servants to go do their bidding as the people are the government.

And so as the old adage goes, democracy ensures people are governed no better than they deserve. So we've gotten what we've deserved whether anyone likes it or not; whether anyone likes the prior President, the Nation got what we deserved; whether anyone likes this President or not, the Nation got what we deserved.

And absolutely a truism that you can take to the bank, Madam Speaker, is that in 2012's elections, we will have a President elected or reelected who's no better than the Nation deserves.

Now, there is one area of tremendous ignorance in this country. And there is nothing wrong with ignorance in an area of someone's knowledge unless they persist in that ignorance and refuse to learn and fill that void.

We are told by our President that this is not a Christian nation, and I will not debate that. Maybe we're not. But I know how the Nation was founded, and I know enough history. And there are so many wonderful books. This is another one by William Federer, America's God and Country. And I have read all of the things that I am about to enter into here in different areas as I studied history, was a history hanger major at Texas A&M. But Federer has put these together succinctly to help illuminate how we got started.

So in going back to July of 1776—hopefully most people in America would know July of 1776 is when the Declaration of Independence was signed, made public.

□ 2220

But in July of 1776, Benjamin Franklin was appointed part of a committee to draft a seal for the newly United States which would characterize the spirit of the Nation. Now, this was not adopted, but this was Benjamin Franklin's proposal. He proposed, and this is a quote, ''Moses lifting up his wand and dividing the Red Sea, and Pharaoh in his chariot overwhelmed with the waters. This motto: 'Rebellion to tyrants is obedience to God.' '' That was Benjamin Franklin's proposal for our national seal.

Of course what we ultimately had, going back to 1776, the Great Seal, two-sided seal, is reflected on the back of every dollar bill. On the one side the eagle with the ribbon through his mouth with the Latin words E Pluribus Unum, meaning out of many, one. We come from all over the world, immigrants loving immigration, immigrants coming from all over the world, come here to the United States and become one. One in language, one in tradition, one in our history, one strong American people. The intent was, back then as they came from all areas of the world, that there would be no hyphenated Americans.

When you came here, whether it was Europe, Africa, Asia, you came here, you were no longer African, European, Asian, South American, you were American. You were brothers and sisters together in this land. And although you celebrate traditions of your rich culture from wherever your immigrant ancestors had come from, still you would be here and become one people.

Well, in a letter that Ben Franklin wrote in March of 1778, Ben Franklin is attributed with this writing. ''Whoever shall introduce into public affairs the principles of primitive Christianity will change the face of the world.''

Another quote from Benjamin Franklin was, ''A Bible and a newspaper in every house, a good school in every district—all studied and appreciated as they merit—are the principal support of virtue, morality, and civil liberty.''

In Ben Franklin's pamphlet entitled ''Information to Those Who Would Remove to America,'' which was written to Europeans who were considering the move to America, or intending to send their young people to seek their fortune in this land of opportunity, Ben Franklin wrote the following: ''Hence, bad examples to youth are more rare in America, which must be a comfortable consideration to parents. To this may be truly added, that serious religion, under its various denominations, is not only tolerated, but respected and practiced.'' Ben Franklin went on to say, ''Atheism is unknown there,'' talking about America, ''infidelity rare and secret; so that persons may live to a great age in that country without having their piety shocked by meeting with either an atheist or an infidel.'' Further with Ben Franklin's quote, ''And the Divine Being seems to have manifested his approbation of the mutual forbearance and kindness with which the different sects treat each other; by the remarkable prosperity with which he has been pleased to favor the whole country,'' unquote from Ben Franklin. He was talking about the sects, s-e-c-t-s, and denominations. These were Christian denominations he was talking about.

In a letter to Robert R. Livingston, 1784, Ben Franklin wrote this: ''I am now entering on my 78th year. If I live to see this peace concluded, I shall beg leave to remind the Congress of their promise, then to dismiss me. I shall be happy to sing with old Simeon, 'Now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation.' '' In another letter that Ben Franklin wrote, April 17, 1787, he said, ''Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters.''

Then on June 28, 1787, Ben Franklin delivered a powerful speech to the Constitutional Convention, which was embroiled in a bitter debate over how each State was to be represented in the new government. The hostile feelings created by the smaller States being pitted against the larger States was so bitter that some delegates actually left the convention. Ben Franklin, being the president (governor) of Pennsylvania, hosted the rest of the 55 delegates attending the convention. Being the senior member of the convention at 81 years of age, he commanded the respect of all present. And as recorded in James Madison's detailed records, he rose to speak in this moment of crisis.

This is from Federer's book. But this speech that Ben Franklin gave in 1787 at the Constitutional Convention truly was given at a moment of crisis. They had been going for nearly 5 weeks, and nothing but anger and bitterness had persisted in the convention. They were nowhere close to coming to any kind of agreement on anything, much less a Constitution.

Now, I was taught in school that Benjamin Franklin was a deist, that he believed some deity, some power, some something created the universe, created the nature that we have come to know, and then steps back and never

intercedes, never lifts a finger, never does anything to interfere with the ways of man. Yet when you read his own words, you read letters he wrote, things he said, it's quite clear a deist he was not. Here he was about 2 years away from meeting his maker. He was suffering from gout at the time. He had, as the senior delegate, governor, president, whatever you wish to call him from Pennsylvania at the convention and considered the host, he still had to be helped in. He was not doing well physically. But mentally he was sharp as ever. His wit was amazing as ever.

And this is the speech that Ben Franklin gave up in this time of critical crisis in the Constitutional Convention in 1787. He was addressing the president of the Constitutional Convention, President Washington—not President of the country yet because there was no Constitution, so there was no President under that—but the president of the convention was addressed. And he said, ''Mr. President, the small progress we have made after 4 or 5 weeks close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes, is methinks a melancholy proof of the imperfection of the human understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we viewed modern States all around Europe, but find none of their Constitutions suitable to our circumstances.

□ 2230

''In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understanding?

''In the beginning of this Contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor.

''To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine we no longer need His assistance.''

Ben Franklin goes on and says, ''I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aide?

''We have been assured, Sir, in the Sacred Writings that, 'except the Lord build the House, they labor in vain that build it.' ''

Franklin then says, ''I firmly believe this, and I also believe that without His concurring aid we shall succeed in this political building no better than the Builders of Babel. We shall be divided by our partial local interests, our projects will be confounded, and we, ourselves, shall become a reproach and bye word down to future ages.

''And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing governments by human wisdom and leave it to chance, war and conquest.

''I therefore beg leave to move, that henceforth prayers imploring the assistance of Heaven, and its blessing on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.''

Franklin sat down. Federer notes, ''The response of the convention to this speech by Benjamin Franklin was reported by Jonathan Dayton, the delegate from New Jersey.''

Delegate Jonathan Dayton from New Jersey wrote these words. When he says ''the Doctor,'' he is talking about Benjamin Franklin, as some affectionately called him.

Dayton said, '' 'The Doctor sat down; and never did I behold a countenance at once so dignified and delighted as was that of Washington at the close of the address; nor were the members of the convention generally less affected. The words of the venerable Franklin fell upon our ears with a weight and authority, even greater than we may suppose an oracle to have had in a Roman senate.'

''Following Franklin's historical address, James Madison moved, seconded by Roger Sherman of Connecticut, that Dr. Franklin's appeal for prayer be enacted. Edmund Jennings Randolph of Virginia further moved:

'' 'That a sermon be preached at the request of the convention on the 4th of July, the anniversary of Independence, and thenceforward prayers be used in ye Convention every morning.'

''The clergy of Philadelphia responded to this request and effected a profound change in the convention when they reconvened on July 2, 1787, and Jonathan Dayton again records these words:

'' 'We assembled again, and every unfriendly feeling had been expelled, and a spirit of conciliation had been cultivated.'

''On July 4th, the entire Convention assembled in the Reformed Calvinistic Church, according to the proposal by Edmund Jennings Randolph of Virginia, and heard a sermon by Rev. William Rogers. His prayer reflected the hearts of the delegates following Franklin's admonition:

'' 'We fervently recommend to the fatherly notice . . . our Federal convention . . . Favor them, from day to day, with thy inspiring presence; be their wisdom and strength; enable them to devise such measures as may prove happy instruments in healing all divisions and prove the good of the great whole . . . that the United States of America may form one example of a free and virtuous government . . . May we . . . continue, under the influence of republican virtue''—and that's with a little ''r,'' not this Republican Party—''to partake of all the blessings of cultivated and Christian society.' ''

With that prayer, Rev. William Jennings concluded, as requested, by the gentleman from Virginia, Edmund Jennings Randolph. And as a result of Franklin's speech, as a result of following through on Franklin's request to begin with prayer, as followed by Randolph's request for a sermon, and ending with a powerful prayer, we got a Constitution, although it's certainly ignored around this town so often.

And even by the Supreme Court, as they did when they ignored the bankruptcy law and the Constitution to allow the travesty of the GM and Chrysler debacle to become law, as unconstitutional and illegal as it was, we still have a Constitution that we have got to get back to.

We still have a situation that Franklin noted, that so many in our early days noted, can sustain us if we continue with the prayer, as Franklin sought, if we continue to hold to those values in which this Nation was founded.

But a Nation in which you destroy the family, destroy the nuclear family, you've destroyed the building block for any great, truly great society. That has been broken down. You enslave people, basically, or make them indentured servants, by doling out money from Washington, luring young people into ruts from which they can never rise. It's disgraceful. It's immoral.

This Congress, this city, this government should be propelling young people, encouraging, invigorating, incentivizing people to reach their God-given potential, for heaven's sake, not luring them into ruts from which they can never rise, not luring them into ruts from which they can only clamor and beg for more help from Washington.

□ 2240

They are to be empowered, empowered with opportunity, not with handouts but with opportunity to reach their own God-given potential. A mother eagle does not continue to feed her babies indefinitely. The little hatchlings are not fed for the rest of their lives. They are nurtured, they are taught, and then they are given the opportunity to spread their wings and fly.

It drove me from the bench as a judge to have seen repeatedly what this Congress' laws had done to lure people into holes and give them no way out. That

was never the intention of the Founders. That should never be the intention of a moral society. You help those who truly cannot help themselves. But for those that can, you don't keep telling them to get in the wagon and continue to make fewer and fewer people pull the wagon until they can no longer bear the load and the whole system collapses of its own weight. You can't keep doing that.

We have done so much damage to this Nation, 1 trillion 5, $1.6 trillion deficit last year, $1.3 trillion projected for this year, $3 trillion in 2 years? Incredible. Do people not know even modern history? The Soviet Union didn't even spend that kind of equivalent, but they spent quickly enough trying to keep up with our defensive posture through the defense system, and with their own socialistic programs, they could not get anyone to loan them more money. Gee, does that sound familiar? We are having to buy our own debt. We are not having to, we just won't quit spending. It's immoral. It's just so irresponsible.

And I hear people saying, but it's just so hard to make these difficult cuts. It isn't. As a freshman here in 2005, in 2006, standing on this side of the aisle, I heard people rightfully on the other side of the aisle saying, you guys are running a deficit budget, between 100 and $200 billion, that's irresponsible. And the Democrats who said that were right. We should not have been running a deficit budget in 2005 and 2006. It was irresponsible. It needed to stop. Friends on that side of the aisle said, you put us in the majority, we'll end this crazy spending in such a deficit form. And yet, when the gavel was handed to Speaker PELOSI in January of 2007, what we began to experience was spending like this Nation has never known, until January of 2009, when the spending went on steroids, and instead of having a $100 to $200 billion deficit, in 1 year, we went to having nearly between a $1 and $2 trillion deficit in 1 year.

How long before we face the same consequence that the Soviet Union faced when countries around the world said, look, we have been warning you that if you didn't get your spending under control we wouldn't loan you any more money? We won't. We're done. You're on your own. And then the Nation realizes, you can't print enough money to pay your way out of the debt the Soviet Union had created and the very kind of debt we are creating now. So they had to announce, we're out of business. The States are on their own.

It can happen here. It has got to stop. And it's not that hard. All we have to do is go back to the budget of 2006 or even 2007, the Republican Congress created, and say, do you know what? We as Democrats condemned the Republicans for spending too much in the 2006, 2007 budget, and so let's go back to that budget. We condemn them for spending too much in 2006 and 2007, let's go back to that budget. Let's use that budget. And let's stop these automatic increases every year. I've been filing that bill every Congress. It's time it passed.

I brought it to the attention of our leaders in 2006, in January, February, 2006, yet no action was taken by the Republican Congress, and obviously the last two Democratic Congresses haven't, a zero baseline budget bill, no automatic increases. Go back to 2006, 2007, no automatic increases, we get the spending under control, we get credibility around the world, we took care of our indebtedness. And we are still strong and even stronger. That's where we need to go. And then we send a message loud and clear, and I hope that Speaker BOEHNER will do as I have encouraged to be done, invite Prime Minister Netanyahu to come stand at that podium, address a joint session so the world can see both sides of this aisle standing and applauding the leader of our great friend and ally in the Middle East, Israel. Let the nations see that, and then that symbolism be followed by action where we don't reward our enemies and the enemies of our dear friend, Israel, and we don't punish our dear friends and dear allies. If you're our friend and ally, we work with you. If you're not, good luck. You're on your own. We're not going to keep propping up countries that hate us. It's irresponsible as well.

There are so many lessons to be learned from history, both ancient, both our own Nation and foreign and current history. And may God have mercy on us if we do not learn those lessons.

And with that, Madam Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WU (at the request of Mr. HOYER) for today and for the balance of the week.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of personal reasons.

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. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 7.

Mr. JONES, for 5 minutes, December 7.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today, December 1, 2, and 3.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 1, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6398, To require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6398, A BILL TO REQUIRE THE FEDERAL DEPOSIT INSURANCE CORPORATION TO FULLY INSURE INTEREST ON LAWYERS TRUST ACCOUNTS, AS AMENDED

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	12	10	1	−3	−5	−6	−8	−3	0	0	15	−2

H.R. 6398 would amend existing law to extend federal deposit insurance to amounts held in certain interest-bearing accounts through December 31, 2012. CBO estimates that enacting this legislation would increase the cost of resolving failed institutions over the next few years but such costs would be offset by higher insurance premiums by 2020.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10470. A letter from the Acting Under Secretary, Department of Defense, transmitting a report identifying each extension of a contract period to a total of more than 10 years that was granted under 10 U.S.C. 2304a(f) for the Department's task and delivery order contracts during fiscal year 2009, pursuant to Public Law 108–375, section 813; to the Committee on Armed Services.

10471. A letter from the Deputy Assistant Secretary, Department of Defense, transmitting a letter on new mental health procedures for the armed services, pursuant to Public Law 111–84, section 708; to the Committee on Armed Services.

10472. A letter from the Under Secretary, Department of Defense, transmitting the Department's second Equipment Delivery Report for fiscal years 2009 and 2010; to the Committee on Armed Services.

10473. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding developing methods to account for the full life-cycle costs of munitions, pursuant to Public Law 111–84, section 316; to the Committee on Armed Services.

10474. A letter from the Acting Director, Executive Office of the President, transmitting report of the estimated cost of assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

10475. A letter from the Secretary, Department of Health and Human Services, transmitting Biennial report to Congress on the Status of Children in Head Start Programs for Fiscal year 2007; to the Committee on Education and Labor.

10476. A letter from the Assistant Secretary, Department of Energy, transmitting the Department's annual report on the Economic Dispatch and Variable Generation Resources, pursuant to Sections 1234 and 1832 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10477. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2009 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended; to the Committee on Energy and Commerce.

10478. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2009 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

10479. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the ninth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110–181, section 1229; to the Committee on Foreign Affairs.

10480. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report to Congress on the United States Policy in Iraq, Section 1227 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Foreign Affairs.

10481. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10482. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10483. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10484. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10485. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10486. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10487. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10488. A letter from the Chairman and CEO, Farm Credit Administration, transmitting in accordance with Pub. L. 105–270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Administration's inventory of commerical activities until June 2010; to the Committee on Oversight and Government Reform.

10489. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10490. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10491. A letter from the Service Officer, American Gold Star Mothers, Inc., transmitting the organization's report and financial audit for the year ending June 30, 2010, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

10492. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Revere Copper and Brass, in Detroit, Michigan, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10493. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Ames Laboratory, in Ames, Iowa to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10494. A letter from the Assistant Attorney General, Department of Justice, transmitting second annual report to Congress submitted in accordance with the NICS Improvement Amendments Act of 2007 (Pub. L. 110–180); to the Committee on the Judiciary.

10495. A letter from the Assistant Attorney General, Department of Justice, transmitting 2010 Annual Report to Congress on Enforcement of Registration Requirements, pursuant to Public Law 109–248, section 635; to the Committee on the Judiciary.

10496. A letter from the Staff Director, Sentencing Commission, transmitting report on the compliance of the federal district courts with documentation submission requirements on sentencing, pursuant to 28 U.S.C. 994(w)(1); to the Committee on the Judiciary.

10497. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a seventh transfer of $100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

10498. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kalaupapa, HI [Docket No.: FAA–2010–0650; Airspace Docket No. 10–AWP–9] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10499. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class C Airspace, Establishment of Class D Airspace, and Modification of Class E Airspace; Columbus, GA [Docket No.: FAA–2010–0386; Airspace Docket No. 10–AWA–1] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10500. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Port Clarence, AK [Docket No.: FAA–2010–0354 Airspace Docket No. 10–AAL–10] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clifton/Morenci, AZ [Docket No.: FAA–2010–0634; Airspace Docket No. 10–AWP–8] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Franklin, TX [Docket No.: FAA–2010–0603; Airspace Docket No. 10–ASW–9] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10503. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146–RJ Airplanes [Docket No.: FAA–2010–0642; Directorate Identifier 2007–NM–332–AD; Amendment 39–16470; AD 2010–21–10] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA–2010–0479; Directorate Identifier 2009–NM–220–AD; Amendment 39–16472; AD 2010–21–12] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10505. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA–2009–1229; Directorate Identifier 2009–NM–106–AD; Amendment 39–16471; AD 2010–21–11] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA–2010–0676; Directorate Identifier 2010–NM–095–AD; Amendment 39–16479; AD 2010–21–19] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (ECF) Model AS650B3 and EC130 B4 Helicopters [Docket No.: FAA–2010–0779; Directorate Identifier 2009–SW–84–AD; Amendment 39–16467; AD 2010–21–07] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10508. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Corporation Model MD–90–30 Airplanes [Docket No.: FAA–2010–0554; Directorate Identifier 2010–NM–082–AD; Amendment 39–16476; AD 2010–21–16] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, B3, AS355E, F, F1, F2, and N Helicopters [Docket No.: FAA–2010–0969; Directorate Identifier 2009–SW–62–AD; Amendment 39–16461; AD 2010–21–01] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglass Corporation Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30–F (KDC–10), DC–10–40, and DC–10–40F Airplanes [Docket No.: FAA–2010–0672; Directorate Identifier 2010–NM–047–AD; Amendment 39–16473; AD 2010–21–13] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10511. 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–500 Airplanes [Docket No.: FAA–2010–0754; Directorate Identifier 2010–CE–039–AD; Amendment 39–16475; AD 2010–21–15] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P–180 Airplanes [Docket No.: FAA–2010–0737; Directorate Identifier 2010–CE–037–AD; Amendment 39–16468; AD 2010–21–08] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P–180 Airplanes [Docket No.: FAA–2010–0734; Directorate Identifier 2010–CE–036–AD; Amendment 39–16474; AD 2010–21–14] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P–180 Airplanes [Docket No.: FAA–2010–0736; Directorate Identifier 2010–CE–035–AD; Amendment 39–16469; AD 2010–21–09] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10515. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–9, -9A, -11, -15, -17, and -17R Turbofan Engines [Docket No.: FAA–2010–0514; Directorate Identifier 2010–NE–02–AD; Amendment 39–16477; AD 2010–21–17] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10516. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA–2010–0482; Directorate Identifier 2009–NM–225–AD; Amendment 39–16411; AD 2010–17–17] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10517. 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, 747–200F, 747–300, 747–400, 747–400D, 747SP, and 747SR Series Airplanes [Docket No.: FAA–2010–0950; Directorate Identifier 2009–NM–194–AD; Amendment 39–16460; AD 2009–19–06] (RIN: 2120–AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No.: 30742; Amdt. No. 489] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10519. 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.: 30748; Amdt. No. 3395] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10520. 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.: 30747; Amdt. No. 3394] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10521. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Class E Airspace; Northeast Alaska, AK [Docket No.: FAA–2010–0445; Airspace Docket No. 10–AAL–13] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10522. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tanana, AK [Docket No.: FAA–2010–0588 Airspace Docket No. 10–AAL–16] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10523. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Unalakleet, AK [Docket No.: FAA–2010–0119 Airspace Docket No. 10–AAL–6] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10524. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Restrictions on Railroad Operating Employees' Use of Cellular Telephones and Other Electronic Devices [Docket No.: FRA–2009–0118] (RIN: 2130–AC21) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10525. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Applicable Federal Rates—November 2010 (Rev. Rul. 2010–26) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10526. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Section 457(b) Unforeseeable Emergency Guidance [CASE MIS Number: RR–117629–10] (Rev. Rul. 2010–27) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10527. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Hybrid Retirement Plans [TD 9505] (RIN: 1545–BG36) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10528. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarter report for fiscal year 2010 from the Office of Security and Privacy; to the Committee on Homeland Security.

10529. A letter from the Assistant Secretary, Legislative Operations, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101–162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5112. A bill to provide for the training of Federal building personnel, and for other purposes (Rept. 111–662). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5562. A bill to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes,

and for other purposes (Rept. 111–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1741. Resolution providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 111–664). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1742. Resolution providing for consideration of the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes (Rept. 111–665). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 42. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; with an amendment (Rept. 111–666). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3290. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence (Rept. 111–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5101. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; with an amendment (Rept. 111–668, Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 233. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; with an amendment (Rept. 111–669, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 233 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 2267 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5105. Referral to the Committee on Agriculture extended for a period ending not later than December 10, 2010.

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. GONZALEZ:

H.R. 6459. A bill to amend section 1848 of the Social Security Act to provide for a 4-year transition in reductions in relative value units for certain newly bundled services to allow physician practice time to adjust to new payment rates; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 6460. A bill to prohibit Fannie Mae, Freddie Mac, and Ginnie Mae from owning or guaranteeing any mortgage that is assigned to the Mortgage Electronic Registration Systems or for which MERS is the mortgagee of record; to the Committee on Financial Services.

By Mr. PERRIELLO (for himself, Mr. COSTA, Mr. DUNCAN, Mr. GRIJALVA, Mr. KRATOVIL, and Mr. MCGOVERN):

H.R. 6461. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, Mr. BLUMENAUER, Ms. VELÁZQUEZ, Mr. FATTAH, and Mr. RUSH):

H.R. 6462. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mr. OBEY:

H.J. Res. 101. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations.

By Mr. BISHOP of Utah:

H.J. Res. 102. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two thirds of the several States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 476: Mr. JACKSON of Illinois.
H.R. 739: Mrs. CHRISTENSEN.
H.R. 859: Mr. GRAYSON.
H.R. 1030: Mr. PLATTS, Ms. NORTON, Mrs. MALONEY, and Mr. RAHALL.
H.R. 1193: Mr. MARKEY of Massachusetts.
H.R. 1551: Mr. HOLT.
H.R. 1631: Mr. HOLT.
H.R. 2130: Mr. GRAYSON.
H.R. 3118: Mr. FILNER.
H.R. 3173: Mr. KIND.
H.R. 3238: Mrs. CHRISTENSEN.
H.R. 3303: Mr. FILNER.
H.R. 3790: Mr. PASTOR of Arizona.
H.R. 4116: Mr. MARKEY of Massachusetts.
H.R. 4224: Mr. GRAYSON.
H.R. 4278: Mr. HILL and Mr. RYAN of Wisconsin.
H.R. 4662: Mr. LEWIS of Georgia.
H.R. 4689: Mr. CAPUANO.
H.R. 4752: Mr. FRANK of Massachusetts.
H.R. 4959: Mr. LATOURETTE.
H.R. 5137: Mr. MCDERMOTT.
H.R. 5575: Mr. HOLT.
H.R. 5803: Mr. SIRES, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PLATTS, Mr. ROSS, and Mr. HARE.
H.R. 5833: Mr. QUIGLEY Ms. SUTTON, Mr. ROTHMAN of New Jersey, and Mr. MARSHALL.
H.R. 5987: Mr. LARSEN of Washington.
H.R. 6021: Mr. TIERNEY, Mr. CAPUANO, Mr. WU, and Mr. FILNER.
H.R. 6085: Ms. MOORE of Wisconsin and Mr. RUPPERSBERGER.
H.R. 6150: Ms. LEE of California, Mr. BERMAN, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 6199: Mr. WATT, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. CUMMINGS, and Mr. BUTTERFIELD.
H.R. 6214: Mr. GRIJALVA and Ms. MOORE of Wisconsin.
H.R. 6354: Mr. JOHNSON of Georgia.
H.R. 6355: Mr. MARKEY of Massachusetts and Mr. GRIJALVA.
H.R. 6379: Mr. ANDREWS, Mr. HOLT, Mr. FRELINGHUYSEN, Mr. ADLER of New Jersey, Mr. LOBIONDO, Mr. GARRETT of New Jersey, Mr. SIRES, and Mr. LANCE.
H.R. 6398: Mr. GUTIERREZ and Mr. SARBANES.
H.R. 6410: Mr. NADLER of New York.
H.R. 6415: Mrs. MYRICK, Mr. BURTON of Indiana, and Mr. DUNCAN.
H.R. 6441: Mr. HASTINGS of Florida.
H.R. 6447: Mr. OWENS.
H. Con. Res. 267: Mr. ADERHOLT.
H. Con. Res. 320: Ms. BORDALLO.
H. Con. Res. 323: Mr. HODES, Mr. SERRANO, Ms. SUTTON, Mr. BISHOP of New York, Mr. KILDEE, Mr. LYNCH, Mr. CAPUANO, Mr. LIPINSKI, Mrs. BIGGERT, Ms. BORDALLO, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. PASCRELL, Mr. SARBANES, Mr. CARNAHAN, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. FATTAH, and Ms. DELAURO.
H. Con. Res. 331: Mr. FRANK of Massachusetts and Mr. HASTINGS of Florida.
H. Res. 20: Mr. PENCE.
H. Res. 236: Mr. PENCE.
H. Res. 1217: Mr. WELCH.
H. Res. 1402: Ms. GRANGER and Mr. MILLER of Florida.
H. Res. 1567: Mr. PLATTS.
H. Res. 1585: Mr. PLATTS.
H. Res. 1590: Mr. LATTA.
H. Res. 1685: Mr. THOMPSON of California and Mr. ALEXANDER.
H. Res. 1687: Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. REICHERT, Mr. MCCARTHY of California, Mr. LEE of New York, Mr. ISSA, Mr. KING of Iowa, Mr. COBLE, Mrs. CAPITO, Mr. DAVIS of Kentucky, Ms. ROS-LEHTINEN, Mr. PLATTS, Mr. WHITFIELD, Mr. LEWIS of California, Mr. JOHNSON of Illinois, Mr. INGLIS, Mr. UPTON, Mr. BERMAN, Mr. GERLACH, Mr. TIM MURPHY of Pennsylvania, Mr. TERRY, Mr. BACHUS, Mr. ROE of Tennessee, Mrs. BONO MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mrs. EMERSON, Mr. LATTA, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. PAULSEN, Mr. PETRI, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. SMITH of Nebraska, and Mr. WOLF.
H. Res. 1690: Mr. SPACE.
H. Res. 1696: Ms. LEE of California and Mr. LEWIS of Georgia.
H. Res. 1722: Ms. NORTON and Ms. ESHOO.
H. Res. 1725: Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEVIN, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. MCCOTTER, Mr. DUNCAN, and Mr. BILIRAKIS.
H. Res. 1727: Mr. ROHRABACHER, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. LEWIS of California, Mr. CONYERS, Mr. UPTON, Mr. NADLER of New York, Mr. AKIN, Ms. JACKSON-LEE of Texas, Mr. MCHENRY, Mr. OBEY, Mr. BERMAN, Mr. MACK, Mr. DUNCAN, Mr. KING of New York, Mr. MANZULLO, Mr. LAMBORN, Mr. BACHUS, Mr. BARTLETT, Mr. WESTMORELAND, Mr. BLUNT, Mrs. LUMMIS, Mr. KINGSTON, Mr. MCCARTHY of California, Mr. ROONEY, Mr. MARKEY of Massachusetts, Mr. CONAWAY, Ms.

GRANGER, Mr. THOMPSON of Pennsylvania, Mr. WHITFIELD, Mr. CALVERT, Mr. OLSON, Mr. PETRI, Mr. SABLAN, Mr. WOLF, Mr. JONES, Mr. BURGESS, Mr. HENSARLING, Mr. SESSIONS, Mr. HALL of Texas, Mr. CULBERSON, Mr. MCCAUL, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. LANCE, Mr. POE of Texas, Mrs. BLACKBURN, Mr. ROGERS of Kentucky, Mr. SHIMKUS, Mr. GALLEGLY, Mr. FORBES, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. GINGREY of Georgia, Mr. WEINER, Ms. MATSUI, Mr. REYES, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. DINGELL, Mr. KILDEE, Mr. GOODLATTE, Mr. REED, and Mr. COOPER.

H. Res. 1733: Mr. CHILDERS, Mr. BERMAN, Mr. ROSS, Mr. MCCAUL, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. WU, Mr. THOMPSON of California, Mr. BOCCIERI, Mr. PERRIELLO, Mr. BERRY, Mr. WILSON of Ohio, Mr. TEAGUE, Mr. OLVER, Mr. MILLER of North Carolina, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. LARSEN of Washington, Mr. JONES, Mr. DANIEL E. LUNGREN of California, Mr. ROTHMAN of New Jersey, Mr. THORNBERRY, Mr. BRADY of Texas, Mrs. BONO MACK, Mr. BILBRAY, Mr. LOBIONDO, Mr. STEARNS, Mr. BURGESS, Mrs. LOWEY, Mr. KING of New York, Mr. BOREN, Mr. BARROW, Mr. MORAN of Virginia, Mr. LIPINSKI, Mr. VISCLOSKY, Mr. YOUNG of Florida, Ms. DEGETTE, Ms. BERKLEY, Mr. LEWIS of Georgia, Ms. WATSON, Mr. CONNOLLY of Virginia, Mr. HINOJOSA, Mr. MINNICK, Ms. HARMAN, Mr. CARNAHAN, Mr. WELCH, Mr. KLEIN of Florida, Ms. SCHAKOWSKY, Mr. KRATOVIL, Mr. ARCURI, Ms. SUTTON, Mr. DOGGETT, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. SALAZAR, Mr. INSLEE, Mr. MCDERMOTT, and Mr. LARSON of Connecticut.

H. Res. 1734: Mr. PENCE, Mr. BILIRAKIS, and Mr. ROGERS of Alabama.

H. Res. 1735: Mr. MORAN of Virginia, Mr. CROWLEY, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mr. PENCE, Mr. POMEROY, Ms. HIRONO, Mr. CARNAHAN, Ms. MCCOLLUM, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. OLSON, Mr. TANNER, Mr. ROTHMAN of New Jersey, Mr. KING of New York, Mr. SIRES, Mr. LANGEVIN, and Mr. COSTA.

H. Res. 1738: Mr. HASTINGS of Florida, Mr. TOWNS, Mr. RUSH, Mr. MARKEY of Massachusetts, and Mr. MCCOTTER.

H. Res. 1740: Mr. SHERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The provisions that warranted a referral to the Committee on Education and Labor, in S. 3307, the Healthy, Hunger-Free Kids Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in S. 3307, the Healthy, Hunger-Free Kids Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. OBEY

H.J. Res. 101, making further continuing appropriations for fiscal year 2011, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, NOVEMBER 30, 2010 No. 154

Senate

The Senate met at 9 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Father Gregoire J. Fluet, pastor of Saint Bridget of Kildare Church, Moodus, CT.

The guest Chaplain offered the following prayer:

For our prayer this day, I paraphrase a prayer written in 1791 by the first American Catholic bishop, Archbishop John Carroll, making his words my own.

Let us pray.

We pray that You, O God of might, wisdom and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed would assist, with your Holy Spirit of counsel and fortitude, the President of these United States; that his administration may be conducted in righteousness, and eminently useful to Your people over whom he presides; by encouraging due respect for virtue and religion; by a faithful execution of the laws of justice and mercy; and by restraining vice and immorality.

Let the light of Your divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge; and may perpetuate to us the blessings of equal liberty.

We recommend likewise, to Your unbounded mercy, all our brethren and fellow citizens throughout the United States, that they may be blessed in Your most holy law; that they may be preserved in union, and in that peace which the world cannot give. Great God, make of us a virtuous people, and allow us to walk always in Your love.

We beseech You to send Your special blessings and graces upon these elected leaders.

In Your Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 30, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

WELCOMING THE GUEST CHAPLAIN

Mr. DODD. Mr. President, it was a great honor to have Father Gregoire Fluet, my parish priest in East Haddam, CT, provide the opening prayer this morning. I thank him immensely for his words. Reaching back to Archbishop Carroll was a wonderful way to begin the session.

Father Fluet is not only my parish priest, Mr. President. He is a dear friend and practically a member of my extended family. Father Fluet and I first met nearly 30 years ago when he was pastor of St. Joseph's Church in North Grosvenordale, CT. Since his appointment in 1998 as pastor of my home parish, Saint Bridget of Kildare in East Haddam, Father Fluet has been an important figure in my life, providing spiritual advice and counsel to me on a number of occasions. Father Fluet has also played an important role in the lives of my two daughters, Grace and Christina. He baptized both of them after they were born, and provided religious instruction and first communion to my older daughter, Grace.

In addition to being a great spiritual leader, Father Fluet has long dedicated himself to the study of our Nation's history and particularly to the history of New England. Ever the consummate scholar, Father Fluet was awarded a doctorate in American History by Clark University in 2002, taught Western Civilization and World History as an adjunct professor at Quinebaug Valley Community College in Danielson, CT, and even published a history of the Diocese of Norwich.

But beyond his love of history, Father Fluet has always, first and foremost, demonstrated an unshakeable commitment to his flock and the people of our community. He is a wonderful human being, and I am confident that Saint Bridget of Kildare will continue to be blessed for years to come by Father Fluet's dedicated spiritual leadership.

Once again, I would like to reiterate what a true honor it has been to listen to Father Fluet's words this morning. Thank you for taking the time to be here today, Father Fluet. But most of all, thank you for everything you have done over the years for the people of our community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR CHRIS DODD

Mr. REID. Mr. President, the good priest has a wonderful person as one of his parishioners, someone we all look up to, someone we will miss dearly. For me, it is a personal loss. He is very proud of his religion. Obviously, the guest Chaplain is one reason.

Mr. MCCONNELL. Will the majority leader allow me to make an observation?

Mr. REID. Of course.

Mr. MCCONNELL. Mr. President, I had the opportunity to meet the father in the hall. I expressed to him my admiration for Senator DODD. In fact, I said he was my favorite Democrat. We are indeed going to miss Senator DODD in the Senate in the coming years. I thank him for being with us this morning.

SCHEDULE

Mr. REID. Mr. President, after any leader remarks, the Senate will resume consideration of the food safety bill. There will be 2 minutes for debate prior a series of three rollcall votes. We will have the Coburn motion to suspend rule XXII for the purpose of proposing and considering Coburn amendment No. 4697, a Coburn motion to suspend rule XXII for purposes of proposing and considering Coburn amendment No. 4694, and then passage of this most important bill, the food safety bill.

Upon disposition of the food safety legislation, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each, and the Senate will recess from 12:30 to 4 p.m. to allow for party caucus meetings. They are a little longer today than normal because of organizational things we are working through.

At 4 p.m. today, Senator DODD will be recognized to give his farewell speech to us and the country.

MEASURE PLACED ON THE CALENDAR

Mr. REID. Mr. President, S. 3985 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3985) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WHITE HOUSE SUMMIT

Mr. MCCONNELL. Mr. President, congressional leaders of both parties will meet with the President at the White House today to talk about the work we have to do before the end of the year and, hopefully, about the things we can do together to foster the right conditions for businesses to start investing again and creating jobs.

Americans are watching the economic drama that is playing out in Europe. They expect us to read the signs of the times and work together to make sure that we avoid a similar crisis here, that we don't walk right into the same problems through a lack of will or political courage.

The American people expect us to put the national interest ahead of party interest. And, frankly, that is why it has been so distressing for many of us to watch our Democrat friends grope for a clear and unified position on whether or not to raise taxes in the middle of a recession.

One would think that this issue would be simple and straightforward.

Economists say that preventing a tax increase is one of the most important things Congress can do to help the economy. And the voters ratified that view earlier this month by sending candidates from both parties to Washington who vowed not to raise taxes once they got here.

But our Democrat friends are apparently still reluctant to draw any clear lessons from the election. With millions of American households staring at the imminent prospect of smaller paychecks in just a few short weeks unless Congress does something, Democrats are still searching for a solution that enables them to benefit politically—regardless of what it does to the economy or to families.

Just take the latest proposal.

Some Democrats now say they only want to raise taxes on businesses that make more than $1 million a year. Where did that number come from? Well, it turns out this figure has no economic justification whatsoever. Nowhere will we find a study or survey which indicates that raising taxes on small businesses with over $1 million in income will create jobs or help spur the economy.

In fact, the author of this proposal freely admits it isn't an economic policy proposal at all, but rather one that was designed to provide better political messaging—an astonishing admission.

Let us get something straight. Millions of out-of-work Americans don't want a message. They want a job. Millions of struggling families trying to make ends meet don't need the Democrat messaging to improve; they need the economy to improve.

Selling bad economic policy to the American people is not an acceptable alternative to creating an environment that will put people back to work and help spur the economy.

We have heard a lot of chatter here in Washington lately about the negotiations that are expected to take place on this looming tax hike in the weeks ahead—on how to prevent it. How about we start with this: the beginning and end of any negotiation shouldn't be what is good for any political party. It should be what is good for the economy and for the American people. An if we leave the politics aside, if we look at the facts, the answer here is simple: no tax hikes on anybody—period.

So the question isn't what is best for the economy and jobs—the answer to that is obvious. The question is when will our friends on the other side get serious about either one.

It has been reported that the author of the $1 million proposal ran it through a focus group to see how it polled. This is precisely the kind of thing Americans are telling us to put aside. The election was a month ago. It is time to move on. It is time to work together on the priorities Americans want us to address.

Republicans have heard the voters loud and clear. They want us to focus on preventing a tax hike on every taxpayer, on reining in Washington spending and on making it easier for employers to start hiring again. That is why Republican leaders are reiterating our offer to work with anyone, from either party, who is ready to focus on priorities like these.

The day after the election, the President acknowledged that "the overwhelming message" of the voters "[was] that . . . we want you to focus completely on jobs and the economy."

That is the same message Republicans will bring to the White House today.

And that is why there is no reason we shouldn't be able to reach an agreement on taxes soon.

It is unclear how long our friends across the aisle will continue to resist the message of the election and cling to the liberal wish list that got us a job-killing healthcare law, a "cap-and-trade" national energy tax, an out-of-control spending spree, million more jobs lost, trillions more in debt, but not a single appropriations bill to fund the government or a bill to prevent the coming tax hikes.

With just a few weeks left before the end of the year, they are still clinging to the wrong priorities—instead of preventing a tax hike, they want to focus on immigration and don't ask, don't tell—and, maybe, if there is time left, see what they can do about jobs and the economy.

Indeed, their entire legislative plan for the rest of the lame duck session appears to be to focus on anything except jobs, which is astonishing when we consider the election we have just had.

Republicans aren't looking for a fight. We are appealing to common sense and a shared sense of responsibility for the millions of Americans who are looking to us to work together not on the priorities of the left, but on their priorities. And those priorities are clear.

Together, we must focus on the things Americans want us to do—not on what government wants Americans to accept. There is still time to do the right thing. The voters want us to show that we heard them, and Republicans are ready to work with anyone who is willing to do just that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FDA FOOD SAFETY MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 510, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Pending:

Reid (for Harkin) amendment No. 4715, in the nature of a substitute.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4696.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4697.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided and controlled between the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUYE.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in the absence of Senator INOUYE, I ask unanimous consent to speak on his behalf for the 1 minute allocated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTIONS TO SUSPEND

Mr. DURBIN. Mr. President, I am going to vote today against the Coburn effort to change our rules relative to earmark legislation.

I wish to tell you, as a member of the Senate Appropriations Committee, we have put in place what I consider to be the most dramatic reform of this appropriations process since I have served in Congress. There is full disclosure, in my office, of every single request for an appropriation. We then ask those who have made the request for the appropriation to have a full disclaimer of their involvement in the appropriation so it is there for the public record.

This kind of transparency is virtually unprecedented, and I think it is an effort to overcome some of the embarrassing episodes which occurred primarily in the House of Representatives under the other party's leadership, where people literally went to jail because of abuse of the earmark process.

I believe I have an important responsibility to the State of Illinois and the people I represent to direct Federal dollars into projects critically important for our State and its future. What the Senator from Oklahoma is setting out to do is to eliminate that option.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I hope my colleagues will join me in opposing the Coburn motion.

Mr. LEVIN. Mr. President, Senator COBURN has proposed an amendment to the badly needed food safety legislation now before the Senate that seeks to end congressionally directed spending, or earmarks. Senator COBURN described his amendment as an attempt to get spending under control, but it fails the test of accomplishing that goal and fails to meet Congress's constitutional obligation to exercise the power of the purse.

Article I, section 9 of the Constitution of the United States places the power of Federal spending in the Congress, the branch of government most directly connected to the people. The power of the purse is great, and therefore accountability for the exercise of that power should be great as well.

Our greater responsiveness in Congress to immediate public needs is essential. If the Coburn amendment passes, we would be barred from bringing that judgment to bear on some of the most pressing issues of the day. Instead, the executive branch—which is, in practice, the most bureaucratic and least responsive branch—would control these decisions. For example, under Senator COBURN's proposal, only the executive branch would have the power to initiate funding for disaster relief. Measures to appropriate funds in response to disasters would be prohibited because they would dedicate funding to specific locations. So, had this measure been in place when Hurricane Katrina struck the Gulf Coast, Congress would have been powerless to react. Similarly, had this restriction been in place when a Mississippi River bridge collapsed in Minnesota in 2007, Congress could not have appropriated the $195 million it set aside for repair and reconstruction.

This measure also would prevent Members from addressing the urgent needs of our communities. I and other Members from Great Lakes States have urged the Army Corps of Engineers and other agencies to address the growing threat that Asian carp will make their way from the Mississippi River watershed into the Great Lakes. These invasive species of fish would devastate the lakes, doing enormous harm to our States' economies. So long as the Army Corps continues to underfund this important work, only the action of Congress can prevent an economic disaster.

I would argue that each of these expenditures is important and necessary. But the wisdom or folly of these decisions lies in the merits of the projects themselves, not in the manner by which they were funded. Allowing the Congress to make these decisions allows the voters to judge them on their own merits, to reward their representatives when they make wise choices, and to render judgment in the voting booth when they do not.

Senator COBURN is rightly concerned about the long-term fiscal condition of the government. But it has been repeatedly pointed out, despite the fiction surrounding this issue, that this amendment would do nothing to improve our fiscal situation. Year after year, Congress works within the top line of budgets submitted by the President, readjusting priorities without increasing total spending. For this reason, the Coburn amendment would not reduce spending levels; it would simply shift greater authority for deciding how money is spent from the legislative branch to the executive.

There are two ways to close our fiscal gap. We can reduce spending or we can increase revenue. Banning congressionally directed spending does neither. It would create the impression that we have taken a step toward fiscal responsibility, without making any of the difficult choices that reducing the deficit will require. I applaud Senator COBURN's desire to address our debt. But this measure fails to do so and in the process abdicates our constitutional responsibilities. So I will oppose this amendment and urge our colleagues to do the same.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the Coburn-McCaskill amendment, which would impose a 3-year moratorium on earmarks.

This amendment is a direct attack on the authority vested in the Congress to determine how Federal funds are spent, despite the fact that this power is clearly established in Article I of the U.S. Constitution.

I, for one, take great exception to this attack. It would set a dangerous precedent, in my view, to simply turn over a blank check to the executive branch and undermine the power that the Constitution grants Congress. What if an administration is not focused on the needs of a particular State, perhaps because that State didn't vote for that President?

For years I have fought for funding of flood control in Sacramento. Sacramento is one of the most endangered cities in the country when it comes to catastrophic risk of flooding. Neither Democratic nor Republican administrations have requested sufficient funding for the flood control improvements that will protect lives and property in that community.

As the Senator elected to represent the people behind those levees, shouldn't I be able to fight for the funding, whether or not the President agrees? I was elected by the people of California to represent the needs of California. And the people of Sacramento certainly believe they need flood control. This is my duty as a Senator. Isn't that why we have a Congress?

As a coequal branch of government, we shouldn't be forced to approach the administration with our hat in hand every time we believe something needs to be done.

Another flaw in this amendment is the well-trod idea that it will save this country money. Simply put, that is incorrect.

Discretionary spending is a popular target to attack. But the truth is that earmarks make up less than one-half of a percentage point of all Federal spending.

Earmarks are not the problem, so banning earmarks is not the solution.

The real problem is entitlement spending. But tackling entitlement reform is neither easy nor popular. So, instead, we attack earmarks. It sounds good, and it gets applause. But we all know that it doesn't solve the problem.

This amendment won't save this country one penny. It will merely shift the power of the purse from Congress to the White House and executive agencies.

If you want to reduce discretionary spending, it must be done through the budget process.

I am also concerned about the process the Coburn-McCaskill amendment sets forth for waiving this new rule.

Rather than putting into effect a traditional budgetary point of order, which requires a three-fifths vote to waive, this amendment calls for a two-thirds vote.

This means that if this amendment is approved, funding a public works project would require the same number of votes as constitutional amendments, impeachments, treaties, or the expulsion of Senators.

Why should the question of an earmark rise above the three-fifths requirement to invoke cloture on the very bill containing the earmark?

Finally, this amendment disregards the significant reforms that have already taken place to make the process transparent.

Since Democrats regained control of the Senate, the following reforms have been enacted: Members must publicly certify that they have no private interest in earmarks they request. Members must post their earmark requests on the internet. Every bill with earmarks includes a table listing the Senators who made the requests. This is the most transparent earmark process ever, and I believe the reforms have worked.

The earmark process has been abused in the past, but I firmly believe that eliminating the discretion of Congress to appropriate taxpayer dollars is folly. A knee-jerk reaction that tips the balance of power toward the executive branch is not the solution.

Let me say this: I am open to further reform if it will make the process even more transparent.

The House of Representatives already bans earmarks to most private firms, and I would support doing so in the Senate.

I believe the best use of earmarks is to provide funding for projects that are essential to the public good, such as water infrastructure improvements in a city such as East Palo Alto that cannot provide clean water to its residents without a funding share from the Federal Government, or interoperable communications equipment in Contra Costa and Alameda Counties, which can be used when an earthquake or other catastrophe strikes.

I believe this amendment is wrong for the Senate, it is wrong for our States, and it is wrong for the people we come here to serve.

Handing over a fundamental responsibility to the executive branch, at a savings of zero dollars to the taxpayer, is not the solution. Continued reform of a process that is important to so many of our communities is the better alternative.

Mr. DORGAN. Mr. President, I rise today to speak against the Coburn amendment that would impose a 3-year moratorium on Congress' constitutional responsibility to direct the spending of the Federal Government.

The amendment in question propounds a problem that doesn't exist, a solution that resolves nothing, and an argument that is factually baseless.

This amendment will not lead to deficit reduction. In fiscal year 2010, congressionally directed initiatives make up less than one-half of 1 percent of total Federal spending.

With total spending at $3.5 trillion it is irresponsible to tell the American people that congressionally directed spending of one-half of 1 percent of this total amount is the cause of our country's deficit problem.

Mathematically it is incorrect and mechanically it is incorrect. Doing away with congressionally directed initiatives does not guarantee deficit reduction—it guarantees members of the administration will make all the funding decisions.

Inherent in the arguments of the amendment's supporters is the contention that projects and activities selected by the administration are superior. The argument seems to rely on the notion that there is some objective formula used by the administration to select the best and most worthy projects to fund. This is false.

The fact is even in programs where some formula may be used, such as a cost-benefit ratio formula, the formula is not necessarily perfect and can often fail to capture all the facts.

A small port dredging project may not look worthwhile when just the commercial traffic is calculated. However, when the sport fishery impact is included it makes the calculation different. Further, if the fish processing plant reliant on the commercial fishery is the largest employer in the county that makes a difference.

While the formula may not capture these facts and thus the project fails to make the President's budget request, the areas congressional members and senators will know the facts and seek to modify the budget.

There was a recent news article using a Missouri project as an illustration of this debate. The project was not requested in the budget and the senior Senator from Missouri rectified this fact by adding an earmark.

The junior Senator from Missouri is quoted in this article saying the project would have been funded without such an earmark if funding had not been diverted to less worthwhile earmarks. I am sorry, but there is no basis for the junior Senator's claim.

We have no idea what the administration will send up in the budget. A very worthwhile project may come forward and it may not. And the reverse may be true. The administration may send up a project that is not currently justified.

During the George W. Bush administration the budget request one year included construction funding for a Corps of Engineers project. The problem was the chief engineer's report was not completed yet because the studies were still on-going. Thus there was no way for the administration to know based upon any objective criteria whether the project should move into the construction phase.

While the project may have proved to be worthy there was no objective basis for the administration making that assessment at that time. The fact is the administration added the project out of some political calculation, not an objective calculation.

Let me provide some facts on earmarks using the civil side of the Corps of Engineers and the Bureau of Reclamation which have two of the most highly earmarked budgets of any Federal agency due to the way projects are authorized and appropriated.

For fiscal year 2010, the President proposed spending $6.2 billion for these two agencies. In his request the President proposed 1,184 individual line items valued at $4.8 billion based on criteria of his choosing. This criteria is not based in law nor was the criteria coordinated with anyone outside of the administration.

The criteria was developed to ''get the biggest bang for the buck'' but how do we know that? Just because that is what the administration says.

Upon my review of the budget request, I was convinced that the administration had left many priorities unfunded. That is why in preparing the fiscal year 2010 Energy and Water appropriations bill, the subcommittee of

which I am the chair, we used the criteria established in law to determine what projects were eligible for funding.

Further, we gave particular credence to funding ongoing work. It is not prudent to fund a construction project in one year and not fund it in the next. Yet the administration did not propose funding for more than 175 ongoing construction projects that were funded in fiscal year 2009.

These termination costs were not accounted for in the budgets that the agencies provided to Congress. The Corps or the Bureau of Reclamation cannot walk away from a construction site because they are not funded for that project. They would have to reprogram funds from other projects to make the site safe for the public until it was funded again.

Funding projects in this manner delays completion of the projects, increases the costs and defers the benefits that these projects provide to the national economy.

For fiscal year 2010, Congress provided $6.58 billion for the COE and the Bureau of Reclamation. Congress directed $817 million of this total funding. All of this directed funding was disclosed in the required disclosure tables in the report that accompanied the bill.

Let me list just a few projects that would not be funded in fiscal year 2011 if we enacted the President's budget request as proposed:

Blue River Basin flood control project in Missouri; Swope Park Industrial Area flood control project in Kansas City, MO; the Puget Sound and Adjacent Waters Environmental Restoration project in Washington; the Charleston Harbor, SC, navigation deepening study; the Virginia Beach, VA, hurricane protection project; and the Western Sarpy and Clear Creek, NE, flood control project.

For that last project in Nebraska, the funds proposed in the fiscal year 2011 Senate report would complete the project, yet it did not make it into the President's budget. Imagine these objective criteria that the administration uses would leave the completion of a fully authorized and economically justified construction budget for another year.

I must also mention the issue of transparency. Today all Member requests are available on line for public review. All Members must certify that they and their family have no pecuniary interest in these projects.

If there are legitimate proposals on further improving transparency then I am sure they will be given consideration, but as of today the public knows who is backing the projects we fund. There is accountability and there is sunlight.

I fear that if Congress cedes its authority to direct spending then we will go back to a time when Members, staff, and entities outside of the Federal Government will begin to pressure the administration and bureaucracy on getting specific projects funded.

There will be no disclosure of these phone calls and meetings. We will not know if any trades have been made in exchange for project support.

Why would we give up sunlight and accountability for darkness and unaccountability?

Let me close by reiterating the basic points.

First, this amendment will not reduce the deficit. At less than one-half of 1 percent of total spending congressionally directed spending is simply not going to make a difference, particularly when that funding will be left for the administration to direct its allocation.

Second, there is no objective formula that makes sure funding goes to the most worthwhile projects. It simply doesn't exist. The Constitution gives Congress the power of the purse. This ensures the President's power is checked and assures Federal elected officials closest to the people are making these decisions. It is absurd to give to an unelected bureaucracy that may never have been in your state the final decision on what projects to fund.

Third in project based accounts such as the Corps of Engineers the administration already earmarks the vast majority of projects funded. Congress is not abusing the power of the purse.

Lastly, we have greater transparency today on congressionally directed spending than ever before. If we do away with this transparent process we will be left with a dark, unknown process of congressional Members, constituent groups, and lobbyists seeking to influence the administration. We should not trade transparency for darkness.

Mrs. BOXER. Mr. President, I oppose the Coburn amendment to impose a 3-year moratorium on spending for local priorities, or ''earmarks.'' Those who support this amendment claim that it will help reduce the deficit and put us on the path to fiscal responsibility. This is just incorrect.

Eliminating earmarks would not reduce spending and does nothing to decrease the deficit. This amendment would merely transfer spending authority away from elected members of Congress to the executive branch.

The Coburn amendment would strip elected leaders' ability to direct funding to their constituents' priorities. We should all agree that elected Members of Congress have a much better understanding of what is needed in our cities and towns, and across our States than those sitting in Washington, DC.

In addition, since 2006, Democrats have instituted a series of major reforms that have made earmarks more transparent than ever, and have reduced earmark levels by 50 percent. Members of Congress are now required to list their names next to requested projects and to post all requests on their official Web site. Through these initiatives Congress has taken significant steps to improve transparency and allow for greater scrutiny of these requests.

I am proud to say that I have helped fund hundreds of local priorities across my home State of California: priorities that have helped build safer roads, increased commerce, prevented homes from flooding, improved health care services, spurred job creation and helped veterans recover from combat injuries.

I oppose the motion to suspend the rules and allow for consideration of the Coburn amendment.

Mr. LEAHY. Mr. President, I rise today to express my opposition to the Coburn amendment. The legislative branch has a constitutional duty to make modifications and adjustments to the budget for the Federal Government. As a U.S. Senator and a member of the Appropriations Committee, I take very seriously the responsibility of the Senate to help craft the annual Federal budget. Members of Congress have a duty to their constituents to preserve their role in working with the executive branch, whether Democratic or Republican, about how, where, and in what manner Federal dollars are spent.

The U.S. Constitution gives the responsibility of spending and taxation to the Congress, not to unelected bureaucrats in the executive branch. The notion that individuals who are completely unaccountable to the American people will make spending decisions undermines the most basic principle of democracy. Instead, the Founding Fathers correctly put this burden on the shoulders of individuals who have to answer to voters at the ballot box.

Over the last few months, and particularly in the days since the election, some Members of Congress and Members-elect have been tripping over themselves to take a stronger position in opposition to so-called earmarks. Proponents of this amendment claim that it targets earmarks. I would argue otherwise. This amendment strikes at the heart of the balance that our Founding Fathers established between the executive and legislative branches of our government.

Every single State would be short-changed by the proposed moratorium on earmarks. The Founders knew better. They knew that a Washington bureaucracy would not always make decisions that were best for country, including people working and living in small towns and big cities across America.

That also includes making better decisions for the men and women who serve in our military. There is no better example than the National Guard and Reserve Equipment Account. Republican and Democratic administrations alike have short-changed the Guard equipment budget for decades and have done so even as the Guard has been called to provide as much as half of the troops needed for operations in Iraq and Afghanistan. Without the National Guard and Reserve equipment account, our National Guard units would still be going into battle without

equipment like body armor and blast-protected vehicles. Congress insisted on providing funding to our National Guard and that has saved countless lives and enabled them to carry out their missions more effectively.

Adopting this amendment is a vote for less transparency. It is a vote for backroom dealing and less sunlight on how decisions regarding Federal spending are made. One need only look back to when Congress has in the past failed to pass the appropriations bills and the government operated under a continuing resolution for the year. Federal spending did not go down by a single dime. Instead, unelected administration appointees made decisions on which projects they wanted to see funded.

It is my hope that before the next Congress a measure of sanity returns to discussion of the Federal budget. Everyone agrees that we must make serious changes to our Federal balance sheet and bring our fiscal house in order. But it was not earmarks that created our alarming Federal debt. Eliminating earmarks is not going to get our fiscal house in order. Instead it is going to expand the power of the executive branch and its employees. It also rolls back all of the transparency that Congress has embedded into its budget process.

Congress and the administration need to work together to address our Federal deficit. Adopting this amendment banning earmarks is a publicity stunt that has serious ramifications that actually moves our country in the wrong direction toward solving our problems in an open and constructive way.

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the amendment offered by the senator from Oklahoma that would prohibit congressionally designated spending items from being included in any authorization, appropriations, or other bill for 3 years.

I firmly believe the appropriations process needs to be changed. I have supported strong reforms to increase transparency and accountability, and have pushed hard for these necessary reforms while ensuring that my State of Minnesota is not put at a competitive disadvantage.

In fact, before being sworn in as a U.S. Senator, I promised Minnesotans that I would fight to fund their priorities in an open manner and pledged to include these requests on my official Web site. At that point in time, the posting of requests online was not a rule of U.S. Senate.

Since arriving in the Senate, I have supported several important reforms to how Congress directs spending. I have voted for limitations on earmarks, including voting to ensure that American Recovery and Reinvestment Act funds would be competitively bid. I also voted to rescind funds directed to certain transportation projects that have not been spent.

Clearly, there is more we can do to improve this process and I will continue to push for necessary reforms.

However, I believe that congressional appropriations help provide much-needed resources for important programs and projects across my State. All of the projects I sponsor are based on Minnesota constituent requests and are available for the public to review.

Many of the requests I receive come from my visits to all 87 counties in Minnesota every year. A local mayor will show me a busy road that children in the community must cross many times a day to reach their school and baseball fields. And the mayor will ask me to request funds to help build an underpass that will allow these kids to safely get to school and their games.

Or a sheriff will show me how the local law enforcement's outdated communications equipment interferes with emergency response and endangers lives. And the sheriff will ask me to earmark funds to upgrade the department's radios.

In my State of Minnesota, we remember all too well how on August 1, 2007, the I–35W bridge across the Mississippi River in Minneapolis collapsed without warning. After we mourned the loss of 13 lives and the shock of the disaster had subsided, we got to work with enormous task of constructing a new bridge.

I worked hard with my colleagues in the Senate, especially Majority Whip DICK DURBIN, Transportation Appropriations Chairman PATTY MURRAY and Senator Norm Coleman, to provide up to $195 million in funds to help with the cost of constructing a new bridge. Under Senator COBURN's amendment, this funding would be considered an earmark, and Minnesota would have been left looking for other ways to recover from this tragic event.

Earmarks have done more than build bridges in Minnesota. Earmarks have provided critical funding to the Minnesota National Guard's groundbreaking ''Beyond the Yellow Ribbon Program,'' which is nationally recognized for the assistance it provides our service men and women who bravely served our nation and are now transitioning to civilian life.

Congressionally directed projects protect communities against annual flooding across my State from Roseau in the north to Moorhead in the west to Owatonna in the south. And congressionally initiated spending funds an innovative program in Stearns County, Minnesota to help protect women and children who have been the victims of domestic violence, provides much-needed resources to improve law enforcement communication and interoperability, and is building a new highway interchange in Blue Earth County, MN, that will improve safety and ease congestion while helping generate economic development.

Congressionally initiated spending cannot be discussed without also considering the grave financial situation we face as a nation. It is clear that we will need to make very tough decisions in the coming years to restore fiscal responsibility and get our nation on a path towards strong growth. Yet the Coburn amendment would not direct any savings from the elimination of earmarks to be used for deficit reduction.

We need a serious commitment to deficit reduction, and I believe we need real reforms. I look forward to the report by the President's National Commission on Fiscal Responsibility and Reform and others who are taking a comprehensive look at government spending. It is my hope that we can come together to consider these recommendations carefully and reduce our nation's debt.

I am committed to serious fiscal discipline, and will continue to support real reforms to increase transparency to the appropriations process.

Mr. VOINOVICH. Mr. President, I rise today to express my opposition to the moratorium on earmarks that has been proposed by many of my colleagues.

We have done a lot of crusading around here against these so-called earmarks, or congressionally directed spending items, in our appropriations bills. They are often criticized by Members of Congress when discussing the unsustainable fiscal path of the Federal Government or its irresponsible overspending of taxpayers' dollars.

But my colleagues who oppose the use of earmarks miss the point. Earmarks, whether good or bad, are not the problem with our government. According to data from the Congressional Research Service and the Congressional Budget Office, in fiscal year 2010 earmarks accounted for 0.009 percent of the Federal budget. That is nine one-thousandths of 1 percent. Total earmarks amounted to $32 billion, while the entire Federal budget was over $3.5 trillion. And by the way, I would like to point out that the President-himself requested $22 billion in earmarks.

But the biggest threat we face as a nation is not a special request for this or that project. The biggest threat we face is an unsustainable fiscal course caused by explosive and unchecked growth in entitlement spending and no money to pay for it. We have got an outdated tax code that does not sufficiently encourage economic growth, and a skyrocketing national debt that puts our credit-rating is serious jeopardy. In fiscal year 2010, entitlement spending accounted for 55 percent of the budget, compared with the 0.009 percent for earmarks I just referred to.

Now, I will say that I do agree with much of the criticism expressed in this chamber over bad earmarks. I don't support wasteful use of any taxpayer money, especially for egregiously useless projects that my colleagues often highlight as examples of why we should eliminate earmarks altogether.

But why throw out the baby with the bathwater? Certainly there is both

good and bad government spending. I support the kind of government spending that facilitates activity that is helpful to my State of Ohio and to our national economy: transportation and infrastructure, for example. And I am perfectly willing to defend that kind of spending and let the public decide whether my decision to help build roads and bridges in Ohio is an outrageous—or a proper—function of Federal Government. The Senate appropriations earmark process is transparent, and I welcome the public review of the projects I support, which I find constructive especially for hard-working, economically challenged families in Ohio.

The truth is Congress has a constitutional obligation to determine how the Nation spends its money. Banning earmarks cedes this power to unelected Federal bureaucrats in the administration. Congress should not be criticized for spending money, but only for spending it wastefully or irresponsibly, be it through earmarks or other spending. But the media loves to single out earmarks; they are hoodwinking people into thinking that by cracking down on earmarks, Congress is doing something responsible to solve this looming fiscal crisis staring us in the face. It's a disingenuous approach. And Congress is fooling the public by pretending that earmarks are the problem, when the real issues are spending and tax and entitlement reform.

It is interesting to note that many of my colleagues who are so strongly opposed to earmarks voted against the Conrad-Gregg fiscal commission that could very well have forced Congress to act upon tax and entitlement reform recommendations. How could one be so outspoken against earmarks in the name of fiscal responsibility and then oppose the commission that would propose reforms to the tax code and entitlements in order to put the country on a fiscally sustainable path?

So if my colleagues want to demonstrate true fiscal responsibility, if they admit that earmarks they have supported in the past are good use of tax dollars, and if they admit that banning earmarks would cede this control of spending from Congress to the administration, then why take such a blunt approach? Why don't we take more thoughtful and nuanced steps outlined by Senator INHOFE, who suggested we reform the already transparent earmark process and offered specific ideas on how to do it? Some of my colleagues practically admit that banning earmarks is not a very good idea per se, but that eliminating them is only politically expedient, as the public has come to see earmarks as a symbol of Washington's irresponsibility.

I don't want the public to be fooled by this. I don't support every earmark. There will always be examples of some wasteful projects somewhere. But earmarks are not the problem that gravely threatens our country's way of life, and the future of our children and grandchildren. This is why for over 5 years I have worked to create a commission to solve our Nation's real fiscal problems, and why I hope that the commission created by the President can produce a final legislative proposal that will effectively address our unchecked entitlement growth, our outdated and overly complex Tax Code, and return our Nation to a sustainable fiscal path.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the Coburn motion to suspend the rules with respect to amendment No. 4697.

Mr. GRASSLEY. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 56, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—39

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennet	Graham	Nelson (FL)
Brown (MA)	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kirk	Vitter
Crapo	Kyl	Warner
DeMint	LeMieux	Wicker

NAYS—56

Akaka	Gillibrand	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennett	Inhofe	Pryor
Bingaman	Inouye	Reed
Brown (OH)	Johnson	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shelby
Cochran	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Webb
Durbin	Manchin	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—5

Bond	Brownback	Shaheen
Boxer	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 56. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on the Coburn motion to suspend the rules with respect to amendment No. 4696. There will be 2 minutes of debate equally divided prior to the vote.

Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, we are rapidly approaching the final vote on the Food Safety Modernization Act. For the first time in seven decades, the Congress has addressed this issue. It has taken several years to get to this point. We have had involvement from Republicans and Democrats, from the business community, and from the consumers groups. It is widely supported by both the business sector and the consumer groups. We have had good bipartisan support on this bill with Senator ENZI and others on our committee. This is the product of a long effort to reach the compromise we needed to get good legislation through.

The vote we are about to have now is on a substitute offered by my friend, the Senator from Oklahoma. This substitute would basically kill all of this work we have done. It eliminates a lot of the provisions we have in this bill, such as the preventive control provisions that I think is one of the most important parts of this bill, to get preventive measures in and to prevent the contamination of food in the first place.

It also eliminates the important trace-back provisions that we have in this bill that we have worked on on a bipartisan basis. It would eliminate the important foreign supplier verification provisions which say they have to verify that the food coming into this country is the same as this.

I ask Senators to reject the substitute.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, Senator HARKIN and many on the HELP Committee have worked hard on the bill that is before us. But it has fatal flaws, especially at a time when there is a $14 trillion debt and a $1.3 trillion deficit, and it doesn't fix the real problem. We can spend $1.4 billion in this bill. We can cause food prices to go up at least $300 million to $400 million. We can put unfunded mandates on the States for $141 billion a year. That is what we will do if we reject this alternative. This accomplishes the same thing, given that we have the safest food in the world. We will continue to have the safest food in the world, we will move forward, but we won't do it by creating layers upon layers of additional costs and regulations. The problem with food safety is that the agencies don't do what they are supposed to be doing now. They need less regulation, not more.

I yield the floor.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Brown (MA)	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Wicker

NAYS—62

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kerry	Reid
Bingaman	Kirk	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Lincoln	Udall (NM)
Dodd	Lugar	Vitter
Dorgan	Manchin	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—2

Bond	Brownback

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was unavoidably delayed on vote No. 255, the Coburn motion to suspend the rules as to the Coburn amendment on earmarks. I would have voted a very strong no because I believe that authority should remain with the elected representatives and not go to bureaucrats.

SAVINGS CLAUSES

Mr. DURBIN. Will the distinguished floor manager for this bill yield in order to enter into a colloquy to clarify the meaning of certain provisions in the legislation?

Mr. HARKIN. I am pleased to yield to the distinguished majority whip and lead sponsor of this legislation.

Mr. DURBIN. Mr. President, I wanted to clarify an important part of this bill. While this bill does grant FDA many new authorities, the savings clauses in this bill—in particular, sections 403(3), 418(1)(3)(B), and 41900(3)(B)—preserve all of FDA's existing authority under both the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, am I correct?

Mr. HARKIN. That is correct.

Mr. DURBIN. So while the bill does provide for certain exemptions from FDA authority for small farms and food processing facilities, these exemptions are based only on the specific provisions added by S. 510; they do not prevent FDA from taking appropriate actions against specific farms or facilities—or from issuing regulations in the future that might affect those exempted farms and facilities—based on existing authorities that are currently in effect and will continue to be in effect after enactment of S. 510. Am I understanding this correctly?

Mr. HARKIN. My colleague is correct. The exemptions for small farms and facilities in S. 510 do not in any way circumscribe FDA's existing authority under current laws. As my distinguished colleague has just stated, this existing authority is expressly preserved in the savings clauses in the bill. Over the past 15 years, FDA has relied on a number of provisions in existing law in establishing preventive control, or ''HACCP,'' and other preventive requirements for seafood, eggs, and juice. These authorities include section 402(a)(4) of the Federal Food Drug and Cosmetic Act, which gives FDA the authority to take action against ''adulterated food'' when that food has been subjected to ''insanitary conditions.'' In adopting these regulations, FDA has also relied on section 701(a) of the food and drug law, which gives it broad authority to issue regulations ''for the efficient enforcement'' of that law, as well as its authority to ''prevent the introduction, transmission, or spread of communicable diseases'' under section 361 of the Public Health Service Act.

Mr. DURBIN. I thank my distinguished colleague for clarifying this important matter.

Mr. LEVIN. Mr. President, each year, 76 million Americans are sickened by foodborne illness. More than 300,000 become so sick they must be hospitalized. More than 5,000 die of their illness. These statistics are deeply worrisome. And behind each number is a family dealing with tragic loss or expensive hospital bills or concern for a sick child.

The situation cries for action, which is why I support passage of the legislation we are now considering, the FDA Food Safety Modernization Act. This legislation seeks to address major deficiencies in the system that protects Americans from foodborne illnesses. It includes provisions recommended by Republicans and Democrats, by government experts and outside groups. It should have strong bipartisan support.

The bill would give FDA authority to initiate food recalls even when producers of unsafe foods refuse to do so voluntarily. It would strengthen FDA's ability to trace harmful products to their source. It would crack down on the unsafe food imports that have been the source of many health-risk incidents. It would increase FDA's authority to inspect food-producing facilities to prevent illnesses. And it would require greater diligence on the part of those producers to prevent foodborne illnesses and other health threats.

Passing this legislation will make our food safer and protect Americans from harm. I will vote to approve it, and I hope for a strong bipartisan vote in favor of this bill.

Mr. WHITEHOUSE. Mr. President, I rise today in support of the FDA Food Safety Modernization Act. I commend Senator DURBIN, Senator HARKIN, and the many other Senators who have worked so hard for so long on this important legislation. It is long past time that we make improvements to our food safety procedures in the United States, and we can see by the diversity of interests that have come together to support this bill from industry to farm to consumer groups that the time to address this issue is now.

Like so many Rhode Islanders, I have been appalled by the stories of deaths and serious illnesses from seemingly benign foods such as peanut butter and spinach. These are foods we bring into our homes, expecting them to nourish our families. We shouldn't have to worry that they might make our children sick. American families need to know that their government is protecting the food supply.

This bill goes a long way toward improving the Food and Drug Administration's food inspection and recall system. First, the bill improves our ability to prevent food safety emergencies through better record keeping, hazard analysis, controls, and food safety plans. These standards are also applied to imported foods, which is increasingly important in our global economy. Second, FDA's ability to react to foodborne illness outbreaks is significantly enhanced by increasing inspection and surveillance, making food more traceable in order to more quickly pinpoint the source of an outbreak. Furthermore, the bill grants the FDA the authority to order a mandatory recall of food if a company refuses to participate in a voluntary recall. Finally, this bill enhances FDA's capability to protect the American food supply from terrorist threats and from intentional contamination through building cooperation with the Department of Homeland Security at our ports.

I am very pleased that all of this is accomplished while protecting small farmers and producers. Rhode Island is

very proud of its small farms, local produce, and the wonderful farmers markets that can be found throughout the State. Our farmers are proud to feed families in Rhode Island and the surrounding States, and I know they do everything possible to ensure the food they sell is safe. I thank Senator TESTER for his work on a compromise to protect farmers like those in Rhode Island, and throughout Nation, who believe in the value of locally grown food.

It has been disappointing that the process to bring this bill about has taken so long. The bill's sponsors have been trying to bring it to the floor of the Senate for a vote for months, during which time the outbreak of salmonella in eggs made the need to improve our food inspection system even more clear. This is not a perfect bill, but it is a necessary one. Once it is passed, we must continue to build upon it. The matter of our families' safety is not a partisan issue; ensuring food safety is a fundamental function of our Federal Government.

Mr. CASEY. Mr. President, the next time we sit down to eat dinner with our families, are we sure that the food on our tables is safe to eat? I understand that many Americans are concerned about food safety issues. We all want food for our families that is nutritious and free from foodborne pathogens and contaminants. Ensuring that our food supply, both domestic and foreign food products, is safe is a high priority for me. I am focused on food safety not only as a lawmaker but also as a consumer and a father.

Americans have every right to expect a safe food supply. We need solutions to give Americans peace of mind that the foods they eat and give to their families are safe to consume. There are 76 million cases of foodborne illness in this country every year. These illnesses send an estimated 300,000 Americans to the hospital each year and they kill an estimated 5,000 individuals yearly. Many of these deaths occur in vulnerable members of our communities: young children, the elderly, or those with chronic illnesses.

I will share with you the story, a real story, of Kevin Kowalcyk, a 2-year-old boy, who was sickened with an E. coli O157:H7 infection that he acquired from eating a common food. I want to speak about Kevin because I want to be clear that when we are not talking about statistics today, we are talking about real people, real lives. Kevin's illness started with vomiting and diarrhea, but soon he was passing large amounts of blood. On the third day of his illness, he was diagnosed and hospitalized. On the following day, his kidneys started to fail. The medical staff, while brutally honest about how hemolytic uremic syndrome, HUS, affected children, felt that Kevin would live. They told Kevin's parents that he would go to the brink of death—which he did on several occasions—because ''this is the way it is for HUS kids.''

On day 12 of his illness, this normally healthy little boy looked as sick as a child can look. His body was swollen to three times its normal size, and he was hooked up to a dialysis machine and a respirator. His heart raced at 200 beats per minute, and light from huge sun lamps focused on him, in attempt to raise his body temperature. Kevin could not speak or cry. His loving family could not hold him. He suffered three heart attacks as they struggled to put him on a heart-lung machine. And then Kevin died. The autopsy later showed that his entire intestinal tract had been destroyed by gangrene.

One month after Kevin's August 11, 2001, death, America experienced the horrible 9/11 attack, and the Kowalcyk family were told that they were having another baby. Kevin's grandmother, Pat Buck, a Pennsylvania resident, was very concerned about her daughter and her new grandchild, and she was horrified by the type of death that her grandson had endured. So Pat did what any teacher would do and started studying foodborne illnesses. What she learned shocked and appalled her.

By March 2002, Kevin's family was actively involved in food safety advocacy. In April 2003, Senator HARKIN declared that the Meat and Poultry Pathogen Reduction and Enforcement Act would be renamed Kevin's Law. In 2006, after the spinach outbreak, Barbara Kowalcyk, Kevin's mother, and Pat Buck founded the Center for Foodborne Illness Research & Prevention, CFI, a national nonprofit dedicated to preventing foodborne illness through research, education, advocacy, and service. In 2007, Barbara and Pat were asked to participate in the filming of the Oscar-nominated documentary, ''Food Inc.'' Today, CFI is viewed as a credible organization that is looking for science-based solutions to America's food safety challenges.

I tell you about Kevin's story because it is a powerful reminder that real people are being affected by foodborne disease, not just once in awhile but every day. I want to thank Barbara and Pat Buck for sharing their story and becoming involved in such an important issue that affects all of our lives. In particular, I am thankful to them for turning their family's tragedy into an action that will help to ensure no child would ever again go through Kevin's horrible experience.

As Pat said to me once while visiting my office, ''It is time to move forward. Too many people are being sickened, too many are suffering negative, long-term health consequences and too many are dying because they ate a common food, such as peanut butter, cookie dough or fresh produce. The 1938 law governing the Food and Drug Administration is too obsolete and it does not provide the Agency with the authorities or resources needed to develop a proactive approach to food safety. S. 510 will help FDA to become more proactive. This legislation is needed to help America meet the food challenges of the 21st century.''

The U.S. Senate must modernize the U.S. system of food safety and inspection. That is why I am pleased to support passage of S. 510, Senator DURBIN's Food Safety Modernization Act. We must provide the agencies that regulate food safety with additional authorities to ensure the safety of our Nation's food supply. We must provide increased resources to the FDA so that it can hire more personnel and so it can invest in improvements to domestic and imported food products inspection systems. We must mandate science-based regulations to ensure the safety of food products that carry the most risk. We must improve coordination between USDA, FDA, and the various other Federal and State agencies charged with regulating food safety. We must implement a national traceability system so we have consistency and know where our food comes from. And we must ensure the safety of both domestic and foreign food products.

With Senator GRASSLEY, I introduced the EAT SAFE Act, which is designed to address a critical aspect of the food and agricultural import system: food being smuggled into the United States. The greatest threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country. Some examples of prohibited products discovered in U.S. commerce in recent years include unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis and strawberries from Mexico contaminated with hepatitis A. These smuggled food and agriculture products present safety risks to our food, plants, and animals and pose a threat to our Nation's health, economy, and security.

I am grateful to Chairman HARKIN, Ranking Member ENZI, Senator DURBIN, Senator DODD, Senator GREGG, and Senator BURR for incorporating portions of the EAT SAFE Act into S. 510. These provisions would add personnel to detect, track, and remove smuggled food, call for the development and implementation of strategies to stop food from being smuggled into the United States, and require data sharing amongst Federal agencies dealing with food safety and foodborne illnesses. I am thankful that this important issue is being addressed so that mothers and fathers across the Nation won't have to be concerned when they pack their children's lunches, sit down to eat a family dinner, or give their child a snack.

In the Senate, we owe it every American consumer to make needed improvements to our food safety system before another outbreak sickens our citizens, and we need to make sure that we are vigilant and vigorously monitor and update our food safety system so that Americans can continue to be confident that the food they eat is safe.

Mr. GREGG. Mr. President, I rise to speak briefly about S. 510, the FDA

Food Safety Modernization Act, which we will be voting on today.

This bill incorporates the best ideas from food safety experts, farmers, small business owners, the Bush administration's Food Protection Plan, the Obama administration's Food Safety Working Group, and Members on both sides of the aisle.When enacted, it will transform America's approach to food safety by emphasizing prevention and by strengthening our capacity to detect and rapidly respond when food safety emergencies occur in the future.

I would especially like to thank Senator DURBIN for all of his efforts on the issue of food safety and his commitment to working on this issue in a bipartisan manner. We originally teamed up to begin this effort in the spring of 2008, and after numerous drafts and twist and turns, I am hopeful that we are close to getting this bill across the finish line.

None of this would have been possible without a core group of bipartisan Members who have helped shepherd this bill since its inception. Senator BURR has been a key leader on food defense issues and has worked tirelessly to ensure that this bill is not burdensome for small farmers and food producers. Senator DODD, along with Senator ALEXANDER, contributed greatly to the bill as a whole, and were instrumental in providing a key provision relating to the need for schools to be more prepared to protect children with life-threatening food allergies.

We have also been extremely fortunate to have the tireless support of both Chairman HARKIN and Ranking Member ENZI, who assisted in moving the bill through the HELP Committee with unanimous support roughly a year ago, and who, in the last year have helped us navigate our way to the floor.

Finally, I would like to thank our staffs who have put so much time into this legislative effort. Although it has been a long and sometimes arduous process, they have shown time and again that almost every problem is solvable when you get a group of hard working folks around a table. I would like to especially recognize and thank my own lead staffer on this bill, Liz Wroe, as well as the following:

Dave Lazarus, Candice Cho, and Albert Sanders with Senator DURBIN; Jenny Ware, Jenn Alton, Josh Martin, Margaret Brooks, and Anna Abram with Senator BURR; Jenelle Krishnamoorthy, Tom Kraus, and Bill McConagha with Senator HARKIN; Amy Muhlberg, Travis Jordan, Keith Flanagan, and Chuck Clapton with Senator ENZI; and Tamar Magarik Haro and Anna Staton with Senator DODD.

Mr. LEAHY. Mr. President, the Senate is poised to pass the FDA Food Safety Modernization Act, which will take much needed and long overdue steps to protect Americans from unsafe food. I am disappointed that the Senate will not consider, however, an important amendment I proposed that would have held criminals who poison our food supply accountable for their crimes. My amendment would have greatly strengthened the ability to deter outrageous conduct that puts Americans at risk. It received unanimous, bipartisan support when it was reported by the Judiciary Committee as the Food Safety Accountability Act. It is unfortunate that, despite this bipartisan support in committee, Republican objections prevented the amendment from being considered by the full Senate.

This legislative proposal would increase the sentences that prosecutors can seek for people who knowingly violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury. If it were passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

Just this summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is too common and sometimes results from inexcusable knowing conduct. The company responsible for the eggs at the root of this summer's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This amendment would have done that in the most egregious cases.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is already illegal, but it is merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business.

Last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, but Mrs. Meunier's story highlighted improvements that are needed in our food safety system. No parent should have to go through what she experienced. The American people should be confident that the food they buy for their families is safe.

After hearing Mrs. Meunier's account last year, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. In that case, the outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products were linked to the deaths of 9 people and have sickened more than 600 others.

It appears that Mr. Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety. Our laws must be strengthened to ensure this does not happen again. My amendment would increase the chances that those who disregard the safety of Americans and commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

On behalf of the hundreds of individuals sickened by this summer's and last year's salmonella outbreaks, we must repair our broken food safety system. The House has already passed a provision similar to my amendment. I am sorry that partisan objections from a few Senators prevented the Senate from quickly adopting this important amendment. I will continue to try to pass this commonsense legislation even if it cannot be coupled with the FDA Food Safety Modernization Act, and I hope the Senate will act quickly to pass it separately.

Mr. HARKIN. Mr. President, one of the most difficult issues I have had to face as manager of S. 510 is the balance between small growers and processors and larger producers and food companies. This is always a tough issue in agriculture. Those of us who work with our food system know that one size does not fit all. It is always hard to get it right.

In this case, I know that some of my colleagues think the Tester-sponsored language goes too far to help small growers and processors. I don't think we have, and here is why I say that. There are some very important limitations on the Tester provisions in S. 510. First, small businesses as we define them here are really small—a company that does $500,000 of sales a year is very small. We can't say exactly how much food these small companies sell, but here is a good example that shows how small these eligible companies are: The smallest member of the California League of Food Processors reports between $2.5 and $3 million a year in sales or five times as much as any company eligible under the Tester provisions.

Second, many food companies that buy product from eligible producers will tell them: Hey I want you to follow FDA regulations. I want all my suppliers to follow FDA rules. Some may even require their suppliers to do

more than FDA requires. That decision is part of a private contractual relationship. This bill does not affect these arrangements. They will continue to exist and will limit the application of any exemptions provided in this bill.

Third, processors that want to be exempted will have to document that they meet the exemption. There are two ways to do that. First, they must show they are in compliance with State law or second, they must show that they have completed a food safety plan of their own. Many processors will simply decide that for competitive reasons or lack of capacity they will simply stick with whatever FDA requires. This is another pragmatic limitation on the Tester provisions.

Fourth and finally, FDA is specifically authorized to take action and revoke an exemption if it determines that the food presents a public health risk, and FDA can act to prevent an outbreak if needed. This provision creates a ''one-strike-you are out'' exemption: once a farm or food processing facility has lost its exemption, it may never be reinstated.

Mr. President, it is not the intent of this legislation to include in the definition of ''facility,'' for purposes of either FFDCA Sec. 415 or for the pending bill, seed production or storage establishments as long as they do not manufacture, process, pack, or hold seed reasonably expected to be used as food or feed. Further, we note that seeds not used as food or feed have historically not been subject to oversight by FDA.

The PRESIDING OFFICER. Under the previous order, amendment No. 4715 is agreed to.

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

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that after adoption of the substitute amendment to S. 510 and now, after the third reading, the Senate then proceed to Calendar No. 74, H.R. 2751; that all after the enacting clause be stricken and the text of S. 510, as amended, be inserted in lieu thereof; that no further amendments or motions be in order; that the bill, as amended, be read a third time, and after the reading of the Budget Committee pay-go letter, the Senate then proceed to vote on the passage of H.R. 2751, as amended; further, that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the clerk will read the pay-go statement.

The legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 510, as amended.

Total Budgetary Effects of S. 510 for the 5-year statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 510 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4715 IN THE NATURE OF A SUBSTITUTE TO S. 510, FDA FOOD SAFETY MODERNIZATION ACT

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go-Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0

[a] S. 510 would increase federal efforts to ensure the safety of commercially distributed food. S. 510 would stipulate that the failure to comply with new requirements, such as mandatory recalls and risk-based preventive controls, could result in the assessment of civil or criminal penalties. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 510 could increase revenues and direct spending, but CBO estimates that the net budget impact would be negligible for each year.

Source: Congressional Budget Office.

The ACTING PRESIDENT pro tempore. Under the previous order, the cloture motion with respect to the bill is withdrawn and the question is on passage of S. 510, as amended.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—73

Akaka	Collins	Inouye
Alexander	Conrad	Johanns
Baucus	Coons	Johnson
Bayh	Dodd	Kerry
Begich	Dorgan	Kirk
Bennet	Durbin	Klobuchar
Bingaman	Enzi	Kohl
Boxer	Feingold	Landrieu
Brown (MA)	Feinstein	Lautenberg
Brown (OH)	Franken	Leahy
Burr	Gillibrand	LeMieux
Cantwell	Grassley	Levin
Cardin	Gregg	Lieberman
Carper	Hagan	Lincoln
Casey	Harkin	Lugar
Manchin	Reed	Udall (CO)
McCaskill	Reid	Udall (NM)
Menendez	Rockefeller	Vitter
Merkley	Sanders	Voinovich
Mikulski	Schumer	Warner
Murkowski	Shaheen	Webb
Murray	Snowe	Whitehouse
Nelson (NE)	Specter	Wyden
Nelson (FL)	Stabenow	
Pryor	Tester	

NAYS—25

Barrasso	DeMint	McConnell
Bennett	Ensign	Risch
Bunning	Graham	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—2

Bond	Brownback

The bill (S. 510), as amended, was ageed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

PASSAGE OF S. 510

Mr. HARKIN. Mr. President, today with the passage of the Food Safety Modernization Act by this overwhelming vote of 73 to 25, we have taken momentous steps to help strengthen food safety in America. The Food Safety Modernization Act will bring America's food safety system into the 21st century.

This bill gives the FDA the authority the agency needs to help protect America from foodborne illnesses. While this bill is a historic step forward in ensuring that our food supply is safe and protecting Americans from foodborne illnesses, we have to now ensure that the FDA has adequate resources to fulfill their profound responsibilities.

I look forward to working with my colleagues on the Appropriations Committee and the entire Senate to ensure that they have the necessary resources to fulfill the provisions of this legislation.

As the primary cosponsors of the bill, Senators DURBIN and GREGG deserve a great deal of thanks for their outstanding leadership. I asked Senator DURBIN when he started working on this bill. He said back in the House 18 years ago. So sometimes it takes a long time to get these things done. But this is the first time in 70 years we have ever had a major revision of our food safety laws. Senator GREGG has also worked at least a dozen years,

that I know of, on this bill in his time in the Senate. I would also like to thank my colleagues, Senator ENZI, the ranking member of the committee, former chairman and ranking member of the committee, for his help and also Senator BURR for working hard on the legislation and getting it where it is today.

Finally, I thank my friend, Senator DODD, for his tireless efforts. The Senate will certainly miss his leadership on this and so many other important issues. Additionally, I thank members of our staffs who helped to make this possible, and let me just—I am going to read their names, but let me say at the outset, while many of us were perhaps not around during Thanksgiving week or perhaps even the week after the elections, I can tell you the staffs were hard at work day after day, sometimes late in the evenings, sometimes on weekends, to help get this bill together. These staff people deserve so many thanks from not only me but from everyone involved with this legislation.

From Senator DURBIN's staff: Albert Sanders, Anne Wall, and Dena Morris; from Senator ENZI's staff: Chuck Clapton, Keith Flanagan, Travis Jordan, Frank Macchiarola, and Amy Muhlberg; Senator DODD's staff: Anna Staton and Tamar Haro; Senator GREGG's staff has worked on this bill from the beginning: Elizabeth Wroe; Senator BURR's staff: Anna Abram and Margaret Brooks; Senator REED's staff: Carolyn Gluck and Kasey Gillette; and from my staff: Kathleen Laird, Tom Kraus, Bill McConagha, Mark Halverson, Jenelle Krishnamoorthy, Pam Smith, and Dan Smith. All of them are heroes and heroines in my book. They really put forth supreme effort to get this bill to us today so we could have this overwhelming vote of approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTE TO SENATOR RUSS FEINGOLD

Mr. MCCAIN. Mr. President, I want to say a few words about a friend and colleague whom I will miss very much when he leaves the Senate after we adjourn, Senator RUSS FEINGOLD. I cannot thank him for his service without mentioning the outstanding work of his capable staff: Mary Irving, his chief of staff; Sumner Slichter, his policy director; Bob Schiff, chief counsel; and Paul Weinberger, his legislative director, a loyal and outstanding team.

Without intending it as a commentary on his successor, I have to confess I think the Senate will be a much poorer place without RUSS FEINGOLD in it. I know that in my next term I will experience fewer occasions of inspiration because of the departure of RUSS FEINGOLD, a man whose courage and dedication to the principles that guided his Senate service often inspired me.

I will also miss the daily experience of RUSS FEINGOLD's friendship, and the qualities that distinguish his friendship, his thoughtfulness, kindness, humor and loyalty. I have treasured that friendship all the years we have served together, and while friendship does not end with a Senate career, I will sorely miss his presence. I will miss seeing him every day. I will miss traveling with him. I will miss the daily reminder of what a blessing it is to have a true friend in Washington.

Our first encounter with one another was in a Senate debate in which we argued about an aircraft carrier, somewhat heatedly, if memory serves. RUSS thought the U.S. Navy had one too many. I thought we did not have enough. It was, I am sorry to admit, not a very considerate welcome on my part to a new colleague, whom I would soon have many reasons to admire. But to RUSS's credit, he did not let my discourtesy stand in the way of working together on issues where we were in agreement. And to my good fortune, he did not let it stand in the way of our friendship either.

We are of different parties and our political views are often opposed.

We have had many debates on many issues. But where we agreed on wasteful spending, ethics reform, campaign finance reform and other issues, it was a privilege to fight alongside and not against RUSS FEINGOLD.

We do not often hear anymore about Members of Congress who distinguish themselves by having the courage of their convictions; who risk their personal interests for what they believe is in the public interest. I have seen many examples of it here, but the cynicism of our times, among the political class and the media and the voters, tends to miss examples of political courage or dismiss them as probable frauds or, at best, exceptions that prove the rule. In his time in the Senate, RUSS FEINGOLD, every day and in every way, had the courage of his convictions. And though I am quite a few years older than RUSS, and have served in this body longer than he has, I confess I have always felt he was my superior in that cardinal virtue.

We were both up for re-election in 1998. I had an easy race. RUSS had a difficult one. As many of our colleagues will remember, RUSS and I opposed soft money, the unlimited corporate and labor donations to political parties that we believed were compromising the integrity of Congress, and we were a nuisance on the subject. RUSS 's opponent in 1998 was outspending him on television, and the race became tighter. It reached a point where most observers, Democrats and Republicans, expected him to lose. The Democratic Party pleaded with RUSS to let it spend soft money on his behalf. RUSS refused. He risked his seat, the job he loved, because his convictions were more important to him than any personal success. I think he is one of the most admirable people I have ever met in my life.

We have had a lot experiences together. We fought together for many things, important things. And we have fought many times on opposite sides. We have been honored together and scorned together. We have traveled abroad together. We could not be farther apart in our views on the wars in Iraq and Afghanistan, but we traveled there together as well, to gain knowledge that would inform our views and challenge them. We have listened to each other; debated each other; defended each other; joked and commiserated together.

And in my every experience with RUSS FEINGOLD, in agreement and disagreement, in pleasant times and difficult ones, in heated arguments and in the relaxed conversation of friends, he was an exemplary public servant; a gentleman; good company; an irreplaceable friend; a kind man; a man to be admired.

I can not do justice in these remarks to all of RUSS's many qualities or express completely how much I think this institution benefited from his service here and how much I benefited from knowing him. I lack the eloquence. I do not think he is replaceable. We would all do well to keep his example in our minds as we serve our constituents and country and convictions. We could not have a better role model.

I have every expectation we will remain good friends long after we have both ended our Senate careers. But I will miss him every day. And I will try harder to become half the public servant he is. Because his friendship is an honor and honors come with responsibilities.

God bless my friend RUSS FEINGOLD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of Ohio. Mr. President, I want to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, I spent a lot of time, as my colleagues have, traveling our States during the elections, to be sure, but also since. I hear a lot of discussion from regular people—not from people running for office per se but regular people—about what this new health care law has meant to them. I meet 22-year-olds who are now on their parents' health insurance plan. If you are 22 in this country today, your chances of finding a job with decent health care are not real high in most places in our country, and

they now celebrate the fact that they can be on their parents' health insurance automatically. That is a big victory for consumers and a big victory for those families.

I also talk to people who have children who have preexisting conditions and could not get insurance as a result. The law now is, an insurance company cannot deny insurance to a family with a child with preexisting conditions. We also know now that someone who is sick and their health care is very expensive, that they cannot be thrown off their insurance because it costs the insurance company too much money.

We know now, and I hear from small businesses who almost all want to insure their employees but simply cannot because of the high costs, they now are getting a 30-percent tax credit to be able to insure their employees, something, as I said, they wanted to do whether they live in Conneaut in northeast Ohio or Middletown and Hamilton in southwest Ohio. I see that all over my State—in Bowling Green, in Toledo, in Zanesville and Chillacothe and Columbus and Bellaire. We are also seeing that so many senior citizens are getting hit hard by high drug prices.

We have begun. As one of the leaders in that effort on the HELP Committee, Senator BENNET, the Presiding Officer, knows that we have been helpful in now beginning to close that doughnut hole that seniors fall into. After they have had $2,000 of drug costs, they are still paying the premium every month, but they do not get any coverage until their costs go above $5,000. That is sort of a cruel bargain that this Congress, for reasons I did not exactly understand—I opposed it back then—passed the drug benefit and inflicted that on seniors. We are beginning to fix that.

We know all that. Those are citizens I talk to about that. Put that aside for a minute, unfortunately, and look at so many elected officials in a State, conservative elected officials, mostly Republicans, who are saying we should repeal the health care law and we should bring back preexisting condition, take 23-year-olds, home from college or home from the service or whatever, and if they do not have TRICARE, throw them off their parents' health care plan, take away the tax cuts to small businesses. That is what they want to do and repeal this health care plan.

My only question is, I guess I am waiting for the first Republican elected official—whether he is an attorney general in Ohio or elsewhere or whether he is a Congressman or she is a Congressman or a Senator—I am waiting for the first one who says: I want to repeal this plan. Take away these consumer protections; I want to repeal this plan and take away health insurance for people who are in high risk pools who are getting insurance now and people down the road who are going to get covered with health insurance, the 50 million Americans who do not have it and the tens of millions of Americans who are underinsured. I want to hear one of those elected officials, who is saying repeal the health care plan, say they are not going to take their government health insurance. I cannot believe the number of elected officials, mostly Republicans, who have been the beneficiaries of government-sponsored health insurance—taxpayer-financed health insurance for 10 years, 20 years, 30 years—who are saying: No, I want to repeal health insurance for millions of Americans who are about to receive it. Some of them are already getting it; all of them getting better consumer protections.

They will keep their plan, paid for by taxpayers. They want to deny it to others. I am waiting for one of my colleagues—and Republicans around the State and around the country who are calling for this health care law to be repealed—to step up and say: Oh, I am not going to take government insurance either. I am still waiting for that day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

HOME BUYER TAX CREDIT

Mr. NELSON of Florida. Mr. President, if we want to revive our economy, one thing we can do is to bring back and extend the home buyer tax credit we enacted earlier this year. It was for a limited time. It has expired, but it was hugely successful.

It is an $8,000 tax credit for qualified first-time home buyers and a $6,500 tax credit for repeat, move-up home buyers. And this tax credit that we passed that was law was largely responsible for many of the homes that were purchased in States like mine, Florida, where the housing market has gone kaput. The mortgages were inflated when the housing bubble burst, the property values dropped and you see a number of our States that have been hit so hard, albeit, the entire Nation has been hit hard by the housing bubble bursting.

Well, we tried this home buyer tax credit, and it worked. It was popular in other States, like California, like in Texas. Texas had a more stable housing market, but folks recognized that a good housing market provides a lot of ancillary benefits for the economy. It creates jobs. It generates consumer spending. The studies have shown, looking back on this tax credit we gave for housing, it was in the first quarter of this year, it led to a 6-percent increase in all home sales, and it led to a whopping 42-percent increase in the sale of new homes.

Now by contrast, when that credit expired, the home sales plummeted. Well, what does it mean in real terms to real people and real families? It means jobs. It means jobs selling houses, jobs constructing houses, jobs financing houses—anything associated with a person having one of their most important assets, their home. And then it means a lot of jobs about making all the things that go inside a house. And that's the kind of boost we need again.

We need again to get this economy moving. Now, since it has been shown to work because it generates home sales and purchases—in States where the real estate industry is a large part of the economy, in States where housing values have dropped, where many homes are underwater in the value of their fair market value now compared to the face amount of their mortgage in many communities that are distressed by foreclosures—and what community has not been hit by that?—what it does is it turns that around and boosts the home sales. That is a part of economic recovery. Now, there are those who are out there who are going to say: Well, it is too expensive. That it doesn't yield good results in certain parts of the country that were not hit with the housing crisis like the rest of us were. And some people will claim: Well, we're coming out of the recession—by their estimation—and it would be better to target our efforts elsewhere.

Mr. President, the recession's not over for many, many Americans. And if something has proven it works, why don't we reinstitute it? It was President Franklin Roosevelt who said, during another time of economic peril, the Great Depression, he said:

> Only a foolish optimist can deny the dark realities of the moment.

Mr. President, do we not have the ''dark realities of the moment'' of what's happening in the State of the Presiding Officer right now, in my State, and many others? Indeed, these are dark economic times, and most every American knows it. Just look to the elections. In almost every exit poll after the election, 60 percent of the voters said the economy was the most important issue facing the Nation—that they were concerned about as they walked into that polling place. Forty percent of those same voters said their families are worse off financially than they were just a few years ago. And 33 percent of them said that someone in their household had lost a job recently. Is that not the ''dark realities of the moment''?

So let's take something that worked. And despite the fact that it's costly, let's find an offset. Let's find another source of revenue to pay for approximately the $15 to $20 billion that the home buyer tax credit cost before that boosted the sales of homes and started to revive the housing industry and, therefore, revive the fair market values of people's homes. Let's move to quickly bring back this home buyer tax credit. It's worked before, and it will work again.

Mr. President, if I may be recognized again, since no one is waiting to speak.

The PRESIDING OFFICER. The Senator from Florida is recognized.

DISCLOSURE OF CLASSIFIED CABLES

Mr. NELSON of Florida. Mr. President, America's secrets are not what are at risk with the exposure of thousands and thousands of documents of classified cables. America's friends and allies are at risk and, therefore, America's national security is at risk.

When classified cables identify certain people who have helped us from around the world as we advance the interests of the free world, defend our national security, and the safety of all humankind—when those people are exposed, there are a lot of bad people out there who want to get rid of those kind of people. When sources of information—I will dress it up and tell you exactly what it is; it is called intelligence—when sources of intelligence are betrayed by being made public, by the disclosure, indiscriminately, of thousands and thousands of cables that were marked ''Top Secret'' or marked ''Secret,'' then what we have done is we have started to shackle our arms behind ourselves in our ability to defend ourselves.

Why do I say that? Well, look at all the recent attempts at a terrorist act. We were able to avert the terrorist striking because we got the information that he was going to strike before he struck. Where did that source of information come? Often that source of information comes from far corners of the globe because we have a relationship with people who are giving us information that we then track down and find that, in fact, it is true and stop the terrorist from doing their dastardly deed upon innocent humans.

Since 2001 and the September 11th bombings and the September 11th crashes of the airliners, over and over again the newspapers of this country have chronicled terrorist plots that have been thwarted for the reasons I have just said. Now along comes someone who, for whatever reasons of being a misfit, wants to disgorge thousands of classified cables that start to betray our sources of information to protect ourselves and protect others—not even necessarily our allies—but other innocent victims in other countries with whom we may not even have a relationship.

This is the height of dishonoring our country and our people and all humankind, and it is the height of traitorous activity. It has to stop. We cannot continue to thwart these terrorist acts if we do not have reliable sources of information in order to disrupt the terrorist plots. Do you know what? The newspapers have chronicled, since the attempt, for example, of blowing up FedEx and UPS—and, by the way, those packages also were carried on commercial airliners with passengers on them—you know what the newspapers have chronicled? They have pointed out how the terrorist organizations are crowing about how little it costs them and how they will find another way in order to do this. As the newspapers reported, we found out and stopped that plot by long-distance sources of information that came to us. To betray those sources, to now put their lives in jeopardy by the indiscriminate turning over to an organization called WikiLeaks that suddenly puts all of this up on the Web, is the height of irresponsibility, an act against humanity, and it has to be stopped.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TAX POLICY

Mr. CASEY. Mr. President, I rise today to speak about our economy and some of the debates and discussions we are engaged in now about tax policy as well as to emphasize the need to be guided during these debates by the two essential priorities on which we must focus. Obviously, those priorities are job creation and continuing economic growth, continuing our recovery. We also must make sure that in the process of doing that, we don't take steps that will increase long-term deficits. So while we debate these many tax issues, I think it is critically important that we don't forget about provisions that both combat poverty and assist those who fall in the lower income brackets.

Last month, the Nation added over 150,000 jobs, which is strong evidence that we are slowly recovering from the devastating impacts of the recent recession. But we are certainly not out of the woods yet, and the Senate must continue to pass legislation that will spur economic growth as well as to focus on ways we can extend certain tax provisions that are set to expire this year.

The debate, unfortunately, has largely focused only on whether to extend the current income tax rates. I am 100 percent in favor of extending income tax rates for middle and lower income tax brackets. Now is not the time to raise taxes on those middle-income families who are still recovering from the recession. Plus, the more money we put in the pockets of those middle-income families means more money is being pumped into the economy through the purchase of goods and services. That is for sure, and I think we will even have consensus on that point alone.

Even as our recovery is slow, there have been a number of bright spots. One bright spot in the recovery is the rate of private sector hiring. In fact, according to the figures released by the Bureau of Labor Statistics, more private sector jobs have been created in 2010 when compared to the entire 8 years under President Bush. Private sector jobs decreased by 673,000 in the 8 years of President Bush's Presidency—a decrease of 673,000 private sector jobs. The increase I speak of occurred within this calendar year of 2010—an increase of 874,000 private sector jobs in 2010, and the year, of course, is not over yet.

The tax cuts for upper income folks implemented by President Bush had limited impact on jobs in those years, and the income tax breaks for upper income folks added hundreds of billions to our deficit. However, due to the current condition of the economy and to take every step necessary that we must take to continue the recovery, I believe it is imperative that we maintain certainty. That is what economists have talked to many of us about—to take steps not just to further economic growth and to continue to push forward the recovery but to do that in a way that creates some measure of certainty. Whether a small business owner—hundreds and hundreds of thousands across the country—or a large company, uncertainty and change often tend to make businesses less willing to expand and less willing to hire. Over the last few months, many of our colleagues in the Senate and I have spoken to both business owners and economists to get their views on how we should handle the expiring tax provisions. What I learned, among several lessons from these experts, is that certainty and consistency are needed when the economy is still in a fragile condition.

So I will have more to say as the debate continues about tax cuts, but during these discussions about the income tax cuts and what we should do between now and the end of the year, two important provisions have been barely mentioned: the child tax credit and the marriage penalty under the so-called earned-income tax credit. Both provisions provide necessary tax relief for those in the lower income brackets, and both provisions are necessary to help working families barely getting by for their children during this recession, at a time when poverty levels, unfortunately, are increasing. At this time, this Senate must act to provide tax relief to those who are in desperate need of assistance while they recover from the effects of the recession.

First, the child tax credit. This provides tax relief to working families with children of up to $1,000 per child. The tax credit was first enacted in 1997 and was expanded last year in the Recovery Act to increase the number of families eligible to receive the credit. As a result of this expansion of the child tax credit, millions of previously ineligible families received critical relief during these tough economic times.

These expanded tax cuts will expire if they are not extended by the end of the year. Here are the numbers from the Center on Budget and Policy Priorities: 7.6 million children will lose their child tax credit if we don't continue it. An additional 10.5 million children will see those credits reduced or the credits their families receive reduced. In Pennsylvania, half a million children will lose that credit.

To put this in perspective, if you have a family with two children and earning minimum wage, that family

would see its child tax credit reduced by $825. That is the equivalent of almost 3 weeks of pretax wages for a minimum wage worker—$825—which would have an adverse impact even on a middle-income family, but to say that about a family earning the minimum wage I think speaks volumes about the impact of not extending the child tax credit. That would be a horrific result for a minimum wage-earning family.

This vital tax relief is necessary to help families struggling to provide their children with basic essentials. If that argument is not convincing enough for folks in the Senate as a reason to extend it, consider that the money that child tax credit results in will be spent immediately and go right back into local economies. It is the same argument we have made on unemployment insurance—that it has an impact on the overall economy.

The child tax credit is not the only poverty-fighting tax provision that is in jeopardy of being reversed. Enhancements to the earned-income tax credit are also set to expire. The so-called EITC—the earned-income tax credit—encourages and rewards work by providing a refundable credit for working people against their payroll and income taxes. Millions of working families with incomes of up to $48,000 are eligible for the Federal earned-income tax credit.

The Recovery Act we passed in 2009 reduced the so-called marriage penalty in the earned-income tax credit by increasing the income level at which it phases out for married couples. If this expanded tax relief is not extended, 6 million workers will see their earned-income tax credit reduced and 11 million children will be affected. So children get harmed by both. They get harmed by the failure to extend the earned-income tax credit and the failure to extend the child tax credit.

So while the debate has been focused on the extension of tax rates on income, the Senate must not overlook sound tax policy that both fights poverty and spurs economic growth. So I would encourage all Members of the Senate to push for an extension of the provisions that expand eligibility for the child tax credit as well as the earned-income tax credit.

Finally, in addition to those tax provisions, we must not forget that today, November 30, 2010, is the day that federally funded unemployment insurance programs will expire. I encourage other Members of the Senate to not block legislation that will reauthorize unemployment insurance programs through the end of 2011—in other words, unemployment insurance to help the newly unemployed still suffering through and fighting through this recession.

If folks in the Senate block this legislation today—an extension of unemployment insurance—if they block it, I hope they will have an answer for the following question or two: What is your strategy to help these folks get through this time when they have lost a job through no fault of their own? What are you going to do? What action are you going to take to try to help them?

That is one question. If you don't have an answer to that question, you should also have to answer this question: What are you doing affirmatively to put in place strategies to create jobs? Are you just talking about job creation, are you just talking about helping people, or are you going to take action to extend unemployment insurance or have something else that will help those who are going through this difficult period in their lives—many families who never dreamed they would be in this position—and are you going to do something to help the overall economy to grow and to continue the recovery? Because unemployment insurance does both. It helps the vulnerable get through this recession. It is the right thing to do. It also has a substantial, immeasurable impact on economic growth. All the studies show that. It is irrefutable that it is probably the best thing we can do to create jobs and to continue the recovery—pass a reauthorization of unemployment insurance.

So I encourage my colleagues to not block, but if they block, they need to have an answer to those basic questions.

In Pennsylvania, the unemployment rate now is 8.8 percent. Thank goodness it fell below 9, but 8.8 percent in our State means 560,000 people out of work. In the summer, it went as high as 592,000, so it was approaching 600,000. We have approximately 560,000 unemployed Pennsylvanians right now. We have to have an answer for those folks. We can't just say: Well, it got a little difficult in Washington, or put some other institutional or policy argument out there without having an answer or an alternative for those who are unemployed.

As have many of the Members of the Senate, I have discussed the impact of the expiration of unemployment insurance with folks in Pennsylvania and others who will be suffering through this. In the course of those discussions, we have had a chance to review what the impact would be on the economy as well as on Americans who have lost their jobs through no fault of their own.

There is one group we often don't mention. We talk about unemployment, jobless Americans and the economy. We often don't talk about the adverse impact specifically on children. Mr. President, 1 in 10 Pennsylvania children has an unemployed parent, and that is true across the country—roughly 1 in 10 in many States.

That translates to 265,000 children under the age of 18 in the Commonwealth of Pennsylvania who are directly impacted by unemployment—265,300 children who are affected just by unemployment. So as we address ways to improve the economic outlook in our country and discuss the tax provisions, we must recognize the impact the economy has on our children.

I will end with a line from the Scriptures that says that ''a faithful friend is a sturdy shelter.'' It goes on to talk about how important having a faithful friend in life is. There are a lot of folks, politicians especially, who talk nonstop about helping children and the importance of doing that and the priority placed on our children and the priority to protect our children from harm and to help them especially in a recession. You have to do more than talk.

If you consider yourself a friend of children, you would support an extension of the child tax credit. You would support other provisions, such as unemployment insurance, that help families such as those families who have 265,000 children who are affected by unemployment in Pennsylvania. If you are going to say you are a faithful friend and want to be a sturdy shelter for children, what are you going to do about it?

The question we must ask ourselves, among many, is: Will the Senate be a faithful friend to children, not just by talk and rhetoric but by actions, taking steps to help children get through this recession, helping their families and also spur and continue economic growth and recovery?

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee is recognized.

COMMENDING RETIRING SENATORS

Mr. ALEXANDER. Mr. President, 16 Senators will retire this year. There is also a pretty big turnover in this body, but that is a lot of Senators at once. We are losing an enormous amount of talent, but, of course, we are gaining a lot of talent with the new Senators.

I wish to show my respect for those who have served, which I will do in a summary fashion because we are talking about 16 individuals with very complex and distinguished backgrounds.

One might ask, what are the characteristics of a Senator? There are a lot of different answers to that, depending on your background and attitude toward politics and government, I suppose. I have always thought that one characteristic of almost every Member of the Senate is that he or she probably was a first grader sitting in the front row, hand in the air waiting to be recognized. This is an eager bunch or you would not have gotten here.

Second, it is a group of risk-takers. Most people who end up in the Senate get here because a lot of other people who wanted to be Senators were standing around waiting for the right time to run. A lot of people who were elected to the Senate seemed to have no chance of winning at the time they decided to run, but the voters decided differently, and here they are.

A third characteristic of Senators is that we are almost all professional and

congenial. That is a big help. It is almost a requirement in an organization of 100 individuals who spend almost all their time with one another, who serve in a body that operates by unanimous consent, when just one Senator can bring the whole place to a halt, and whose job basically is to argue about some of the most difficult issues that face the American people. So it helps that almost every Member of the Senate is an especially congenial person.

Back in Tennessee, people often say to me it must be rough being in that job. They are awfully mean up there. The truth is, I don't know of a more congenial group than the Members of the Senate. We begin the day in the gym. The next thing you know we are at a Prayer Breakfast, and then we are at a committee hearing. Then we are on the floor voting, and then we have lunch. It goes through the day until 7 or 8 o'clock, or sometimes later. We live together and we get along very well. We know and respect each other.

Not long ago, the Presiding Officer and I were having dinner together with our wives. We were lamenting the loss of families who know one another, the way it happened when his father was serving in Congress and when I first came to the Senate to work for Senator Baker. And that's true. We've lost some of that. Still, there is an enormous amount of affection and goodwill here. You don't always get to be very close friends in this job, but you get to be very good acquaintances, and you learn to respect people for their strengths.

Senator Domenici said, when he left, that we don't do a very good job of saying goodbye here. That is true. As one part of saying goodbye, I wish to say at least one good thing about each one of the 16 retiring Senators. Much more could be said about each, of course. Mostly, I am going in alphabetical order.

First is Senator BOB BENNETT of Utah. I have known him the longest. We served together in the Nixon administration. I was in the White House working with Bryce Harlow, and he was in the Department of Transportation. That was in 1969 and 1970. What I will remember about BOB BENNETT—and most Senators will remember this about his legacy—are his careful expositions of economic issues. He has a background as an entrepreneur and businessman. He served with distinction on the Joint Economic Committee. His expertise in helping us better understand the economy has been valuable.

Senator EVAN BAYH is one of four Governors leaving the Senate. I am one who thinks the more Governors, the better. That is a somewhat parochial attitude on my part. But Governors have gotten results and are used to working across party lines. Governor BAYH served two terms as a Senator. Still young, he obviously has a long career ahead of him. Whatever direction he chooses to go in, what I will remember most about EVAN BAYH is the civility and bipartisanship he has shown on numerous occasions—and his courtesy to me as an individual Senator.

Senator KIT BOND, another Governor. He and I once served as law clerks on the Fifth Circuit Court of Appeals for two judges who helped integrate the South, Judges Tuttle and Wisdom. Senator BOND has a great many things that could be said about him. But what most of us admire greatly about his time here is his devotion to our intelligence community and national security, as vice chairman of our Intelligence Committee, making sure our intelligence agencies have the tools they need to prevent terrorist attacks on America.

Senator SAM BROWNBACK is going the other way, from Senator to Governor of Kansas. During the health care debate, I often said that everybody who voted for the health care law ought to be sentenced to serve as Governor for two terms and try to implement it. Well, Senator BROWNBACK voted against the health care law, but he's going home and will have the opportunity to ''enjoy'' all those unfunded mandates on Medicaid and see how Kansas deals with it. What we'll miss about SAM BROWNBACK, in addition to his extraordinary kindness, is his devotion to human rights, including giving voice to the oppressed people in North Korea and being an outspoken critic of the genocide in Darfur.

Senator JIM BUNNING. Everybody knows about him and baseball. Nobody would want to be a batter when he is throwing pitches. We understand he is the only person to strike out Ted Williams three times in one game. But what not as many people know about him is that JIM BUNNING has been a persistent leader in fighting for sick nuclear workers who served our country during the fifties and sixties and were sick because of their work in handling nuclear weapons. So JIM BUNNING deserves the thanks of all the families of the sick nuclear workers in America for his service here.

Senator CHRIS DODD. Children and families are his hallmark and legacy. He has been here a long time—five terms. But I have felt privileged to work with him on the Subcommittee on Children and Families. One thing we've focused on together is premature births, but he's also worked on a whole variety of other legislation. We will miss his congeniality, his good humor, and his devotion to the Senate as an institution, making sure it stays unique as a place where we have unlimited debate and unlimited amendments, so the voices of the American people can be heard.

Senator BYRON DORGAN. I once heard the Chaplain say there is no better storyteller in the Senate than Senator DORGAN. He didn't mean making up stories. He said he was good at taking what he figured was the truth and explaining it in ways the rest of us could understand. I have enjoyed working with him on legislation that would make it easier to introduce electric cars and trucks in our country and reduce our dependence on foreign oil.

Senator RUSS FEINGOLD will be remembered for his strong stands—sometimes solitary stands—such as when he voted against the PATRIOT Act and went to work early on campaign finance. I thank him for our work together on the Africa subcommittee, on which he has served during his whole time here.

There is no better Senator than JUDD GREGG on either side of the aisle. One indication of that is that the last three leaders of Republicans in the Senate have asked him to sit in on leadership meetings to get his wisdom and advice. He doesn't say too much, but what he says we all pay attention to. He has been the voice of our party and we believe the voice of Americans who are concerned about fiscal responsibility, about spending, and too much debt.

Senator BLANCHE LINCOLN has been a pioneer throughout her career, as a staff member and a Congresswoman, and later as a Senator occupying Senator Hattie Caraway's desk, who was the first woman to be elected to the Senate. BLANCHE LINCOLN was the youngest woman ever to be elected to the Senate and left her mark with the passage of the 2008 farm bill.

ARLEN SPECTER from Pennsylvania. The word to describe him is ''courage.'' The other word is ''survivor.'' And they both go together. ARLEN has had a distinguished career from his youngest days. He was a member of the Warren Commission, investigating President Kennedy's assassination. In the Senate, his work has spanned the entire mark. One of the things I appreciate most about Senator and Mrs. SPECTER is their work on Constitution Hall in Philadelphia, which is such an example of living history.

Senator GEORGE VOINOVICH has been a mayor and a Governor and a Senator, a strong voice in concerns of federalism. Federal workers have GEORGE to thank for years of attention to issues involving Federal employees that most of us were too busy to pay as much attention to.

There have been four Members appointed to the Senate who are retiring, and that is quite a number.

Senator TED KAUFMAN of Delaware was a great teacher and a longtime Senate staffer before serving in the Senate himself.

Senator GEORGE LEMIEUX of Florida made his focus balancing the budget and controlling the debt. We have not heard the last of GEORGE LEMIEUX, I am sure, in politics.

Senator Roland Burris of Illinois was a State comptroller and attorney general. He is his own man, and capped off a long career in public service by serving here.

Senator Carte Goodwin, the youngest Senator who replaced the oldest in Senator Byrd. He was here only a few months, but we've enjoyed having him.

It has been my privilege to serve with these 16 Senators. We thank them for their service to our country. They have had a chance to serve in what we regard as the world's greatest deliberative body; it is a special institution. We will miss their leadership, and we hope they will stay in touch with us because they are not just retiring Senators, they are all our friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

WAR AGAINST THE MIDDLE CLASS

Mr. SANDERS. Mr. President, there is a war going on in this country, and I am not referring to the wars in Iraq or Afghanistan. I am talking about a war being waged by some of the wealthiest and most powerful people in this country against the working families of the United States of America, against the disappearing and shrinking middle class of our country.

The reality is, many of the Nation's billionaires are on the warpath. They want more, more, more. Their greed has no end, and apparently there is very little concern for our country or for the people of this country if it gets in the way of the accumulation of more and more wealth and more and more power.

Mr. President, in the year 2007, the top 1 percent of all income earners in the United States made 23½ percent of all income. The top 1 percent earned 23½ percent of all income—more than the entire bottom 50 percent. That is apparently not enough. The percentage of income going to the top 1 percent has nearly tripled since the 1970s. In the mid-1970s, the top 1 percent earned about 8 percent of all income. In the 1980s, that figure jumped to 14 percent. In the late 1990s, that 1 percent earned about 19 percent. And today, as the middle class collapses, the top 1 percent earns 23½ percent of all income—more than the bottom 50 percent. Today, if you can believe it, the top one-tenth of 1 percent earns about 12 cents of every dollar earned in America.

We talk about a lot of things on the floor of the Senate, but somehow we forget to talk about the reality of who is winning in this economy and who is losing. It is very clear to anyone who spends 2 minutes studying the issue that the people on top are doing extraordinarily well at the same time as the middle class is collapsing and poverty is increasing. Many people out there are angry, and they are wondering what is happening to their own income, to their lives, to the lives of their kids.

If you can believe this, since between 1980 and 2005, 80 percent of all new income created in this country went to the top 1 percent—80 percent of all new income. That is why people are wondering and asking: What is going on in my life? How come I am working longer hours for lower wages? How come I am worrying about whether my kids will have as good a standard of living as I had? From 1980 until 2005, 80 percent of all income went to the top 1 percent.

Today, the Wall Street executives—the crooks on Wall Street whose actions resulted in the severe recession we are in right now; the people whose illegal, reckless actions have resulted in millions of Americans losing their jobs, their homes, their savings—guess what. After we bailed them out, those CEOs today are now earning more money than they did before the bailout. And while the middle class of this country collapses and the rich become much richer, the United States now has by far the most unequal distribution of income and wealth of any major country on Earth.

Mr. President, when we were in school, we used to read the textbooks which talked about the banana republics in Latin America. We used to read the books about countries in which a handful of people owned and controlled most of the wealth of those countries. Well, guess what. That is exactly what is happening in the United States today. And apparently the only concern of some of the wealthiest people in this country is more and more wealth and more and more power—not all of them, by the way. Not all of them. There are many wealthy people in this country who understand and are proud to be Americans, who understand that one of the things that is important is that all of us do well. And this is an issue—greed is an issue—we have to deal with.

In the midst of all of this growing income and wealth inequality in this country, we are now faced with the issue of what we do with the Bush tax cuts of 2001 and 2003. And if you can believe it, we have people here—many of my Republican colleagues—who tell us: Oh, I am so concerned about our recordbreaking deficit. I am terribly concerned about a $13.7 trillion national debt. I am terribly concerned about the debt we are going to be leaving to our kids and our grandchildren. But wait a minute. It is very important that we give, over a 10-year period, $700 billion in tax breaks to the top 2 percent. Oh yeah, we are concerned about the debt, we are concerned about the deficit, but we are more concerned that millionaires—people who earn at least $1 million a year or more—get, on average, $100,000 a year in tax breaks. So we have a $13.7 trillion national debt, and growing, we have growing income inequality—the top 1 percent earning more income than the bottom 50 percent—but the highest priority of many of my Republican colleagues is to make sure millionaires and billionaires get more tax breaks. I think that is absurd.

But it is not only income tax rates that we are dealing with; it is the estate tax as well. And let's be clear. While some of my friends want to eliminate completely the estate tax—which has been in existence in this country since 1916—every nickel of all of those benefits will go to the top three-tenths of 1 percent. If we did as some of my friends would like—eliminate the estate tax completely—it would cost us $1 trillion in revenue over a 10-year period, with all of the benefits going to the top three-tenths of 1 percent.

So I am sure that in a little while my friends will come to the floor and say: We are very concerned about the deficit, we are very concerned about the national debt, but do you know what we are more concerned about? Giving huge tax breaks to the wealthiest people in this country.

Mr. President, the tax issue is just one part of what some of our wealthy friends want to see happen in this country. The reality is that many of these folks want to bring the United States back to where we were in the 1920s, and they want to do their best to eliminate all traces of social legislation which working families fought tooth and nail to develop to bring a modicum of stability and security to their lives.

There are people out there—not all, but there are some—who want to privatize or completely eliminate Social Security. They want to privatize or cut back substantially on Medicare. Yes, if you are 75 years of age and you have no money, good luck to you getting your health insurance at an affordable cost from a private insurance company. I am just sure there are all kinds of private insurance companies out there just delighted to take care of low-income seniors who are struggling with cancer or another disease.

Furthermore, there are corporate leaders out there, and many Members of Congress, who not only want to continue but they want to expand our disastrous trade policies. My wife and I went shopping the other day—started our Christmas shopping—and we looked and we looked, and virtually every consumer product that was out there in the stores was China, China, and China. We seem to be a country in which we have a 51st State named China which is producing virtually all of the products we as Americans consume.

Our trade policy has resulted in the loss of millions of good-paying jobs as large corporations and CEOs have said: Why do I want to reinvest in America when I can go to countries where people are paid 50 cents, 75 cents an hour? That is what I am going to do; to heck with the working people of this country. So not only are we saddled with this disastrous trade policy, but there are people who actually want to expand it.

One of the things we are going to see is while we struggle with a recordbreaking deficit and a large national debt—caused by the wars in Iraq and Afghanistan, caused by tax breaks for the wealthy, caused by an unpaid-for

Medicare Part D prescription drug program, caused by the Wall Street bailout driving up the deficit, driving up the national debt—some people will say: Oh my goodness, we have all those expenses, and then we have to give tax breaks to millionaires and billionaires, but we want to balance the budget. Gee, how are we going to do that?

Obviously, we know how they are going to do that. They are going to cut back on health care, they are going to cut back on education, they are going to cut back on child care, and they are going to cut back on Pell programs. We just don't have enough money for working families and nannies. We are going to cut back on food stamps. We are surely not going to expand unemployment compensation. We have a higher priority, Mr. President: We have got to, got to, got to give tax breaks to millionaires. I mean, that is what this place is all about, isn't it? They fund the campaigns, so they get what is due them.

Amazingly enough, we have the CEOs on Wall Street and the large financial institutions that want to rescind or slow down many of the provisions—the very modest provisions—in the financial reform bill. I voted for the financial reform bill, but I will tell you clearly that it did not go anywhere near far enough, but it went too far for our Wall Street friends and their lobbyists, who are all over here. And for the hundreds of millions of dollars Wall Street spends on this place, they want to rescind, slow down some of the reforms there.

These people want to cut back on the powers of the EPA and the Department of Energy so that ExxonMobil can remain the most profitable corporation in world history while oil and coal companies continue to pollute our air and our water. Last year, ExxonMobil made $19 billion in profit. Guess what. They paid zero in taxes. They got a $156 million refund from the IRS. I guess that is not good enough. We have to give the oil companies even more tax breaks.

So I think that is where we are. We have to own up to it. There is a war going on. The middle class is struggling for existence, and they are taking on some of the wealthiest and most powerful forces in the world whose greed has no end. And if we don't begin to stand together and start representing those families, there will not be a middle class in this country.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

COMMENDING SENATOR BOB BENNETT

Mr. HATCH. Mr. President, I rise today to recognize the retirement and the departure of my great friend, BOB BENNETT. Senator BENNETT and I have jointly represented the State of Utah for many years. We are close. During that time, we have worked together as partners, collaborators, but most of all as good friends. BOB's presence in the Senate is going to be sorely missed.

Senator BENNETT is a lot of things. He is honest, he is thoughtful, he is knowledgeable. But more than anything else, Senator BENNETT is a fighter for the people of Utah. BOB has served with unwavering devotion to our State, its people, and its interests. Throughout his 18 years in the Senate, the State of Utah has been foremost in BOB's thoughts, and I don't believe he has made a single decision he didn't believe was in the best interests of our State and of our Nation.

Senator BENNETT is the son of Frances and Wallace F. Bennett. Wallace F. Bennett, we should all remember, was also a great U.S. Senator from Utah who served four terms between 1951 and 1974. I think that is accurate. BOB is also the grandson of Heber J. Grant, the seventh President of the Church of Jesus Christ of Latter-day Saints.

After attending East High School in Salt Lake City, BOB graduated from the University of Utah, where he was elected the student body president and obtained a degree in political science in 1959. His first political job was managing his father's 1962 successful reelection campaign. BOB then spent several years working as a Mormon chaplain in the Utah Army National Guard before becoming a chief congressional liaison at the U.S. Department of Transportation.

After his time at the Transportation Department, Senator BENNETT moved on to a successful career in public relations. For over a decade, he presided over some of the most successful and high-profile public relations organizations in the country. He became well known for his hard work, his leadership ability, and his entrepreneurial prowess. This was solidified in 1984 when BOB was named the CEO of the Franklin International Institute, which is now known as Franklin Covey. Franklin Covey is now one of the premier personal and organizational effectiveness firms in the world. The products and services provided by the company impact literally millions of people every year.

But when BOB joined the company they had only four employees. During his tenure that number grew to over 1,000. By the time he left to run for the Senate, the company was listed on the New York Stock Exchange. It was at that time an already thriving corporation, a world leader in its industry, thanks in no small part to BOB's leadership. For his efforts, BOB was named Inc. Magazine's Entrepreneur of the Year for the Rocky Mountain region.

BOB was elected to the Senate in 1992 after a hotly contested Republican primary and a hard-fought general election. His father—once again, the great Senator Wallace F. Bennett—lived just long enough to see his son win an election and serve in the Senate for almost a full year. I know that must have been a great source of pride for the senior Senator Bennett and his family.

Over his 18 years in the Senate, BOB has continued to demonstrate sound judgment and strong leadership. Republican Senators have considered him a trusted resource when it comes to strategy and policy. He has been a consistent resource for those who seek thoughtful answers to difficult political questions. For these reasons, among others, BOB has served on the leadership teams of our current minority leader, Senator MCCONNELL, as well as his predecessor, Senator Bill Frist.

While he is more well known for his quiet, contemplative demeanor, Senator BENNETT has always been an outstanding orator. He comes often to the floor to discuss various issues at length, rarely reading from notes and almost never skipping a beat. His contributions to our debates in the Senate have always been very valuable, and I think people on both sides of the aisle will acknowledge that and have appreciated the type of advocacy he has brought to the floor of the Senate—always courteous, always well thought out, always reasonable, and always, in my opinion, right.

As I mentioned before, I know few Senators who can match Senator BENNETT's commitment to the people he represents. Every single person in the State of Utah has benefited from the work of Senator BENNETT. One cannot ride on a train or drive on a freeway in Utah or avail oneself of so many other assets and attributes in Utah without seeing the results of Senator BENNETT's service in the Senate.

Our State has seen a lot of growth in recent years due to the expansion of our population and the fact that more and more companies have recognized that Utah is a great place to do business. Utah's infrastructure has for the most part been able to keep pace with the rapid growth, thanks in large measure to the work of Senator BENNETT.

I will miss working with Senator BENNETT to help the people of our State, but I will miss him more as a friend. BOB and his wonderful wife Joyce—and she has been a tremendous companion to him, tremendous helpmate to him over these years—have been married for 48 years. They have 6 children and 20 grandchildren. I know every one of them is proud of the great service BOB has rendered to his country and the Senate, and they should be. I too am so pleased and proud of my friend, Senator BENNETT, and I am certain that BOB will be successful in any endeavor he chooses in the future upon leaving the Senate.

BOB BENNETT is a wise counselor. He is a truly honest man. He cares not only for the people he represented but everybody in this country and many people throughout the world.

He lives his religious beliefs. Other than family, I can't compliment anybody more than that. He lives his religion. He is exemplary. He is one of the most thoughtful people I have ever known. I value his friendship and I

value his advice and I have valued it over these years that we have served together. He has always been a serious and productive leader who also has a tremendously great sense of humor. After all is said and done, he is a great father, grandfather, husband, and friend—just to mention a few.

BOB will be successful in whatever he chooses to do. He is a good man. I personally will miss him. I think everybody in the Senate will miss him, and I believe it is safe to say everybody in Utah will miss him as well—some more than others. Nevertheless, if they look at his record and they look at the things he has done for our State, for our people, they are going to thank God that BOB BENNETT was a Senator for 18 solid years. I personally thank the Father in Heaven for having him here as a partner to me, as a friend, and as somebody on whom I could rely and with whom I could counsel on some of these very earthshakingly important matters that come before our Senate.

I have such a great opinion of BOB BENNETT, I don't think even he has known—maybe not until today—how great that opinion has been. I think the world of him. I love him as a human being, and I wish him the very best, he and his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am embarrassed and humbled and gratified by the comments of my senior colleague, Senator HATCH. My wife has said, by virtue of our retirement from the Senate: It is a little like going to your own funeral. You are hearing all of the eulogies but you are still alive.

We, indeed, are planning a significant life and activity after the Senate. I will have more to say about that at some other time. But I want to express my gratitude to Senator HATCH for the kind words he has spoken, but more importantly for the relationship we have developed in the time we have served together.

We did not know each other very well prior to my running for the Senate. He was a Senator off in Washington; I was a businessman in Utah. We had little occasion to see our paths cross and become acquainted.

One of the things I will treasure the most out of my experiences in the Senate has been the opportunity to come to know ORRIN as a friend, as a dedicated legislator, and a role model and mentor. He has guided me many times when I needed some guidance. We have disagreed sometimes when that was appropriate given our particular positions on an issue or two, but always I have been able to look to ORRIN HATCH as a mentor, a friend, someone upon whom I could depend.

In the recent election when there were those who were suggesting that maybe ORRIN should distance himself from me for his own political benefit, I am gratified by the fact that he not only refused to do that but until the very end did everything he could throughout the State to see to it that I was triumphant in that election.

It turned out I was not, as far as the convention is concerned, but elections and conventions are not the be-all-and-end-all of life. I will go on to other activities, but I will hang onto my friendship with ORRIN HATCH and continue my respect and love for him in the years to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. 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. FRANKEN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

NEW START TREATY

Mr. FRANKEN. Mr. President, I rise today to speak once again about the New START treaty. Today I will talk about the New START treaty and the maintenance of a safe, secure, and effective nuclear deterrent. That means maintaining and sustaining the nuclear weapons stockpile and delivery platforms; modernizing the buildings and equipment in the nuclear weapons complex; and supporting the experts and scientists who are involved in it.

I would like to preface my remarks by underlining the urgency for the Senate to ratify the treaty. How can it be that we do not have a treaty with Russia in place, along with its verification regime 360 days after the expiration of the original START treaty? That is more than 6 months after the administration submitted the treaty to the Senate.

The verification regime will provide crucial insight into Russian forces, insight that is degrading over time without the treaty in place. We need to ratify this treaty now.

For decades, our relations with the Soviet Union, and now with Russia, have been stabilized and made more predictable and cooperative through arms control agreements. How can it be that now, when Russia is no longer our enemy and yet not our ally, my friends across the aisle are refusing to move forward on ratifying a modest treaty that is critical for our national security?

If consideration of the treaty is delayed or blocked, it will make cooperation with Russia on national security interests much more difficult, if not impossible. Do you seriously believe that, if you block or reject the treaty, we will see Russia's continued cooperation with international sanctions on Iran? Are you not concerned that Russia will reconsider its prohibition on the sale of the S–300 anti-air defense missile systems to Iran, as it did in September?

And why put the Nunn-Lugar Cooperative Threat Reduction Program at risk? Senator LUGAR himself has warned that failure to ratify the treaty could imperil that enormously successful program in securing loose nukes.

If this modest treaty is blocked by the minority, I do not believe my friends on the other side will be pleased with the consequences.

Many of my colleagues on the other side of the aisle want to see negotiations with Russia on reductions in tactical nuclear weapons. I agree. That is going to be a difficult task under any circumstances. But as our lead negotiator Rose Gottemoeller said recently, there is zero chance of getting to the negotiating table with the Russians on tactical nuclear weapons unless we get this treaty ratified and entered into force.

It is also important to note that my colleagues on the other side of the aisle have been delaying consideration of the treaty for some time. Back in August, Senator MCCONNELL said, ''The only way this treaty gets in trouble is if it's rushed.'' And Senator KYL told reporters that since it could be hard to get everything done before the November election, the Senate might need a lameduck session to vote on New START.

The administration and Chairman KERRY deferred to those Republicans, but now those same colleagues are saying we can not do it during the lameduck session. To them, I say, if not now, when? If we defer and delay further, we risk a collapse in relations with Russia, including the loss of their continued cooperation on the all-important Iran issue.

Now, the remaining major objection to ratification that Republicans have raised is not a feature of the treaty itself, but maintenance and modernization of our nuclear arsenal and complex.

There is bipartisan agreement that as our nuclear arsenal gets smaller through arms control agreements, ensuring that it remains safe, secure, and effective takes on added importance. From my perspective that is the fundamental justification for nuclear modernization. And I agree with Senator KYL, who emphasized in a floor statement, and I quote, the ''direct link between nuclear force reductions and modernization of the U.S. nuclear weapons complex.'' Likewise, Senator MCCAIN has noted that, ''as we move to reduce the size of our nuclear stockpile, this modernization effort becomes all the more important.''

The Obama administration has made a serious commitment to nuclear modernization, and they have paired it with arms control. We have an extensive set of programs in place to retain confidence in the stockpile without testing. We are extending the life of our current nuclear delivery vehicles and studying, planning, and beginning

the next generation. And we are continuing to develop plans for major improvements in the complex of facilities that support the nuclear enterprise.

I support the administration's approach to modernization tethered to arms control. Now I have to admit, in these tough economic times, I do have concerns with spending $85 billion on an enormous nuclear complex, that is a staggering amount of money. Without a commitment to arms control and nonproliferation, it is impossible to justify spending that much money. This is the 21st century, not the cold war, and our needs are different.

That is why I will not support this massive investment in modernization without an equal commitment to arms control and nonproliferation. That is why earlier this year I joined several colleagues in writing to the Budget Committee in support of the administration's massive Fiscal Year 2011 request for the National Nuclear Safety Administration, or NNSA.

I will continue to fight for nuclear modernization paired with arms control. But they must be paired. Our national security requires it. And political reality requires it.

That is what the Congressional Commission on the Strategic Posture of the United States, better known as the Perry-Schlesinger Commission, made clear. The Commission's report has been the main touchstone on all sides of the debate over New START.

The December 15, 2009 letter to the President from 41 of my colleagues, including all the members of the minority, relies heavily on the Commission's recommendations in spelling out its requirements for the treaty and modernization. Senator MCCAIN's September 14 letter to the Foreign Relations Committee relies on the Commission's perspective on the modernization of the nuclear complex. Senator KYL's May 24, 2010, floor speech on New START also makes prominent reference to and endorses the Commission's report.

Here is the first page of the report's Executive Summary:

> ''While deterrence plays an essential role in reducing nuclear dangers, it is not the only means for doing so, and accordingly the United States must seek additional cooperative measures of a political kind, including for example arms control and nonproliferation. This is a time when these approaches can be renewed and reenergized.''

Not only deterrence, but also arms control and nonproliferation. We must be committed to both together. That is why the Commission goes on to say, ''These components of strategy must be integrated into a comprehensive approach.''

It is just such a comprehensive approach that the administration has taken. In its very first recommendation, the Commission warns of the importance of maintaining both components of strategy:

> The United States should continue to pursue an approach to reducing nuclear dangers that balances deterrence, arms control, and nonproliferation. Singular emphasis on one or another element would reduce the nuclear security of the United States and its allies.''

I submit that the administration and those of us who have pushed nuclear modernization in good faith, to support deterrence and nonproliferation and arms control, are following this recommendation. Those who have held the New START treaty hostage to ungrounded complaints about modernization and ever-changing demands are not.

I believe many of my colleagues on the other side will vote for this treaty. They understand that it is modest but also important, and they will put national security ahead of partisan political pressures. But if a small number of Republicans continue to delay and block this treaty, they will be responsible for the disintegration of the consensus on nuclear modernization, and the complex and arsenal will once again become subject to controversy, dispute, and drift. That is just the reality.

It is true that Republicans have broadly questioned the administration's commitment on nuclear modernization. But their criticisms do not stand up to scrutiny.

Thus, Senator KYL's criticisms of the Obama administration's pledge to spend $100 billion to maintain and modernize nuclear delivery systems, that is right, $100 billion, is that ''the plan makes a commitment only to a next-generation submarine, not to a next-generation bomber, ballistic missile, or air-launched cruise missile.''

This makes it sound like the administration lacks commitment to a credible deterrent, but that is just not true. Where decisions need to be made now, the administration has made them, with respect to the SSBN(X), the next-generation submarine. Where decisions would benefit from further consideration, and do not need to be made now, that is what is happening.

The administration is undertaking a comprehensive set of assessments of 21st century threats and needs, and it will then make decisions on what follows the Minuteman III, the Air-Launched Cruise Missile, and the B–52 and B–2.

The Minuteman III missile is, by congressional mandate, having its life extended through 2030. Studies to inform the decision about the follow-on are needed now, and they are happening.

Similarly, the Department of Defense is studying the right mix of long-range strike capabilities, and part of that will be the appropriate role for successors to the Air-Launched Cruise Missile and the bomber. The decision with respect to our bombers can be made in the future because the bombers, though old, don't get that much stress and still have a lot of life left in them. The same is true for the Air-Launched Cruise Missile, though a decision on what will follow next needs to be made sooner.

The decision on our long-range strike capabilities should be deferred in part because, as the Under Secretary of Defense recently explained, the DoD will seek the same productivity growth and cost savings here as it is pursuing with the SSBN(X) submarine.

On the nuclear stockpile, the administration, with congressional support, is moving forward with the ongoing Life Extension Program for the W76 and with studies for the B61 Life Extension Program. It will also conduct a similar study for the W78, including exploring the potential for a common system with the W88 warhead.

Some of my Republican friends have complained that the administration's policy for the refurbishment, reuse, and replacement of nuclear components in the warheads unduly constrains the work of scientists in the nuclear complex. This is not so, as the lab directors have testified. These lab directors are on the frontlines of maintaining and modernizing the stockpile, and they will have the flexibility they need.

Then there is the nuclear complex. In the 10-year plan the administration submitted under section 1251 of last year's defense authorization, the administration made an historic investment in the nuclear complex. It set a dramatically higher baseline for fiscal year 2011. It included several years of funding increases consistent with what the NNSA can absorb and execute. And over 10 years, it initially committed to an $80 billion investment in the nuclear complex, a $10 billion increase.

Now, the Democratic Congress took the extraordinary step this past September of including funding at the full fiscal year 2011 level for weapons activities in the continuing resolution we passed. Almost everything else in the continuing resolution stuck to 2010 levels.

The nuclear complex is one of the most controversial parts of the debate over nuclear modernization, particularly the prospect of replacing two major facilities. The first is the chemistry and metallurgy research facility replacement at Los Alamos, which is central to our plutonium capabilities. The second is the uranium processing facility at the Y–12 plant in Tennessee.

Republicans have complained that there is uncertainty and not enough funding for these two replacement projects. But the administration's budget has shown a significant commitment. Where there is uncertainty, it is not due to a lack of commitment on the administration's part, but simply because the design and planning processes for these facilities are in an early phase.

We simply do not know what construction of the facilities is going to cost, and that is something the fiscal year 2011 budget submission from NNSA makes abundantly clear. To budget as though we did know those costs would be irresponsible—especially for an agency that has historically been plagued by cost overruns. It

is simply too soon to have a solid baseline planning number.

To be sure, the administration has been updating and revising its plans and estimates. Two weeks ago, it released an update to its section 1251 report with a revised, substantially higher cost estimate for both replacement facilities.

It also included yet more funding for the NNSA's overall budget. The administration has proposed an additional $600 million in funding for fiscal year 2012 and an additional $4.1 billion over the next 5 years. That brings the total for the next decade to $85 billion. This both serves as a reminder that it is too early to have a fixed budget for the new facilities, and also strongly reinforces the administration's good-faith effort and commitment.

This brings me back to my fundamental point. I believe that support for the two new facilities can be sustained if we follow the path laid out by the Perry-Schlesinger Commission and pursued by the administration. This means balancing deterrence, arms control, and non-proliferation. The reality is that there will be significant questions and doubts about proceeding with such a costly modernization effort if it is not accompanied by equal support for arms control and non-proliferation.

There is no doubt that the existing facilities are aging and run down. There are even safety problems. Something must be done.

But if we are going to move forward effectively, modernization must be paired with arms control. And that starts with a modest first step—ratification of the New START.

Without that step, consensus will break down, the replacement facilities will once again lose a coherent mission, and we will be stuck with drift and controversy. The Perry-Schlesinger Commission recognizes that if it is not possible to sustain the budget requisite for both facilities concurrently, choices will have to be made.

They give powerful reasons for moving forward with the chemistry and metallurgy research facility before the uranium processing facility. That is the kind of tough choice we will have to make if New START is not ratified. Similarly, real uncertainty will creep into the consideration of just what sort of project the chemistry and metallurgy research facility should be.

Let me conclude by noting that the administration and the Democratic Congress have met every demand that many of my friends across the aisle have made on modernization. To my friends on the other side, I say, look at the demands in the December 2009 letter that you all signed. The administration has met each of those demands.

Look at what Senator KYL said in an op-ed in July: ''A key test is whether the Democratic-controlled Congress will approve the president's nuclear modernization requests for the coming fiscal year.'' We passed that test, and as I mentioned earlier under an otherwise flat-lined continuing resolution.

In that same piece, and in his March letter with Senator MCCONNELL to the President, Senator KYL indicated he wanted assurances that the fiscal year 2012 budget would include adequate funding as well. Although next year's budget is not due out until February, as I mentioned before, the administration has already announced what it will be requesting, and it will be another enormous increase in the weapons activities budget. Can there really be any doubt that the administration will move aggressively forward with modernization—if Republicans take the first modest step of ratifying New START now?

We have passed our key test. The administration has met the demands Senator KYL had laid out. Now the key test for Senator KYL and others is whether they will join us in ratifying the New START. If they don't do that now, the consensus that we have built will fall apart. Our national security will be put at risk. And we will return to the dark days when the nuclear enterprise was the subject of neglect and controversy.

The New START is a modest but very important step. It is one we should all take together, without controversy.

I thank the Chair, and I yield the floor.

RECESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate now stand in recess for the weekly caucus meetings, as provided under the previous order.

There being no objection, at 12:21 p.m., the Senate recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

The PRESIDING OFFICER. The Senator from Connecticut.

FAREWELL TO THE SENATE

Mr. DODD. Mr. President, first of all, let me express my gratitude to all of the colleagues and other individuals who have come to the Chamber at this moment.

Everyone who serves in Congress usually recalls two moments in their service: the maiden speech they give shortly after their arrival and their closing remarks. I can't recall what the first speech I gave as a new member of the House of Representatives 36 years ago was even about. I do, however, recall very vividly that there was no one else in the Chamber when I gave it. It was an empty hall early one evening with the exception of one colleague, Johnny Dent from Pennsylvania. He was sitting in his chair with his trademark dark glasses, listening patiently as I gave my knee-rattling, hand-shaking maiden address. Midway through the speech, he walked up to me and said quietly: You know, kid, it is not on the level. Well, that was my first speech before the House, and I am deeply honored that so many of you have come out to listen to my closing remarks today so I do not have to speak to an empty Chamber.

For more than 200 years, a uniquely American story has unfolded here in the Chamber of the United States Senate—a fascinating, inspiring, often tumultuous tale of conflict and compromise, reflecting the awesome potential of our still-young democracy and its occasional moments of agonizing frustration.

For much of my life, this story has intersected with my own in ways that have been both thrilling and humbling. As a 14-year-old boy, I sat in the family gallery of this very Chamber watching as my father took the oath of office as a new Senator. A few years later, in 1962, I sat where these young men and women sit today, serving as a Senate page. John F. Kennedy was President and Lyndon Johnson presided over this body. Eighteen years later, in the fall of 1980, the people of Connecticut gave me the honor of a lifetime when they asked me to give voice to their views, electing me to serve as their U.S. Senator. For the past 30 years, I have worked hard to sustain that trust. I am proud of the work I have done, but it is time for my story and that of this institution, which I cherish so much, to diverge. Thus, Mr. President, I rise to give some valedictory remarks as my service as a U.S. Senator from Connecticut comes to a close.

Now, it is common for retiring Senators to say the following: I will miss the people but not the work. Mr. President, you won't hear that from me. Most assuredly, I will miss the people of the Senate, but I will miss the work as well. Over the years, I have both witnessed and participated in some great debates in this Chamber, moments when statesmen of both parties gathered together in this Hall to weigh the great questions of our time. And while I wish there had been more of those moments, I will always remember the Senate debates on issues such as Central America, the Iraq war, campaign finance reform, securities litigation, health care, and, of course, financial reform.

And when I am home in Connecticut, I see the results of the work we did every day. I see workers coming home from their shifts at Pratt & Whitney, Electric Boat, the Sikorsky helicopter plant—the lifeblood of a defense manufacturing sector so critical to our national security and to the economic well-being of my home State. I see communities preparing for high-speed rail and breaking ground for new community health centers. I see the grants we fought for helping cities and towns to build sustainable communities and promote economic development.

When I am home, I meet parents who, because of the Family and Medical Leave Act, don't have to choose between keeping their jobs and taking care of their sick children. I visit with elderly folks who no longer have to choose between paying for their prescription drugs and paying for their heat. I hear from consumers who have been victimized by unfair practices on

the part of credit card companies and who will no longer be subject to those abuses. And I meet young children as well who, through Early Head Start or access to afterschool programs, have blossomed academically in spite of difficult economic circumstances.

As proud as I am of the work that has made these stories possible over the last three decades, I am keenly aware, particularly today, that I did not do any of this alone. Until this last Congress, with rare exceptions, every major piece of legislation I authored that became law—including the ones I have just mentioned—had a Republican cosponsor as well as support from my Democratic caucus. So to my Democratic and Republican Senate colleagues who joined me in all these efforts over 30 years, I say thank you this afternoon.

I also want to thank, if I can, the unsung heroes of this institution—the Senate staff and my personal staff. It would be a grievous understatement to simply say they make the trains run on time. Without them, as all of us know, the trains would never leave the station at all—the floor staff, the cloakroom professionals of both parties, and the hundreds of unknown and unseen people who show up every day in this body to make this critical institution of democracy function. Without them, no Senator could fulfill his or her obligations to the American people.

Many of my personal staff and committee staff are present in the Senate gallery today. Neither I nor the millions of Americans whose lives you have enriched or whose burdens you have lightened can ever thank you enough. I only hope your time with me has been as fulfilling as my time with you.

Of course, I owe an enormous debt of gratitude to the people of Connecticut, whose confidence, patience, and spirit have given my life and its work deep meaning. As rich as our common language is, words cannot even come close to capturing the depth of my affection for and appreciation of the people of the State of Connecticut. For almost four decades—three terms in the House of Representatives, five terms in this Chamber—you have entrusted me to labor on your behalf, and I deeply thank you for that honor.

And lastly, my family. My parents are long since deceased, but their guidance, inspiration, and example have never departed. For the past 30 years, I have sat at this very same desk occupied by my father during the 12 years he served in this Chamber. His courage, character, and conviction have been a constant reminder of what it means to be a U.S. Senator. I thank my siblings and their children and other relatives for their enthusiastic support, particularly during the rough patches. From time to time, we all need the safe harbor of family at the darker moments. And to Jackie, Grace, and Christina, who have supported and inspired me every day: You mean more to me than I could ever say in these few short moments. So come January, I am glad I will have more time to say it to you more often. And to Jackie in particular: You have been my anchor to windward in the rough and turbulent waters of public service. When it was the darkest, you were the brightest. I love you more than life.

As this chapter in my career comes to a close, a new chapter in the Senate's history is beginning. When this body is gaveled to order in January, nearly half of its Members will be in their first term. And even though I could spend hours fondly recalling a lifetime of yesterdays, this new Senate and the Nation must confront a very uncertain tomorrow. So rather than recite a long list of personal memories or to revisit video highlights of my Senate service, I would like to take this brief time, in these few short moments, to offer a few thoughts to those who will write the Senate's next chapter.

I will begin by stating the sadly obvious. Our electoral system is a mess. Powerful financial interests, free to throw money about with little transparency, have corrupted, in my view, the basic principles underlying our representative democracy. As a result, our political system at the Federal level is completely dysfunctional. Those who were elected to the Senate just a few weeks ago must already begin the unpleasant work of raising money for their reelection 6 years hence. Newly-elected Senators will learn that their every legislative maneuver, their every public utterance, and even some of their private deliberations will be fodder for a 24/7 political media industry that seems to favor speculation over analysis and conflict over consensus.

This explosion of new media brings with it its own benefits and its drawbacks—and it is occurring simultaneously as the presence of traditional media outlets in our Nation is declining. So while the corridors of Congress are crowded with handheld video and cell phone cameras, there is a declining roll for newspaper, radio, and network journalists reporting the routine deliberations that are taking place in our subcommittee hearings. Case in point: Ten years ago, 11 or 12 reporters from Connecticut covered the delegation's legislative activities. Today, there is only one doing the same work.

Meanwhile, intense partisan polarization has raised the stakes in every debate and on every vote, making it difficult to lose with grace and nearly impossible to compromise without cost. Americans' distrust of politicians provides compelling incentives for Senators to distrust each other, to disparage this very institution, and to disengage from the policymaking process.

These changes have already had their effect on the Senate. The purpose of insulating one-half of the national legislature from the volatile shifts in public mood has been degraded. And while I strongly favor reforming our campaign finance system, revitalizing and rehabilitating our journalistic traditions, and restoring citizen faith in government and politics, I know that wishes won't make it so.

I have heard some people suggest that the Senate as we know it simply cannot function in such a highly charged political environment; that we should change Senate rules to make it more efficient, more responsive to the public mood—more like the House of Representatives, where the majority can essentially bend the minority to its will. I appreciate the frustrations many have with the slow pace of the legislative process, and I certainly share some of my colleagues' anger with the repetitive use and abuse of the filibuster. Thus, I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such a temptation is motivated by a noble desire to speed up the legislative process or by pure political expedience, I believe such changes would be unwise.

We 100 Senators are but temporary stewards of a unique American institution, founded upon universal principles. The Senate was designed to be different, not simply for the sake of variety but because the Framers believed the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

As a Senator from the State of Connecticut—and the longest serving one in its history—I take special pride in the role two Connecticut Yankees played in the establishment of this very body. It was Roger Sherman and Oliver Ellsworth, delegates from Connecticut to the Constitutional Convention in 1787, who proposed the idea of a bicameral national legislature. The Connecticut Compromise, as it came to be known, was designed to ensure that no matter which way the political winds blew or how hard the gusts, there would be a place—one place—for every voice to be heard.

The history of this young democracy, the Framers decided, should not be written solely in the hand of the political majority. In a nation founded in revolution against tyrannical rule which sought to crush dissent, there should be one institution that would always provide a space where dissent was valued and respected. E pluribus unum—out of many, one. And though we would act as one, and should, the Framers believed our political debate should always reflect that in our beliefs and aspirations, we are, in fact, many. In short, our Founders were concerned not only with what we legislated but, just as importantly, with how we legislated.

In my years here, I have learned that the appreciation of the Senate's role in our national debate is an acquired taste. Therefore, to my fellow Senators who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules. And

to those in the minority who routinely abuse the rules of the Senate to delay or defeat almost any Senate decision, know that you will be equally responsible for undermining the unique value of the Senate—a value, I would argue, that is greater than that which you might assign to the political motivations driving your obstruction.

So in the end, of course, I would suggest this isn't about the filibuster. What will determine whether this institution works or not, what has always determined whether we fulfill the Framers' highest hopes or justify the cynics' worst fears is not the Senate rules or the calendar or the media; it is whether each of the 100 Senators can work together, living up to the incredible honor that comes with this title and the awesome responsibility that comes with this office.

Politics today seemingly rewards only passion and independence, not deliberation and compromise as well. It has become commonplace to hear candidates for this body campaign on how they are going to Washington to shake things up—all by themselves. May I politely suggest that you are seeking election to the wrong office. The U.S. Senate does not work that way, nor can it, nor should it. Mayors, Governors, and Presidents can sometimes succeed by the sheer force of their will, but there has never been a Senator so persuasive, so charismatic, so clever, or so brilliant that they could make a significant difference while refusing to work with other Members of this body.

Simply put, Senators cannot ultimately be effective alone.

As I noted earlier, until last year's health care bill, there had not been a single piece of legislation I had ever passed without a Republican partner.

Of course, none of those victories came easily. The notion that partisan politics is a new phenomenon, or that partisan politics serve no useful purpose, is just flat wrong.

From the moment of our founding, America has been engaged in an eternal and often pitched partisan debate. That is no weakness. In fact, it is at the core of our strength as a democracy, and success as a nation.

Political bipartisanship is a goal, not a process.

You do not begin the debate with bipartisanship—you arrive there. And you can do so only when determined partisans create consensus—and thus bipartisanship.

In the end, the difference between a partisan brawl and a passionate, but ultimately productive, debate rests on the personal relationships among those of us who serve here.

A legislative body that operates on unanimous consent, as we do, cannot function unless the Members trust each other. There is no hope of building that trust unless there is the will to treat each other with respect and civility, and to invest the time it takes to create that trust and strengthen those personal bonds.

No matter how obnoxious you find a colleague's rhetoric or how odious you find their beliefs, you will need them. And despite what some may insist, you do no injustice to your ideological principles when you seek out common ground. You do no injustice to your political beliefs when you take the time to get to know those who don't share them.

I have served with several hundred Senators under every partisan configuration imaginable: Republican presidents and Democratic presidents, divided government and one party control.

And as odd as it may sound in the present political environment, in the last three decades I have served here, I cannot recall a single Senate colleague with whom I could not work.

Sometimes those relationships take time, but then, that is why the Framers gave us 6-year terms: so that members could build the social capital necessary to make the Senate function.

Under our Constitution, Senators are given 6 years, but only you can decide how to use them. And as one Senator who has witnessed what is possible here, I urge each of you: Take the time to use those years well. I pledge to those of you who have recently arrived, your tenure here will be so much more rewarding.

More importantly, you will be vindicating the confidence that the Framers placed in each person who takes the oath of office, as a U.S. Senator, upholding a trust that echoes through the centuries.

I share the confidence that Roger Sherman, Oliver Ellsworth, and the Framers placed in this body and in its Members. But I am not blind. The Senate today, in the view of many, is not functioning as it can and should.

I urge you to look around. This moment is difficult, not only for this body, but for the nation it serves. In the end, what matters most in America is not what happens within the walls of this Chamber, but rather the consequences of our decisions across the Nation and around the globe.

Our economy is struggling, and many of our people are experiencing real hardship—unemployment, home foreclosures, endangered pensions.

Meanwhile, our Nation faces real challenges: a mounting national debt, energy, immigration, nuclear proliferation, ongoing conflicts in Afghanistan and Iraq and so much more. All these challenges make the internal political and procedural conflicts we face as Senators seem small and petty.

History calls each of us to lift our eyes above the fleeting controversies of the moment, and to refocus our attention on our common challenge and common purpose.

By regaining its footing, the Senate can help this nation to regain confidence, and restore its sense of optimism.

We must regain that focus. And, most importantly, we need our confidence back—we need to feel that same optimism that has sustained us through more than two centuries.

Now, I am not naïve. I am aware of the conventional wisdom that predicts gridlock in the Congress.

But I know both the Democratic and Republican leaders. I know the sitting members of this chamber as well. And my confidence is unshaken.

Why? Because we have been here before. The country has recovered from economic turmoil. Americans have come together to heal deep divides in our Nation and the Senate has led by finding its way through seemingly intractable political division.

We have proven time and time again that the Senate is capable of meeting the test of history. We have evidenced the wisdom of the Framers who created its unique rules and set the high standards that we must meet.

After all, no other legislative body grants so much power to each member, nor does any other legislative body ask so much of each member.

Just as the Senate's rules empower each Member to act like a statesman, they also require statesmanship from each of us.

But these rules are merely requiring from us the kind of leadership that our constituents need from us, that history calls on us to provide in difficult times such as the ones we're encountering.

Maturity in a time of pettiness, calm in a time of anger, and leadership in a time of uncertainty—that is what the Nation asks of the Senate, and that is what this office demands of us.

Over the past two centuries, some 1,900 men and women have shared the privilege of serving in this body. Each of us has been granted a temporary, fleeting moment in which to indulge either our political ambition and ideological agenda, or, alternatively, to rise to the challenge and make a constructive mark on our history.

My moment is now at an end, but to those whose moments are not yet over, and to those whose moments will soon begin, I wish you so much more than good fortune.

I wish you wisdom. I wish you courage. And I wish for each of you that, one day, when you reflect on your moment, you will know that you have lived up to the tremendous honor and daunting responsibility of being a United States Senator.

To quote St. Paul, ". . . the time of my departure has come. I have fought the good fight, I have finished the race, I have kept the faith."

So, Mr. President, it is with great pride, deep humility and incredible gratitude, as a United States Senator, that I yield the floor.

Thank you, Mr. President.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have on many occasions spoken of my affection for my friend CHRIS DODD. At the caucus today—the Presiding Officer was

there—I indicated very few people have had the opportunity and the challenges in a single Congress as CHRIS DODD. He found himself chairman of the Banking Committee at a time when the country was collapsing, the banks were collapsing. Yet he led the way to working with the Republican President to do the so-called TARP. It was something that was done on a bipartisan basis. There was never a better example in my entire government career of a more cooperative group of Senators, Democrats and Republicans, House and the Senate, working together to create something that was badly needed.

Then we had, of course, many other issues beginning with Wall Street reform. Then, to complicate his life and to add to the challenges in his life—the best friend a man could ever have was CHRIS DODD's best friend, Ted Kennedy—Ted Kennedy was stricken very ill. Senator DODD knew he would not be back to the Senate. Very few people knew that, but he knew that. He, in effect, was chairing two major committees at the same time, the HELP Committee and the Banking Committee. He did it in a way that is so commendable, so exemplary.

I have so much, I repeat, affection for CHRIS DODD that I am not capable of expressing how deeply I feel about this good man. I will have more to say later, but I did want to take this opportunity, as soon as the Republican leader makes his remarks, to allow his colleague from the State of Connecticut to speak following the two leaders, if that is OK.

I ask unanimous consent that following the remarks of Senator MCCONNELL, Senator LIEBERMAN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. MCCONNELL. Mr. President, like most Members of this body, I am rarely at a loss for words, but I think we have just had an opportunity to hear one of the most important speeches in the history of the Senate about our beginnings, about our traditions, about what is unique about this institution which makes it different from any other legislative body in the world. I have heard many people discuss that over the years but never anyone so cogently point out why the uniqueness of this institution is so important to our country as the senior Senator from Connecticut has done it today. So while we have a huge number of Senators on the floor, I am going to strongly recommend that those who were not here have an opportunity to take a look at his remarks because I think they are an enormously significant and important contribution to this institution and to its future.

On a personal basis, I want to say to my good friend from Connecticut how much I am going to miss him—his wonderful personality, his ability to talk to anybody—a uniquely effective individual.

So we bid adieu to the senior Senator from Connecticut and hope our paths will cross again in the future.

I yield the floor.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, for 22 years it has been a blessing for me to have served with CHRIS DODD in the Senate as my colleague from Connecticut, as my dear friend, as my legislative partner. I am going to miss him a lot, as everybody in this Chamber will. I think when we listened to the words he spoke to us just a few moments ago—how full of wisdom and warmth they were—we knew how much we are going to miss him and how much we should consider what has made him not only our great friend but a truly great Senator.

CHRIS mentioned Sherman and Ellsworth, whose pictures are out in the reception area just off the Senate, who crafted the Connecticut Compromise, really created the Senate. I think CHRIS DODD, who is the 54th Senator from the State of Connecticut in our history, took this institution that Sherman and Ellsworth created in the Connecticut Compromise and made it work to the great benefit of the people of Connecticut and the people of America.

To the great benefit of the people of Connecticut and the people of America, CHRIS DODD was born to a legacy, an honorable legacy of public service, which he watched, as so many of us did in Connecticut, and, of course, learned from, from his father, Senator Thomas J. Dodd. I could say a lot about Senator Dodd, Sr. He was a prosecutor at the Nuremberg trials, remarkably principled, skillful prosecutor, who became a Member of the Senate.

I will tell you that as a young man in Connecticut, me, growing up, thinking about a political career, when I heard that Senator Tom Dodd was somewhere within range of where I lived or went to school, I went to listen to him speak. He was a classic orator, an extraordinarily principled man who had a great career in the Senate.

As we know from the years we have served with CHRIS, the characteristics I have described of his father were taken and put to extraordinarily good use in the Senate.

CHRIS's words were very important, and, as Senator MCCONNELL said, should be studied by all of us and by anyone thinking about coming to the Senate. We all talk about this being an age of hyperpartisanship. But I think that misses the point because, as CHRIS said, he is a partisan in the best sense of the word. He is a principled partisan. He is passionate about what he believes in. But he knows we come to a point when partisanship ends, and you have to get something done for the public that was good enough to send you here.

Over and over again, any of us on both sides of the aisle who have watched CHRIS work a bill know how persistent, how open, how anxious he was to try to find common ground, yes, to compromise because ultimately our work is the art of the possible. Somebody once said to me: The futility of the failure to compromise, there is no result from it. But if you have a goal, a principled goal, you know you can achieve a significant part of that goal if you can build enough support in this Chamber, and time and time again CHRIS DODD did that.

The other reason I think he did it is because of the truth that he spoke in his remarks, which is that beyond the great debates and the headlines and the sniping back and forth, the Senate, after all, is 100 people who go to work in the same place every day, and your ability to get things done in the Senate, as is true in offices and factories all over America and other places of work, your ability to get things done here is affected, in great measure, by the trust your colleagues have in you and even the extent to which they like you.

I think, by those standards, CHRIS DODD has been totally trustworthy. As we were taught when we grew up in Connecticut politics, his word has been his bond, and his personality has warmed each of us as we have gone through the labors we go through here.

CHRIS DODD has served longer in the Senate than any Senator from Connecticut. So on this day—and he will forgive me a little bit of hyperbole. I would guess, as a matter of friendship and faith, that he has probably accomplished more than any other Senator in the history of the State of Connecticut, and he has done it because he cares about people. When he takes something on, he simply does not quit.

I just want to tell you one story. In 1989, CHRIS met a woman named Eva Bunnell at her church in East Haddam, CT. She told him her daughter had been born with a rare brain disease and was fighting for her life in the intensive care unit. But when her husband asked his employer for time off to be with his wife and critically sick infant, he was told to go home and never come back, leaving a family without income or health insurance.

The story, all too common at the time, is the kind of injustice that has repeatedly moved CHRIS DODD to action. He authored, as we know, the Family and Medical Leave Act. He worked, as I said before, on compromises that made it acceptable to a large number of people, stuck with it through two Presidential vetoes, and then finally saw it signed into law by President Clinton in 1993.

Today, the records will show that more than 50 million people, 50 million people, have been able to take time off from work to care for a loved one or give birth to a child without fear of losing their jobs.

That is a lifetime achievement, but it is only one of many such achievements CHRIS DODD has had in the Senate. Senator REID talked about this

last session of his Senate career, extraordinary accomplishments: health care reform, Wall Street reform, the Iran sanctions bill which came out of the Banking Committee, which is, in my opinion, the strongest such bill we have ever passed and the last best hope to avoid the necessity to take military action against Iran. This is the kind of record CHRIS has built.

Up until this time, I have been serious, and when you talk about CHRIS DODD, it would be wrong to be totally serious because one of the things we are going to miss is that booming laugh and the extraordinary sense of humor. I have had many great laughs with colleagues here. I have probably given too many laughs to colleagues, as I think about it. But I have never laughed louder or more over the years than I have with CHRIS DODD.

Perhaps it is not totally appropriate on the Senate floor, but I have two of his comments, one about me, that I wish to share. I notice the former comedian is here. A while ago, only CHRIS DODD would have told an audience here in Washington that he thought enough time had passed in my career that he could reveal that JOE LIEBERMAN actually had not been born Jewish but was born a Baptist and raised a Baptist, and then when I got into politics and saw how many events I would have to go to on Friday night or Saturday, I converted to Judaism to take the Sabbath off. Then CHRIS said: And, you know, I am thinking of converting to Judaism myself but only for the weekends.

Another quick quip. As my colleagues in the Senate know, it is our honor to walk our State colleagues down the center aisle in the Senate to be sworn in for a new term. The first time I did that, we walked arm in arm, as we always have. CHRIS turned to me and said: You know, JOE, there are people who are worried that you may be the only person I will ever walk down an aisle with.

Well, fortunately, that was not true because, CHRIS and Jackie got married and had these two wonderful daughters, Grace and Christina, who have provided so much joy and satisfaction and hopefulness to CHRIS.

We are going to miss you. I am going to miss you personally. I speak for myself, but I speak, I would bet, for just everybody in this Chamber in saying we feel so close to you that we know our friendship will go on.

I would say CHRIS DODD leaves, to sum up an extraordinary Senate career, having achieved a record of results that benefited the people of Connecticut and America in untold ways. He has a wonderful family with whom he looks forward to spending time, and he has oh so many great years ahead of him, including, I hope and believe, times when he will again be of service to our country.

God bless you, CHRIS, and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to join with my colleagues in saluting the departure of one of our best, Senator CHRIS DODD. I first saw his father, though I did not meet him, when I was a student intern for Senator Paul Douglas of Illinois, who had an office that was next door to CHRIS DODD's father's. I saw Senator Thomas Dodd leaving that office and was certainly aware of the great contribution he made to America.

Little did I know some 16 years later, when I would be a candidate for the House of Representatives, that his son would come to Decatur, IL, to do an event for me in my campaign. It was a smashing success, the biggest turnout ever. I am sure Senator DODD believes it might have been because of his presence. It also could have been because it was a $1 chicken dinner and people came from miles around. But I was happy to advertise him as the star talent at that event.

What a great life story. CHRISTOPHER JOHN DODD, the fifth of six children of Thomas and Grace Dodd, was born in 1944 with a caul, a thin veil of skin thought to be a sign of good luck, covering his head. The doctor who delivered him told his mother that with this sign of good luck, this baby might grow up to be President, to which Mrs. Dodd replied: ''What is the matter with Franklin Roosevelt?''

It was a great line, but the truth is, while Grace and Tom Dodd were both ardent New Dealers, they knew America would not depend on one leader forever, not even FDR. They knew and they taught their children they all have an obligation in our own time to try to move America closer to a more perfect Union.

Thomas Dodd, Senator DODD's father, worked to fulfill that obligation in his time. He chased John Dillinger as an FBI agent, prosecuted war criminals and KKK members as a government lawyer, and served in both the House and Senate. His son CHRIS followed his father's example, found his way to serve America by serving in the Peace Corps as a volunteer in the Dominican Republic, where he lived for 2 years in a mountaintop village in a house with a tin roof and no running water or telephone.

In that village he started a maternity hospital, family planning program, a youth club, and a school. Those were the first installments of what would become, for CHRIS DODD, a lifetime of work protecting women and children worldwide.

Senator DODD was elected to the Senate in 1980, at the ripe age of 36. He is both the youngest person ever elected to the Senate in Connecticut history and the longest serving, as has been said. Early on, his colleagues recognized his talents and named him one of the three most effective freshman Senators. He has never let up on his efforts to help America and help Connecticut.

He is a passionate, articulate voice for economic justice, for civil, constitutional and human rights and for America's role as a moral leader in the world. He is a champion of fairness, cofounder of the Senate Children's Caucus, lead sponsor, as Senator LIEBERMAN mentioned, in 1993, of the Family and Medical Leave Act, which has helped countless millions of Americans.

He has achieved more in the last 2 years, though, than most Senators achieve in long careers. As chairman of the Senate Banking Committee, he led the fight in the Senate for the most important Wall Street reform since the Great Depression. He picked up the fallen standard from his dear friend Ted Kennedy and helped lead the fight Ted Kennedy always dreamed of for affordable health care for all Americans. For that achievement alone, CHRIS DODD has earned a place in history.

CHRIS DODD has, as Eugene O'Neill might say, ''the map of Ireland on his face,'' but he has the promise of America written in his heart. His work in the Senate has made that promise real for millions of Americans. In his office in the Russell Senate Office Building, an office once occupied by his father, are portraits of two Thomases: Thomas Dodd, his father, and another of his heroes, Sir Thomas More.

I listened to CHRIS's speech just a moment ago, and I was reminded of what Thomas More wrote in his masterwork, ''Utopia.'' He said:

> If you can't completely eradicate wrong ideas, or deal with inveterate vices as effectively as you could wish, that is no reason for turning your back on public life all together. You wouldn't abandon a ship in a storm just because you couldn't control the winds.

For 30 years in the Senate, even when he has had to sail through fierce headwinds, CHRIS DODD has kept his compass fixed on the ideals that make America both great and good. In doing so, he has made the Senate, Connecticut, and America a better place.

I am proud to have served with him and call him a friend. I thank him for his efforts that brought me to the House of Representatives so many years ago. I thank him for his service in the Senate and a special thanks to his wonderful family; Jackie, a great friend, and those two great daughters, Grace and Christine, whom I have seen as swimmers at the Senate pool, good health and good luck to the whole family for many more chapters in their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon to pay tribute to my dear friend and colleague and, in a very real sense, mentor. I can testify from the experience of the last 2 years to his remarkable contributions to this country.

I don't believe any other Senator could have navigated the treacherous

waters of the Dodd-Frank bill. It was like watching a great conductor conduct a complicated piece of music: knowing when to pause and let tempers cool, knowing when to pick up the tempo, knowing when to come to the final conclusion. It was a virtuosos performance, in keeping with a career of contributing to Connecticut and to this country.

The most remarkable tribute I have ever heard about this wonderful man was in a very unusual place by a person who honestly probably doesn't know who he is. It was May 21, 2010. I was visiting a wounded soldier at Walter Reed Army Hospital, a member of the Second Battalion, 508 Parachute Infantry Regiment of the 82nd Airborne Division. He had been wounded around Kandahar by an IED. Fortunately, he was on the road to recovery. We joked for a moment and talked about his experiences, and I turned to his mother, who was sitting there watching her son, her life, her hope make a full recovery, and I said: How are you doing?

She said to me very simply: I am doing fine. You see, I was able to take family medical leave and be with my son while he recuperated.

She probably doesn't know who Senator DODD is or what he did, but she, along with 50 million other Americans, was by the hospital bed of a wounded son or a sick child or an ailing parent. To me, that is the greatest tribute to what Senator DODD has done.

There is a great line I recall about Franklin Roosevelt. His cortege was winding its way through Washington. A man was sobbing, sobbing, sobbing. A reporter rushed up to him: Well, you are so affected. You must have known the President. Did you know the President?

He said: No, I never knew the President, but he knew me.

CHRIS DODD knew the people of Connecticut and the people of the United States, and in every moment, he served them with integrity and diligence and honor.

CHRIS, to you, to your family—and I say this because your mother is from Westerly, RI, God bless her; and your beloved sister, our dear friends Martha and Bernie, from Rhode Island—as an adopted son of Rhode Island, thank you for your service to the Nation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I associate myself with the remarks of my distinguished senior Senator and reemphasize our pride in the contacts that Chairman DODD, Senator DODD, our friend CHRIS DODD has with Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I wish to take a couple of minutes to salute the service of one great Senator, CHRIS DODD.

CHRIS and I have served together for more than 25 years. When I arrived here—and I was not one of the youngest people to get here at that time, but CHRIS was someone I knew from other walks of life—I turned to him, as well as my dear friend who used to occupy this seat, Ted Kennedy, for advice and counsel. Sometimes the counseling was better than the advice, but we were younger then.

CHRIS DODD has that incredible personality that gets things done, that presents a leadership position on issues. He has shown incredible patience in the way he dealt with financial reform and with health care. But never, as I saw it, did CHRIS leave the people who disagreed with him with anger, with a feeling of anger or with anything other than respect and friendship.

CHRIS comes from a distinguished family. His father occupied a seat here for a dozen years. Now Senator CHRIS DODD has decided to leave the Senate. It was a decision he made with which I totally disagreed. It was bad judgment, I can tell my colleagues that. When I left after 18 years of service, three terms, I decided I had had enough. I left. Good fortune smiled on me, and I came back after 2 years, after a 2-year absence, missing being here maybe more than it missed me.

I remember, as I made my outgoing visits—no, my decisionmaking visits—CHRIS invited me to his office with Ted Kennedy and a colleague whom we had at the time, Paul Wellstone, now deceased but a wonderful colleague. The three of them sat with me in CHRIS's office, and CHRIS tried to talk me out of leaving. I said: No, it is a decision I made. I began to have misgivings about it, but by then, the die was cast; there were other people who wanted to run for the job. So I left with lots of regrets. I was away from here for a period of time. In 2001 when I left, it was a terrible year—the year of 9/11 and the beginning of a recession and the beginning of war and all of those things. So I tried to play turnaround with CHRIS, and I talked to CHRIS about leaving and I said: CHRIS, don't leave. Don't do it.

CHRIS DODD will leave a void. I think it is obvious that someone will follow, take the reins. It doesn't mean they will ever take his place. I don't think that is possible. CHRIS DODD will have left an impression here of decency and honesty and honor and respect on all of us on both sides of the aisle—one of the few times we all agree.

So I say to CHRIS and Jackie and your two little girls that we wish you well. Our friendship will endure way past our time serving together.

CHRIS, follow my example. Give it a couple of years and get back here, will you. Thank you very, very much, CHRIS DODD, for your wonderful service. We love you, and we will miss you, and we will always think about you.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak briefly in honor of our friend and colleague, the senior Senator from Connecticut. I have watched him from the day I came here. We knew each other a little bit when I was in the House. He left the House to go to the Senate, but we had many of the same friends when I came to the House. I always marveled at his abilities.

For those of us who have served here—I have only been here 12 years—we know the joys and difficulties of legislating in the Senate. We know it is not easy, and we know how satisfying it is. There are very few who reach the acme of how to do it and who devote their lives to it. I guess they are given a title—I don't know if it is official; it is probably not—they are the ''men and women of the Senate.'' We have had two leave us in the last year: Senator Robert Byrd and Senator Ted Kennedy. They were truly men of the Senate. It is not a title bestowed easily or lightly or frequently.

CHRIS DODD is a man of the Senate. He is in the category of Ted Kennedy and Robert Byrd in terms of his ability to get things done, his ability as a legislative craftsman, as somebody who is able to combine idealism and practicality, as somebody who is able to sit down with someone, as has been mentioned before, with a totally different viewpoint and get them to compromise and be on his side and be part of the effort he is leading. He is a man of the Senate. He will always be a man of the Senate. I will miss him personally for his guidance and friendship, and I think every one of us will.

CHRIS, good luck and Godspeed.

Mr. DODD. Thank you very, very much.

Mr. COCHRAN. Mr. President, if there is no other Senator wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, today we have an opportunity to assist literally hundreds of thousands of families across this country who are out of work through no fault of their own, who are battling with the most severe economic downturn since the Great Depression, who are chasing jobs that have disappeared, and they are looking everywhere to try to find work. We have the opportunity to extend unemployment benefits for an additional year.

In my State of Rhode Island, people are in a very serious situation. They are struggling to stay in their homes, to educate their children, to deal with the challenges of everyday life. They

have worked hard and long all of their lives, and now they are finding it difficult to find a job.

In every situation previously in this country, we have come to their assistance. We have done so by extending unemployment benefits. We have never failed to do that as long as the unemployment rate was above 7.2 or 7.4 percent. Today across the country, it is close to 9 percent nationally. In my State of Rhode Island, it is much higher. We have always done it on an emergency basis because it truly is an emergency. We haven't had to offset because we have always determined that it was necessary to get the money to the people who could use it, who needed it desperately, and we should do that again.

I find it difficult to understand how some of my colleagues on the other side would object to an extension of unemployment benefits for a year that are not offset but at the same time insist that we provide tax cuts to the very richest Americans, without paying for them, and insist that we add approximately $700 billion to our deficit by extending tax cuts for people making over $250,000 a year—and many making many times that amount—yet for unemployed Americans desperately seeking work and not finding it, they would insist that we not only have to pay for it, but we have delayed and delayed the process of getting them assistance. It is difficult to justify those two positions.

It is also difficult to justify those two positions because what we know is that unemployment compensation benefits give us a much bigger bang for the buck than the extension of tax relief to upper income citizens. The Congressional Budget Office has rated the effectiveness of various techniques to provide assistance and stimulate demand in the economy. They have found that unemployment insurance is far and away the most effective form—much more effective than tax cuts to the wealthy.

CBO estimates that for every dollar of unemployment compensation benefits that we inject into the economy, we get $1.90 of economic activity, which is almost a 2-for-1 payback. So we are in a situation where this is not only the appropriate policy to pursue, but it is the most effective one in order to keep demand and the economy and growth moving forward.

I am someone who believes in fiscal responsibility. That is why I took, in the 1990s, difficult votes in order to balance the budget under President Clinton, to raise not only our output but also to balance the budget and have a surplus in 2000. I opposed the proposal and the tax cuts favored by Republican colleagues in 2000 because I understood that the difficult, hard fought, fiscal responsibility could easily be frittered away because what looked like a surplus in 2000 could be affected by unforeseen events, such as terrorist attacks, natural disasters, or changes in the world economy that we could not contemplate. I knew how difficult it was in the nineties to get our house in order. I was opposed to these tax cuts. I hope everybody else realizes the demographics of the country at that time.

In 1993–1994, we took tough votes to build up a surplus because we knew what was coming. We had a demographic wave—the baby boomers—that would qualify for Medicare and Social Security, and that would, by the nature of the sheer size of that population, put extra demands upon our budget.

Despite all of that, taxes were cut, wars were pursued unpaid for. For the first time in the history of the country, we engaged in major military operations and didn't even make an attempt to pay for them. That is not the definition of fiscal responsibility. Yet many of the same proponents of that policy are urging us today that we cannot do unemployment compensation insurance unless we pay for it. But, of course, let's extend the Bush tax cuts for all Americans, including the wealthiest, and in that case add another $700 billion to our deficit over 10 years. That doesn't seem to make any economic sense.

This proposal is supported by people who are knowledgeable about the way the economy works. In a statement released today, 33 economists, including 5 recipients of the Nobel Prize in economics and 5 former chairs of the Council of Economic Advisers, have said:

> Continuing the about-to-expire federal emergency unemployment insurance program, which provides extra weeks of benefits to the long-term unemployed, is sensible economic policy that will not only assist the unemployed but help maintain spending, overall demand, and employment at this critical point in the recovery. . . . Eliminating these benefits, on the other hand, will cause hardship for the long-term unemployed, scale back spending, and weaken the economy since unemployment benefits are one of the most effective means available to support overall demand. Unemployment has remained above 9 percent for 18 months already and will likely remain high for some time to come, making a strong case for continuing the current program for another 12 months. Moreover, the special provisions for extending unemployment insurance during recessions have traditionally been financed by short-term fiscal deficits and this remains a prudent approach. The program will not contribute significantly to long-term deficits because its costs will diminish automatically as the economy recovers and unemployment returns to more normal levels.

Let me say that again in my own words. Our colleagues are suggesting a permanent extension of tax cuts that will cost, over 10 years, $700 billion, and presumably 10 years after that and 10 years after that. That is a huge structural change to our revenue. Unemployment compensation benefits are cyclical. They rise in difficult times, like today, and they fall as the economy recovers. So we are not talking about a long-term commitment to a program of deficit enhancement; we are talking about short-term relief for struggling Americans.

I think these economists make the case extraordinarily well. I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC POLICY INSTITUTE,
Washington, DC, November 29, 2010.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT, SPEAKER PELOSI, MAJORITY LEADER REID, CONGRESSMAN BOEHNER, AND SENATOR MCCONNELL: Congress must decide whether to continue the Emergency Unemployment Compensation program (EUC), a decision that will directly affect millions of families and the entire economy. Authorization for the additional benefits Congress has been providing since the passage of the American Recovery and Reinvestment Act in February 2009 expires tomorrow, November 30, and millions of unemployed workers will soon be affected. I write you out of concern for the jobless, who through no fault of their own, cannot find work in an economy with only one job vacancy for every five unemployed workers, and who depend on EUC to pay their rent or mortgage, pay for groceries and gas, and pay for their heating bills and other utilities.

But I write also out of concern for the economy. Together with Lawrence Katz of Harvard University, I gathered the signatures of 33 prominent economists on the attached statement, which warns that letting the Emergency Unemployment Compensation program expire will weaken the economy by reducing the spending of the unemployed and overall consumer demand. All of us agree that EUC should be extended for another 12 months and that there is no danger that continuing to provide extended unemployment insurance benefits will materially raise overall unemployment. We also agree that deficit financing for EUC is prudent and will not contribute significantly to long-term deficits.

We hope that you act swiftly to renew these benefits, for the good of the economy and the well-being of millions of deserving Americans who depend on them.

Sincerely,

LAWRENCE MISHEL,
President, Economic Policy Institute.

STATEMENT FROM LEADING AMERICAN ECONOMISTS

Continuing the about-to-expire federal emergency unemployment insurance program, which provides extra weeks of benefits to the long-term unemployed, is sensible economic policy that will not only assist the unemployed but help maintain spending, overall demand, and employment at this critical point in the recovery. Given that there remains a historically high number of unemployed workers per job opening, there is no danger that continuing to provide extended unemployment insurance will materially raise overall unemployment. Eliminating these benefits, on the other hand, will cause hardship for the long-term unemployed, scale back spending, and weaken the

economy since unemployment benefits are one of the most effective means available to support overall demand. Unemployment has remained above 9.0% for 18 months already and will likely remain high for some time to come, making a strong case for continuing the current program for another 12 months. Moreover, the special provisions for extended unemployment insurance during recessions have traditionally been financed by short-term fiscal deficits and this remains a prudent approach. The program will not contribute significantly to long-term deficits because its costs will diminish automatically as the economy recovers and unemployment returns to more normal levels.

SIGNERS

Henry J. Aaron, Brookings Institution; Kenneth Arrow, Nobel Laureate in Economics, Stanford University; David Autor, Massachusetts Institute of Technology; Martin Neal Baily, Chair, Council of Economic Advisers, Brookings Institution;

Dean Baker, Center for Economic and Policy Research; Alan S. Blinder, Princeton University; Gary Burtless, Brookings Institution; Raj Chetty, Harvard University; David Cutler, Harvard University; Janet Currie, Columbia University; J. Bradford Delong, University of California—Berkeley; Robert H. Frank, Cornell University; Richard Freeman, Harvard University; James K. Galbraith, University of Texas; Claudia Goldin; Harvard University; Jonathan Gruber, Massachusetts Institute of Technology;

Harry J. Holzer, Georgetown University; Robert Johnson, Roosevelt Institute; Lawrence Katz, Harvard University; Frank Levy, Massachusetts Institute of Technology; Eric S. Maskin, Nobel Laureate in Economics, Princeton University; Daniel L. McFadden, Nobel Laureate in Economics University of California—Berkeley; Lawrence Mishel, Economic Policy Institute; Christina Romer, Chair, Council of Economic Advisers University of California—Berkeley; Christopher Ruhm, University of North Carolina—Greensboro; Emmanuel Saez, University of California—Berkeley; Charles L. Schultze, Chair, Council of Economic Advisers, Brookings Institution; Robert M. Solow, Nobel Laureate in Economics, Massachusetts Institute of Technology; Timothy M. Smeeding, University of Wisconsin; Joseph E. Stiglitz, Nobel Laureate in Economics, Chair, Council of Economic Advisers, Columbia University; Laura D. Tyson, Chair, Council of Economic Advisers University of California—Berkeley; Till Von Wachter, Columbia University; Justin Wolfers, University of Pennsylvania.

Mr. REED. As I indicated before, their view has been echoed by the CBO. Tax cuts, in their view, are the least effective form of economic stimulus, and the most effective is unemployment insurance benefits.

On November 16, the Department of Labor released an independent study that was commissioned during the Bush administration. It found that since mid-2008, the Federal unemployment insurance program has saved 1.6 million jobs in every quarter, averting 1.8 million layoffs per quarter at the height of the downturn, and reduced the unemployment rate by 1.2 points.

Separately, the Economic Policy Institute has found that continuing the programs through the end of 2011 will support the creation of 700,000 full-time equivalent jobs.

People who get unemployment insurance benefits tend to take that money and go to the grocery store or buy shoes for their children or pay down, if they can, some of their credit card debt. Maybe in this holiday season they will buy an extra present for their children. That keeps our economy moving, and it keeps the people in the grocery stores working, people at department stores working, and the manufacturers producing these goods working.

Our economy grew at 2 percent in the third quarter and in a recent Wall Street Journal article, Goldman Sachs analyst Alec Phillips estimated that if unemployment insurance benefits expired, it would shave half a percentage point from growth. Such a decline would cost hundreds of thousands of jobs. So here is a policy that will expand jobs, maintain jobs, and if we don't pursue it, we will find ourselves contracting employment at the very time that all Americans are asking us to do something very clear-cut: get jobs, keep jobs, produce jobs, and find a way to create them. This could also engender a downward spiral because if the jobs contract, that could be the beginning of further contraction, and it could leave us in a worse situation.

So not only will families feel the brunt of this lack of unemployment compensation benefits, it is the small businesses throughout every community—it is the retailers and the people who depend upon their neighborhood customers to come in and buy the goods and services that not only provide them what they need but also provides the cash flow for small businesses to keep operating.

Failure to maintain unemployment insurance will mean that 2 million jobless workers will lose benefits in December. Two million Americans, this December, will stop receiving benefits. Several hundred thousand unemployed workers will lose their benefits every month, culminating in up to 6 million losing benefits by the end of 2011. Now is the time to govern, the time to act, and now is the time to do what we have always done in a situation like this. It is the time to act promptly and timely and pass an extension of the unemployment insurance benefits.

We have seen over the last year delay after delay. We have seen benefits expire only to retroactively be restored through procedural votes and delays.

One of the ironies is that we get these procedural votes that we can't move forward on a bill but, finally, when the bill comes up to a vote, there is overwhelming support, which suggests to me that the process of delay has taken primacy over the substance of policy. That is not worthy of our constituents and the crisis they face today in this country. We have, as I said, continuously maintained unemployment compensation benefits, and we have extended benefits whenever our unemployment rate nationally is above 7.2 percent. Republican administrations, Democratic administrations, Republican Congresses, and Democratic Congresses have always recognized that at the level of 9 percent unemployment, extended unemployment benefits were almost automatic—something you had to do for all the reasons I have cited, such as the economic effects on the economy, but most fundamentally it is giving people a chance to just make ends meet until they can find a job.

So I think we are in a position where we must go forward. Acting now is the right thing to do, the responsible thing to do, and the wise economic thing to do. We need to swiftly pass this 1-year extension.

Many colleagues are joining Senator BAUCUS, the chairman of the committee, in introducing this legislation. I urge at this point that we move forward, and at this point I make the following request.

Mr. DURBIN. Before the Senator makes his request, may I pose a question to the Senator.

Mr. REED. Yes.

Mr. DURBIN. I thank the Senator for his time and his leadership on this issue. I am happy to join him. I want to make sure we put this into the context of the lameduck session. This is a session when we are debating tax cuts, and the position held by the other side of the aisle is that we should give tax cuts to those making $1 million a year in income, which is roughly $20,000 a week. If I understand the differences in the Democratic position and the Republican position, we think those making $1 million a year should get roughly $6,000 in tax cuts. They believe those making $1 million year should get $100,000 in tax cuts. I also understand if the Republican position prevails, it will add $700 billion to the deficit over 10 years, just to give tax cuts to those making over $250,000 a year or $70 billion a year.

So their position, when it comes to tax cuts for the wealthiest in America, is that we can afford to add $70 billion to the deficit with a tax cut for millionaires each year and not accept the reality that that is one of the poorest ways to spark growth in our economy. Our position is that, historically, when we reach high levels of unemployment—over 7.2 percent—we have extended unemployment benefits. We are now at about 9.6 percent. And we believe we should extend unemployment benefits for those who have lost their jobs through no fault of their own. The benefits average about $300 a week for someone to keep their family in food, clothing, pay the utility bills in the winter, that sort of thing. And we are told by the Congressional Budget Office that unemployment benefits are the best catalyst for sparking growth in the economy. It is money spent immediately by people who need disposable income and who will turn around and purchase goods and services immediately with it.

So $70 billion for tax breaks—$70 billion in deficits each year for tax breaks for the wealthiest people in America, for something that doesn't spark the economy, versus some $60 billion for extending the unemployment insurance benefits for 1 year, which will spark growth in the economy. Is that the choice we are facing?

Mr. REED. I think the Senator from Illinois has stated it very clearly, very succinctly, and very accurately. That, apparently, is the choice. It is a choice I find difficult to understand for the reasons the Senator has laid out. We want to respond to the needs of so many families, working families. And this is one of those programs that, by definition—if you qualify for unemployment benefits, you had a job, you just lost it. So these are working families who are now looking for some support as they search desperately for jobs.

As we pointed out too, not just in terms of the individual recipients but for the economy overall, the benefit is substantial. It is about $1.90 in economic activity for every $1 that we put into the benefit. On the other side of the spectrum, economists have looked at the impact of these tax cuts for the wealthiest Americans and find very little growth in economic activity, and, frankly, that makes sense. This is not economics at MIT or Harvard or anyplace else. If you are struggling at $368 a month, it is not going to go into your vacation fund or for buying objects of art. It is going to go to the grocery store and into all of the demands of a family. If you are fortunate enough through your hard work and through your ingenuity to be making over $1 million a year, your consumption package is not going to be altered dramatically by these tax cuts. That is the conclusion of the economists, and I think the Senator said it very well.

UNANIMOUS-CONSENT REQUEST—S. 3981

So I thank the Senator from Illinois, but at this juncture, I would like to formally, Madam President, ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions, and that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating thereto appear at the appropriate place in the RECORD, as if read.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Massachusetts. Madam President, I object. And I have a pay-for alternative on which I would like to speak.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. If the Senator will pause for a moment, I am concluding, and then the Senator will have his own time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Again, I think it is unfortunate that we cannot move this bill. I think, to put it very succinctly, we will try again. I hope we can. I hope we will for the sake of our country, small businesses, and families across my State and in this Nation who need this help and assistance.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I wish to thank the Senator from Rhode Island, who passionately spoke about his proposal, his bill to deal with a very important problem we are facing in the United States.

I am not the new person here anymore. Somebody came in yesterday. But I will say that it is still new to me that here we are, with 6½ hours before the benefits will expire, and we are now discussing this. God forbid we actually think ahead and spend a little bit of forethought in preparing and working together to try to come up with some type of solution before being faced with a 6½-hour deadline before the benefits expire. So, once again, I know I am not the newest guy anymore, but I have to say that this is not the way to do business in the Senate. And if it is, it needs to change.

So here we are. The Senator just spoke about our needing to do this to keep the economy moving. No, we have to start focusing on jobs. That is what we have to do to get this economy moving. We have to start focusing on the things that are important—the deficit, the spending. Yesterday, we couldn't even pass the 1099 fix—something small businesses and all businesses in this country are clamoring for. We could not do that one thing—one thing. Now all of a sudden we are going to do another extension.

I have complete and total sympathy and understanding for this. I want to help. More than anybody here, I want to help. But to just keep throwing money at a problem when it is not paid for, with 6½ hours left, to put people on the spot instead of doing it the right way—working together, getting together in an office with the leadership and the people who care about these issues and coming up with a common solution—makes no sense to me.

The reason we are having this high unemployment which my colleagues keep referring to—9 percent unemployment—is because there is no certainty in business. There is so much uncertainty right now in the business world, whether it is with the financial services people or the estate planners. Right now, we have zero percent. If you die—folks say it is a good year to die because next year it could be 55 percent or it could be less. Who knows. So there is so much money on the sidelines right now that we don't know what to do. It is not coming in to get the economy moving.

We can't do the 1099 fix, we can't do the R&D tax credits, we can't work on accelerated depreciation, and we haven't repatriated any of the monies that are offshore. What do we do? We put up more and more roadblocks for businesses, so they do not want to hire these people off the unemployment rolls. Yet here we are with 6½ hours left, people aren't hiring, and we spent 7 days on food safety. Listen, I love to eat as much as the next guy, but give me a break. We should have spent 7 days working on the one thing the people who voted in November wanted—and they sent us a very powerful message—and that is getting our economy moving again; focusing on jobs, jobs, jobs; streamlining the regulatory process; and firing away to get this economy moving. But we needed to work on food safety. Oh my gosh, that was so important. I am glad I rushed back from our break to work on food safety. Now, I know we have some issues in that regard, but don't you think the 1099 fix and unemployment benefits and all these other things are a little bit more important?

Some of my colleagues will say—the Senator from Illinois just said it—that we are here debating tax cuts. No, we are not. We are not debating tax cuts. I have been here for every vote we have had. I have been to every meeting since I have been back here. Where were we talking about tax cuts? Am I missing something? No, we haven't been talking about tax cuts. We haven't debated or discussed anything to do with business and getting our businesses and our economy moving again.

The recent job numbers in Massachusetts reflect over 280,000 people unemployed in my State alone—over 8 percent of the Massachusetts workforce. As the Senator from Rhode Island mentioned—and I know Rhode Island well; I eat in Federal Hill regularly—the unemployment is much higher there. They have very serious problems. And one of the reasons we have problems is because we are not focusing on anything to do with business. We are not giving them the tools and resources they need to actually hire the people on the unemployment rolls. It is like a catch-22.

Nearly 15 million people across the country are unemployed, 6 million of them having been without work for 6 months or more. That is roughly five people for every one job opening. Families in Massachusetts, Rhode Island, and Illinois are all struggling. They sent that very powerful message a couple of week ago. They are struggling to make ends meet and, as the Senator from Rhode Island said, to buy food, to buy shoes, to buy extra Christmas presents. I understand that. But if they had a job and had the pride of going out and working hard each day and if businesses had that certainty of hiring that new employee, they could do that and a lot more. They could actually invest in the future of our country.

We are in the midst of a historic economic crisis. I realize that. People are unable to find work, and I recognize that as well. The longer they are out of

work, the harder it is to actually find work and become employable.

I could go on and on as to how Congress has chosen to spend its time. I remember that before we went on break, before the elections, we wasted so much time on stuff that did nothing to help the economy. So here we are. I figured that when we came back, after the message was sent, we would get it loudly and clearly—big change over in the House. Here we are. We are going to get right back to the economy. But what do we do? We do food safety. Are you kidding me? People deserve better. The people who are unemployed deserve better.

The consequences of our failure to act are the 15 million unemployed workers in our country because they are unable to find that job. So here we are, 6½ hours before the benefits are going to expire. And I do not want to see that happen. Let me make it very clear to anyone listening or watching or however the press wants to regurgitate my statements: I don't want this to happen. It doesn't need to happen. As many of my colleagues know, if we fail to act today, 60,000 Bay Staters will see their unemployment checks evaporate at the end of the week and 800,000 workers will see their checks disappear. That number will increase to 2 million by the end of December.

So we are faced with another important decision, as we are with every other decision we make here: Do we provide the important benefits by burdening future generations, by adding on to that almost $14 trillion national debt, or do we provide the important benefits by raising taxes on businesses that are already struggling?

If you want to talk about the Bush tax cuts, listen, that was a tax policy proposed by a President, supported by Congress, and it has been the tax policy for the last 10 years. To put a tax increase on anybody in the middle of a 2-year recession is going to add to these unemployment numbers and will be an absolute job killer.

So is there a better way? Of course. There is always a better way, especially when we work together. We can always find a better way, as I have tried to work with the Senator from Oregon and other Senators to find commonsense solutions to our very serious problems. That is why I am once again offering an offset extension of unemployment benefits.

The funny thing is that the proposal—and this is what I find so ironic. I will see where everyone wants to stand. If my colleagues want to do something today, I say to the Senators who are here and listening, we can provide that 1-year extension. In fact, I am offering an offset that was supported by 21 Democrats yesterday when we tried to do the 1099 offset bill, which I supported. I was a cosponsor, in a bipartisan manner. I supported both the Republican and the Democratic proposal just hoping, God forbid, we could get one thing done—just one. Twenty-one Democrats supported that bill.

So here I am with my offer. My proposal is to offset the unemployment insurance—sorry, I need to take a breath here—the offset they supported yesterday would rescind unobligated discretionary funding. It is the same offset we did yesterday. So what is the difference? Do you know what the difference is? People are hurting, and they need the help in 6½ hours. The 1099 fix we can address down the road, but others need it in 6½ hours.

So for those who supported it yesterday, I am certainly hopeful that they will support it again today. I don't know, is it me? I ask my colleagues to join in and be cosponsors. Is it because I am a Republican that we will not pass it? It is because it is my idea? I am the almost new guy. I get that. But what about looking past party politics, as I have done since the day I got here, to try to find commonsense solutions for people who are hurting. And trust me, there are a lot of people hurting. Why don't my colleagues join me in supporting this proposal that 21 other Democrats proposed yesterday and who actually went down in the well and voted on? This is a truly bipartisan proposal that we should be able to rally around. I am confident that we can work together, as the people demanded only a couple of weeks ago.

As we enter the final weeks of this 111th Congress, there are several priorities that lie ahead. As I said earlier—I know I am getting worked up, but it just incenses me—we are here with 6½ hours remaining, and we just found out really today, or late yesterday, that we were even going to talk about this. We have to provide that certainty to businesses, from small mom-and-pop businesses all the way to the biggest corporations. They need to know what is up. They need to know they can actually rely on us to set policy that allows them to plan for the future, so they can get those 9-plus percent people off of unemployment.

Do you think we are going to keep creating more and more government jobs; that is it? We are just going to keep printing the money and there is no consequence? There is plenty of consequence. The consequence is not on our grandchildren now; we are at our great-great-grandchildren as to paying this obligation back.

We still have to ensure that the Federal Government keeps running. Let me see: We have the estate tax issue, we have dealing with tax proposals or policy at all, we are trying to get the regulatory scheme in place so we can give businesses the incentive to maybe bring money back from the offshore accounts they are holding so they do not invest in other businesses in other countries, we have this issue—we have a lot of other things on the table and we have done nothing. We spent time on food safety.

I love to eat. I have seen many people around here, we all love to eat. I want my food safe, make no mistake about it. I do not want to belittle that effort. But we need to provide money so people can actually go out and buy the food we are trying to make safe. We cannot keep spending and borrowing with no regard to our future, to our fiscal future. We need to be fiscally responsible and find ways to pay for the initiatives and policies that we think are important.

When you talk about the money—listen, it is not the government's money. It is people's money. When they have money, they traditionally invest it, and they invest in businesses and they continue to get that economic engine going. It is not the government's money.

It is also very clear to me that people want to work and they want us to focus on that one issue. I do not know why we are avoiding it—I do not. Did you know we are avoiding that one issue that can get our country back on track? Let's just say we took all the recommendations from the debt commission that have been proposed. If we do not do the other things, it is going to be short-lived, if it works at all.

Creating jobs and supporting policies that improve economic growth have been my priority and will continue to be my focus in the Senate. There is nothing more important. I encourage the administration to immediately drop everything and focus on the economy. It is the one thing that is our ticket out of the economic mess we are in right now; instead, we are doing food safety.

I also think we need to give people that lifeline in order to get them through the tough times. Make no mistake, I agree they need help. But I look at it, are we going to do it from the bank account or are we going to put it on the credit card—bank account, credit card? How about you folks up there—bank account, credit card? OK. I know what I want to do. I will use the bank account. Let's use money that is already in the system and put it to good use immediately by 12 o'clock tonight. Let's do it.

We can settle this tonight. We can provide that extension of benefits tonight. My bipartisan idea will allow that to happen and will prevent millions of Americans from losing their benefits. Providing this 1-year extension will allow us to focus on the many other important priorities we have and that we have to handle before the end of the year.

You want to stay through the holidays and everything. Hey, I am here. Whatever. My kids are grown; they do their own thing anyway. Do I want to stay here? Sure, I will stay. We will stay and we will go out and celebrate Christmas here. Whatever. But we have so many things we need to do and we could do them right now.

I am glad food safety is done. We do not have to do it anymore. So what is next? Let me see—just pick something. I guarantee, I bet—I know betting is illegal here—I will bet we do not do anything that has to do with the economy. I will bet you.

I encourage my colleagues to join with me and stop using the credit card and burdening additional generations with this tremendous debt that we cannot afford.

UNANIMOUS CONSENT REQUEST—H.R. 4915

I ask unanimous consent the Finance Committee be discharged and the Senate proceed to the immediate consideration of H.R. 4915; that all after the enacting clause be stricken and the substitute amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Massachusetts. I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, my colleague from Massachusetts has made a rather vigorous and impassioned statement. What I sense, though, is he is quite willing to put $700 billion of tax cuts for the wealthiest Americans on the credit card but not extend unemployment benefits, as we have done persistently, decade after decade, without offsets, for people who are struggling without work. So if we are talking about coming together, avoiding increased deficits, let's look at this big issue of these tax cuts for the wealthiest Americans. Let's look at the offsets there, I suggest.

I also suggest, in terms of his argument we are not doing anything, that the record, unfortunately, of my colleagues on the other side, with respect to this issue—and we are talking about the issue of unemployment compensation benefits extension—has been one of delay and delay and delay. June 17 of this year we tried to extend these benefits and it failed in a cloture vote. They would not even let us get to the substance of the bill or amendments, perhaps, which could have paid for them or tried to offset them.

Then we came back on June 24, a week later, and had another vote. Of course, again, by 57 to 41 it was opposed.

Now we come to July 20. It finally passed 60 to 40, the minimum number of votes. The vast majority of the opposing caucus still says no.

The notion that we are somehow blocking dealing with the economic issues is so far from reality. What we have seen is obstruction, particularly when it comes to unemployment compensation benefits. Now here we are again. As I said, when you look back to Republican administrations and Democratic administrations, when we have had this level of unemployment, we have always managed to come together and to go ahead and pass these measures on a bipartisan basis and not with three cloture votes but with one perhaps procedural vote and then a substantive vote.

The issue, though, is let's not be selective. If we are serious about the deficit, let's take some positive steps to reduce the deficit. One is not to extend tax cuts to the wealthiest Americans at $700 billion over 10 years. That is a positive step. If that is something that is going to be entertained by the other side, I encourage that discussion. But as we go forward, we are going to come back, again, because ultimately we have these discussions.

I think my colleague from Massachusetts has passion, sincerity, and great energy which he has brought to this body, but ultimately we are going to have to go to people in Rhode Island and Massachusetts, several million of them over the next year, and say: Sorry, you are not getting any unemployment compensation benefits.

Will we go to the wealthiest and say: Oh, by the way, we took care of you folks; you are getting $100,000 in tax benefits. I think we have to deal with the immediate crisis. I think we have to deal with the families who are struggling today. I think we have to do it now. I hope our leaders could work out an arrangement where we could come to this floor and, in a scheduled debate, 5 hours on one side, 5 on the other, and take the vote. That has not been the record on unemployment compensation in this Congress.

Again, I object. The issue, the offset, discretionary spending—I think if you burrowed down into that, you would find that would be funds of a whole category of programs that could be spent, should be spent, to help the economy move forward.

But I again urge we reconvene, that we once again see if we can work our way forward on these unemployment compensation benefits. We have done this before through these procedural delays that were as a result of votes by my colleagues on this side not to take up the bill in a timely manner. We had periods of time where unemployment lapsed and we had to retroactively restore it. We may have to do that again.

If there is delay, if we are at the 11th hour, I, frankly, looking backward, and others would have preferred an extension of benefits that would have gone way past this point, would have gone into next year if we had to. We are talking about a year's extension now. I hope we can get that. We will continue to fight.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, once again, make no mistake, I have great respect for the Senator from Rhode Island. We worked on many regional issues—fishing and military issues. I respect his service not only to the military but also to his State. But I have to respectfully disagree with his presentation and representation on some of the issues.

He keeps referring back to the tax cuts for the rich. That is great. We are not dealing with that right now. It is not something we are dealing with because we have not dealt with anything to do with any tax policy or structure since I have been here—zero. We have not done the estate tax, we have not done any tax policies, we have not done anything. Now you want to kind of muck it up and talk about if you do this, we should not do that. Listen, we are here, we have 6 hours and 15 minutes to deal with this issue. I am not quite sure why it took so long to get to this point. Why couldn't we have spent the last 7 days, when we were doing food safety, dealing with this? Why? Because there is no priority in taking care of people who are hurting and dealing with the issues that are affecting our economy and our country on a very real and personal basis.

My colleague says there have been delays, we should just do it for longer than 1 year. He wants to do it for longer than 1 year? Great. Pay for it. The reason there have been delays is because we wanted to find a funding source. We could have initially taken it out of the unallocated stimulus dollars that were being used as special slush funds for folks and agencies. That was one of the delays, I remember, being part of that. That didn't pass. I think I got two Democrats.

Yesterday, we did a 1099 fix and 21 Democrats supported it. What is the difference? Now we are talking about real people—about kids. It is about the kids. I keep saying it is about the kids. It is not just about the kids who are here right now; it is about the future generations who are going to have to try to figure out a way to pay for this insurmountable debt.

I reiterate, it is pretty simple—bank account, credit card. That is all I am saying. Happy to help, folks. The folks up there listening, go back and say to your friends and family: Senator BROWN of Massachusetts said bank accounts, credit card. It makes sense.

I want to help. But I also want to streamline, consolidate this, weed out any fraud, waste, abuse, any money we are not using properly, and get it out the door into businesses and families and get the economy moving again.

So here we are. I am very curious to see what is next. I enjoyed the food safety. I voted for it. I gave some input on it, and I voted for it. I am happy to help. It is not going to be implemented in 6 hours and 15 minutes. The people need our help right now.

Madam President, I appreciate your paying attention and leading us. I am just hopeful that we can come together and use some common sense and start to focus on the economy. It is the economy, period.

I yield the floor.

Mr. DURBIN. Madam President, every once in a while, Congress is faced with a policy choice that clearly defines for the American people exactly who each member is fighting for.

We are nearing one of those clarifying moments here on the Senate floor.

Today, the authorization for emergency unemployment insurance expires.

For the 15 million Americans who are struggling to put food on the table as they look for work during this Great Recession, the Republicans are demanding that we cancel the extra assistance we have provided since the economic crisis began.

The Democrats will fight to ensure that this assistance to struggling middle class families continues through the holidays and through next year.

Even as emergency unemployment assistance expires, the Republicans are demanding that the Bush-era tax cuts be extended for everyone.

Most importantly for them, the Republicans are demanding that the wealthiest people in America receive a massive tax cut, on top of the hundreds of billions of dollars of tax cuts they have already pocketed over the last 10 years.

The Republicans don't think a $6,300 tax cut per year is good enough for millionaires. They are demanding that millionaires receive $100,000 in tax cuts every single year—and if not, no one should receive anything.

The cost for permanently extending the Bush tax cuts for people making over $250,000? About $700 billion over the next 10 years alone. Plus interest.

Meanwhile, the Republicans oppose extending emergency assistance to the unemployed, supposedly because it costs too much.

The cost for extending emergency unemployment assistance for 1 year? About $60 billion.

Just as importantly, the Republicans are demanding that we spend another $700 billion on what CBO has determined is one of the weakest options we have for spurring job growth.

The wealthy don't spend extra money they receive. That doesn't drive up demand for goods and services. Employers don't hire more people if they can't sell more things.

At the same time, the Republicans oppose spending $60 billion on what CBO has determined is one of the strongest options we have for spurring job growth.

The unemployed spend every extra penny they receive as they buy the bare necessities, so aggregate demand gets a boost. Employers hire more people when they can sell more things.

Democrats oppose spending $700 billion we don't have on tax cuts that don't help people get back to work.

We support spending less than 10 percent of that amount—$60 billion—on assistance to the unemployed that does help people get back to work.

We have seen this movie before, of course.

Republicans opposed extending the TANF Jobs program, which helped create 250,000 new jobs and which even some Republican Governors applauded as an example of smart government. That program expired at the end of September.

They oppose extending the Obama tax provisions from the Recovery Act which benefit middle-class Americans, including the earned-income tax credit, the child tax credit, and the making work pay credit. Those provisions expire at the end of the year.

We can't afford those, the say. But we can afford to give another $700 billion to the wealthiest 2 percent of Americans, according to the Republicans.

We have the money for the equivalent of another economic recovery bill but we can't afford a small fraction of that cost to help middle-class families who need a helping hand.

The difference between the Republicans and Democrats couldn't be more clear.

Republicans won't allow tax cuts for anyone unless the rich get a far bigger share, and won't allow those looking for work to receive any continued emergency assistance.

The Democrats, on the other hand, want to give 98 percent of Americans a tax cut, and want to help the unemployed keep food on the able for their children while they compete with the other 15 million unemployed Americans in looking for work.

The PRESIDING OFFICER. The Senator from Washington.

RED FLAG PROGRAM CLARIFICATION ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3987, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3987) to amend the Fair Credit Reporting Act with respect to the applicability of identify theft guidelines to creditors.

There being no objection, the Senate proceeded to consider the bill.

DEFINITION OF CREDITOR

Mr. THUNE. Madam President, I wish to engage my colleagues Senator DODD and Senator BEGICH in colloquy.

I rise today in support of S. 3987, the Red Flag Program Clarification Act of 2010, legislation that Senator BEGICH and I have introduced to narrow the scope of section 114 of the Fair and Accurate Credit Transactions Act of 2003—the FACT Act. This section of the FACT Act directed financial regulatory agencies, including the Federal Trade Commission, FTC, to promulgate rules requiring ''creditors'' and ''financial institutions'' to implement programs to detect and respond to red flags—patterns, practices, or specific activities—that could indicate identity theft.

The purpose of the Red Flag Program Clarification Act of 2010 is to identify and limit the type of ''creditor'' that must be covered. If the FTC's final red flags rule is implemented, this rule could require small businesses to undertake costly, burdensome measures to prevent identity theft in industries where it poses little threat. Identity theft is a serious problem, but the definition of ''creditor'' for purposes of the FTC's red flags rule is too broad and would cover small businesses that pose little risk to consumers.

Under the legislation that Senator BEGICH and I are proposing, only a ''creditor'' that regularly and in the ordinary course of its business obtains or uses consumer reports in connection with a credit transaction, furnishes information to consumer reporting agencies in connection with a credit transaction, or advances funds would be required to develop and implement a written identity theft prevention and detection program.

So, for example, an accountant would not become a creditor simply for obtaining a consumer report—with the permission of any consumer whose report is obtained—in order to examine the integrity of a company's management.

And the legislation makes clear that an advance of funds does not include a creditor's payment in advance for fees, materials, or services that are incidental to the creditor's ability to provide another service that a person initiated or requested, such as the advance payment of expert witness fees by a lawyer to support the representation of a client.

Any other type of creditor may only be covered through a rulemaking based upon an agency's determination that these types of creditors offer or maintain accounts that pose a reasonably foreseeable risk of identity theft. Such creditors would receive notice that they could be covered by a rule, and there would be a public airing of the issues when the proposed rule is published for notice and comment.

Could Senator DODD, as chairman of the committee of jurisdiction, the Senate Banking Committee, provide us with some context regarding the legislation under which the FTC's rule was promulgated?

Mr. DODD. Gladly. The FTC's red flags rule implementing section 114 of the FACT Act became effective on January 1, 2008. The rule applied to ''creditors,'' defined under the FACT Act the same way as in the Equal Credit Opportunity Act, ECOA, to include any person that sells a product or service for which the consumer can pay later.

After the red flags rule became final, many businesses and other entities indicated that they were not aware that they would be covered by this rule. At first, the FTC delayed enforcement of the rule several times to allow these entities time to come into compliance with the rule. Then, a number of professional organizations, including the American Bar Association and the American Medical Association, sued the FTC for taking the position that professionals were ''creditors'' when they allowed consumers to pay later, and would have to comply with its red

flags rule. On May 28, 2010, the FTC announced that it would delay enforcing its red flags rule through December 31, 2010, and asked Congress to pass legislation that would resolve any questions about which entities should be covered as ''creditors'' and to obviate the need for further enforcement delays.

Mr. BEGICH. I thank the Senator. Unless this bipartisan bill becomes law, many small businesses for which identity theft is not a threat could be required to spend time and effort to comply with the red flags rule implementing the FACT Act. This could require them to take time away from growing their businesses and creating jobs. Small businesses are the economic driver of our country, and in a time of high unemployment and stagnant economic growth, businesses should be focused on job creation, and should not have to spend the money to comply with regulatory burdens disproportionate to the scope of the identity theft problem.

This bill would address what the chairman of the FTC, Jon Leibowitz, called ''the unintended consequences of the legislation establishing the red flags rule.'' While this list isn't exclusive, many small businesses such as doctor's and dentist's offices, pharmacies, veterinary clinics, accounting offices, and other types of health care providers and other service providers were classified as ''creditors'' because they sometimes let clients pay after they provide their services. This legislation makes clear that these small businesses should not be swept under the red flags rule in the future just because they allow payment to be deferred, when they don't offer or maintain accounts that pose a reasonably foreseeable risk of identity theft.

I would ask the chairman of the Banking Committee if he agrees with my description of what the Red Flag Program Clarification Act of 2010 will accomplish?

Mr. DODD. Yes, I agree that this bill narrows the applicability of the red flag identity theft provisions of the FACT Act to cover those creditors where identity thieves can do the most harm—creditors that use consumer reports, furnish information to consumer reporting agencies, and other creditors that loan money, such as payday lenders, that do not necessarily use consumer reports or furnish information to consumer reporting agencies.

The legislation also makes clear that lawyers, doctors, dentists, orthodontists, pharmacists, veterinarians, accountants, nurse practitioners, social workers, other types of health care providers an other service providers will no longer be classified as ''creditors'' for the purposes of the red flags rule just because they do not receive payment in full from their clients at the time they provide their services, when they don't offer or maintain accounts that pose a reasonably foreseeable risk of identity theft.

Mr. THUNE. I applaud the FTC's cooperation in delaying implementation of their red flags rule to wait for congressional clarification on this issue and thank Senator DODD for his assistance in drafting this legislation. I am confident that our efforts to provide a legislative solution that protects consumers and businesses alike can be achieved through this legislation.

Mrs. MURRAY. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3987

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 ''Red Flag Program Clarification Act of 2010''.

SEC. 2. SCOPE OF CERTAIN CREDITOR REQUIREMENTS.

(a) AMENDMENT TO FCRA.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following:

''(4) DEFINITIONS.—As used in this subsection, the term 'creditor'—

''(A) means a creditor, as defined in section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a), that regularly and in the ordinary course of business—

''(i) obtains or uses consumer reports, directly or indirectly, in connection with a credit transaction;

''(ii) furnishes information to consumer reporting agencies, as described in section 623, in connection with a credit transaction; or

''(iii) advances funds to or on behalf of a person, based on an obligation of the person to repay the funds or repayable from specific property pledged by or on behalf of the person;

''(B) does not include a creditor described in subparagraph (A)(iii) that advances funds on behalf of a person for expenses incidental to a service provided by the creditor to that person; and

''(C) includes any other type of creditor, as defined in that section 702, as the agency described in paragraph (1) having authority over that creditor may determine appropriate by rule promulgated by that agency, based on a determination that such creditor offers or maintains accounts that are subject to a reasonably foreseeable risk of identity theft.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Washington.

UNEMPLOYMENT INSURANCE REAUTHORIZATION

Mrs. MURRAY. Madam President, I came to the floor this afternoon to speak on behalf of thousands of families in my home State of Washington who stand to lose everything they have because a few Republican Senators continue to put politics ahead of policy. Men and women in my State from Seattle to Spokane, who lost their jobs through no fault of their own, get up every single day; they scour the want ads; they send out their resumes and desperately try to find work in an economy that continues to struggle. These workers do not want to be where they are. They would like nothing more than to be back on the job doing what many of them have been doing for years—working hard and adding value to their companies and contributing to their communities and providing for their families.

But while they struggle to find work, many of them depend on the unemployment insurance programs we put in place to keep their heads above water. This support has allowed these families to put food on the table, to stay in their homes, and to pay for their children's health care. These programs are not extravagant. But for a lot of our workers today, they made all the difference.

Workers such as a woman named Judy Curtis, who lives in Mill Creek, WA, wrote to my office urging us to do everything we could to reauthorize this program. She is a single mom who worked hard her whole life to support herself and her developmentally disabled son Sean. She told me she has been laid off twice since this downturn began and has been looking for a new job every day but without any luck.

Her unemployment insurance is going to be cut off on January 15 unless we reauthorize it. She does not know how she and her son are going to make it if that happens. So it is because of stories like hers that I am so disappointed we are once again throwing families into a state of uncertainty and turmoil by allowing these emergency unemployment programs to expire today. It does not make any sense.

Our economy still has a long way to go on the road to recovery. There are five job seekers for every open position today. The unemployment rate stands at 9.6 percent, and Senate Republicans think now is a good time to cut families off from the support on which they depend? We cannot allow this to happen. We cannot sit on the sidelines while more families are pushed into bankruptcy and lose their health care and their homes are foreclosed on. We cannot stand by and watch as our working families who have already been pushed to the brink by this financial crisis—that they did not create by the way—are now shoved to the edge through no fault of their own. It is wrong and it does not make sense. It does not make sense to pull billions of dollars out of our economy. It does not make sense to remove purchasing power from so many families. And it does not make sense to lose the multiplier effect of these funds that keep millions of workers on the job. It certainly does not make any sense to do this right before the holidays.

I have to say, I find it very interesting that some of the Senators who oppose extending this support for middle-class families are the very same ones who have no problem extending

the Bush tax cuts for the richest Americans that will cost us almost $1 trillion. They talk about helping the economy. But economists across the board agree that unemployment insurance programs are one of the best ways to provide a much needed boost. So for those Republicans it is not about the deficit, it is not about what is best for the economy, it is certainly not about good policy, it is about politics, plain and simple.

I am going to keep fighting to maintain these emergency unemployment compensation benefits through next year for Judy Curtis's family, for thousands of families like hers across Washington State, and for millions in America. These programs were not meant to continue indefinitely. But until our economy gets back on track, it would be devastating to cut those families off from this critical lifeline now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT COMPENSATION

Mr. BROWN of Ohio. Mr. President, I come to the floor to share letters from Ohioans from all corners of my State, letters mostly from people who have lost their jobs and depend on something called unemployment insurance. It is insurance, not welfare, not giveaways. People work at a business. Their employer pays into the unemployment insurance fund. Obviously, it is money the employee does not get as income, so we could say it either way: the employee pays or the employer pays. Either way it is insurance. They pay into a fund. When someone loses their job, they get assistance from the fund. This is why it works so well.

When the unemployment rate is above a certain level, a relatively high unemployment rate, we always have extended and maintained unemployment insurance benefits for those workers who have lost jobs. We do that for two reasons: One, because it is the right thing to do if someone loses their job. Whether it is in Boulder in the State of the Presiding Officer or in Galion, OH, it is the humanitarian thing to do. That worker who has lost their job can at least pay most of their bills then, at least stay in the apartment or house and pay the mortgage, pay the rent, pay for food, take care of the kids. They wouldn't be able to without the unemployment insurance monthly payments.

The second reason we do it is, as one of JOHN MCCAIN's chief economic advisers said repeatedly, a dollar in unemployment benefits is about the best stimulus for the economy one could have. When we give a tax cut to a millionaire, as most of my Republican colleagues want to do, if we give $10,000 to a millionaire, they will likely not spend it. They have already spent their money on what they want because they have more than enough to do that. So a tax cut doesn't mean much to them. But an unemployment check means that an unemployed worker will spend that money in the community, at the grocery store, buying shoes for the kids, paying the property tax, paying for their rent and gas bill, paying for gas in the car to go around looking for jobs. The money is recirculated. It is a good economic stimulus and the right thing to do for the worker who has lost their job. That is why the Presiding Officer and others have fought so hard to make sure those benefits are there. It is not welfare; it is insurance.

In spite of what some conservative politicians like to suggest, that it is people sitting around who don't want to work, almost everybody I talked to—whether it was in Conneaut or Middleton or Sidney or Portsmouth—who lost a job wants to go back to work. Unemployment compensation is never as much as the person is making on the job. That is under a formula. That is why they want to go back to work. Plus these are hard-working people who understand that they need to keep looking for a job.

For every job out there, there are roughly five people seeking a job. That is a national figure. But in Ohio, it is no better. That is why I am going to share these letters.

I will start with Timothy from Fairfield. That is a prosperous suburban Cincinnati community in Butler County in southwest Ohio. It happens everywhere, not just the inner city, not just rural Appalachia. It is not just small towns or medium-size cities. It is generally pretty affluent suburbs.

He writes:

> Unemployment extensions end in about two weeks and once again my family worries about what the future will bring.
>
> The last delay made us unable to pay many bills on time and we still have not fully recovered.
>
> If another delay happens we will certainly be put in such a hole that I don't see us getting out of.
>
> Not to mention it's the holiday season and I really don't know what I would tell my 4 and 7 year old if Christmas wasn't as it has been in the past.
>
> I am in the manufacturing field. I worked as an inspector and quality engineer.
>
> This next week will be my first of my final 20 weeks of Ohio emergency unemployment. I search for openings in quality inspectors and quality engineers within a 50 mile radius of our town.

How is he going to afford gas if his unemployment extension runs out?

> I found zero results. I have been applying for retail jobs, janitorial jobs, and maintenance jobs.
>
> If I even get to interview the answer is the same. You are way overqualified for this job.
>
> I was told that the new sporting goods store had over 3,000 applicants.
>
> Are both sides willing to do what needs to be done to avoid another delay? I don't know what we will do if the extension is not passed in time.

It is unbelievable that my conservative colleagues are willing to give tax cuts to millionaires and billionaires but are unwilling to maintain unemployment benefits for people such as Timothy. When one thinks about that, it is also the anxiety that somebody like Tim feels about his children, about his house, about his being able to provide what he needs during the Christmas season or any other season. So many people in this country have to wait until the Republicans drop their filibuster in order for us to maintain these benefits. That is pretty unconscionable.

Kelly from Summit County, the Akron area in northeast Ohio, writes:

> Please help get the unemployment extension passed during this session.
>
> I am about to exhaust my benefits in three weeks. Everyday I look for employment, but to no avail.
>
> My mortgage company leaves no room for late or missing payments.
>
> I don't need the money for Christmas—I need it to pay my bills and my mortgage.
>
> There will be no Christmas this year, especially when I begin to get behind on payments.

Kelly says what so many are saying in letters to our office, that this is essential. Getting this relatively meager unemployment assistance, not a lot of money but enough to at least pay her rent—although I don't know if Kelly is male or female—but to pay the rent, not Christmas presents, nothing elaborate, not even Christmas dinner but to just pay the rent.

Richard from Summit County says:

> I am writing to share the reality of my situation that I'm sure millions are also experiencing. Today I filed my final claim for unemployment. This is the moment that made me lay awake at night. The reality is at our home there will be no Thanksgiving and no Christmas this year. I hear carols being played, I see ads for Christmas sales. It makes me depressed like never before. I feel the gifts and celebrations are meant for other people—the ''haves.'' No more money for my diabetes medicine, dental checkups, eye drops for glaucoma. Never have I felt like throwing in the towel before now.

I just wish my colleagues would talk to people like Richard: When I hear carols being played for Christmas sales, it makes me depressed like never before. I feel the gifts and celebrations are meant for other people. No more money for my diabetes meds, no more dental checkups, no more eye drops for glaucoma.

Unemployment benefits are not going to make him comfortable or rich, but it will help him get through these rough times. Instead, to make a political point, my colleagues are saying we are not going to maintain unemployment benefits.

The last one I will read is from Jacqueline from Cuyahoga County in the Cleveland area:

I have been an unemployed human resources professional for a year and a half. Even after having applied for over 170 jobs, I am still very active in my job search.

These are not people sitting around cashing their checks. She is still very active in her job search.

I go to at least 2 networking events/meetings per week and I keep a positive attitude in spite of my situation. Yes, I have applied for jobs in other fields or professions which use similar and transferable skills. I get no response. I have worked with recruiters and head hunters, online networks, and have appealed to friends and family members to look for opportunities. I have worked full-time since I was 16 years old, even through college. At age 45 and as an educated professional with so much to offer an organization, I still want to work for many more years.

She has worked since she was 16. She is now 45. She has worked twice as long as almost the age of these pages who sit in front of us. She has worked for 29 years. She is not a deadbeat. She doesn't want to sit around and collect unemployment. She wants a job. As I said, there are five people pursuing every job out there.

Without unemployment benefits, my family would have lost our home by now. I am begging you to fight to extend unemployment benefits until more companies start hiring. Please don't let 15 million Americans have to worry about feeding their families this winter. Please urge your colleagues to pass an unemployment benefit extension before December 1.

December 1 is approaching. We still can't get our Republican colleagues—it is pretty unbelievable. We have been through this for the third time, I believe, in the last year or so where we have begged and cajoled and pleaded and asked and done whatever we can to get our colleagues to say yes, to not filibuster, to get our colleagues to say yes, to get the supermajority, the 60 votes we need to extend the unemployment benefits.

There is a lot of fear out there. Whether it is in Denver or Cleveland, whether it is in Trinidad or Mansfield, there is all kinds of anxiety and fear and anguish out there. We could do something in this body to lessen it for our fellow Americans.

I ask my colleagues to move forward in maintaining unemployment benefits for the millions of Americans for whom the Christmas season, the holiday season will not be very happy this year.

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.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. 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. BROWN of Ohio. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN TO STOP BULLYING

Mr. BROWN of Ohio. Over the last few months, our Nation has mourned the loss of several lesbian, gay, bisexual, and transgender teenagers driven to suicide because of hateful and ignorant bullying and harassment. These tragic circumstances brought families, friends, and concerned citizens together through vigils on public squares in communities all over this country and on college campuses throughout the Nation. Together, millions of fellow Americans have drawn attention to intolerance and violence that LGBT Americans face each day. Together, we can ensure all LGBT Americans that life will get better for them.

As a father, I cannot bear to imagine the unspeakable pain endured by the parents of those teenagers who tragically took their own lives. No parent should have to bury a child. No child should ever feel so hopeless and so forgotten and so alone and so isolated that suicide seems like their only escape. But the rash of highly publicized suicides of LGBT students not only highlights the national epidemic of bullying these students face, it also reminds us that we all as adults, as clergy, as educators, or as peers of these students—we all have a role to play in preventing discrimination.

Bullies target the vulnerable and subject them to cruelty through taunts in the classroom or on the Internet, through chants on the playing field or physical abuse in the neighborhood. Prejudices based on religion or race or disability or sexual orientation or gender or physical or intellectual differences too often translate into physical torment and isolation and abuse against others.

LGBT youth, in particular, are frequently targeted by bullies. Public surveys indicate that 80 percent of LGBT students report regular harassment by fellow students—a rate three times that of heterosexual teens, three times the rate of their heterosexual peers. Seventy-five percent of high school students routinely hear homophobic remarks in school, reinforcing stereotypes and prejudices. Without a safe space to speak openly with a caring adult or a like-minded peer, victims are left to question their self-worth.

On top of the self-doubt and insecurity that all young people feel already regardless of gender or race or sexual orientation—we have all been through that certainly as young teenagers and older teenagers, too, for that matter, but add to that the kind of insecurities that are put on them by bullying tactics, by so many people spouting homophobic remarks.

Too many young gay men and women, boys and girls, are forced into secrecy about who they are rather than affirming the person they should proudly be.

A brave young Ohioan named Nicholas sent me a letter detailing an attack by a schoolyard bully. Here is what Nicholas wrote:

On September 18th, 2009 I was attacked by a student at my school for being gay. This student beat me in the head with a hammer three times. He chased me down so he could get the last two hits. The student attacked me for being gay. I have no way of using this attack to promote gay rights, to promote gay equality, but you do. And you could do this for me. I need your help more than anything. No one deserves to go through what I went through.

My message to Nicholas and to all LGBT Americans is this: You are not alone. Life will get better. You can find the love and acceptance you deserve, and you will find the love and acceptance you deserve, free from fear and hate. You will realize your full potential every bit as much as anyone else because things are changing in this country.

There is no acceptable justification for the violence experienced by Nicholas or the physical and emotional mistreatment of LGBT students in our schools and in our communities. That is why the Senate must take crucial steps to ensure that schools are safe places for learning, safe places for students, and not breeding grounds for bullying.

First, we must pass the Safe Schools Improvement Act which would help schools implement LGBT-inclusive programming to combat bullying and harassment. Second, we must pass the Student Nondiscrimination Act which would bar schools which receive public money from implementing programs that discriminate based on sexual orientation or gender identity.

Legislation alone, of course, will not eradicate or put an end to bullying, but we also know what legislation did for women, for children, for civil rights. Attitudes change over time. Legislation helps accelerate that change. That is why those two pieces of legislation matter. They will be major steps toward ensuring safety and equal treatment for all students in our school systems.

Parents and teachers also have a special responsibility to help LGBT youth confront the bullying they face at school. They, too, should ensure that every student knows she is valued, knows he is valued, regardless of sexual orientation or gender identity.

LGBT community centers or national organizations such as the Gay, Lesbian and Straight Education Network are valuable resources for students, parents, and educators.

I remember several years ago an event where students sat together as part of a gay/straight alliance at a high school in western Cuyahoga County. There were 10 students at 2 different tables, 5 gay students, 5 straight students, all supporting one another, understanding each other and accepting their differences. They can still care about one another, and they can protect them, in many cases, from some of the bullying that might have befallen some of them.

To our own LGBT students who are either forced to live a lie or face hostility for simply living their lives, all

of you should know there are resources to help you in times of need. The Trevor Project is the leading national organization focused on crisis and suicide prevention among lesbian, gay, bisexual, transgender, and questioning youth. For more information, if you are feeling alone, anyone watching today feeling alone, helpless, or in crisis, people can visit the Trevor Project's Web site, thetrevorproject.org, or they can call the hotline at 866–488–7386.

For anyone who is in suicidal crisis or in need of help, the National Suicide Prevention Lifeline is available 24 hours a day, 7 days a week by calling 1–800–273–TALK.

To Nick: I don't normally come to the floor and talk about a service like this. I think, though, when people feel alone, they don't always know there is help out there for them. Young people need to know that it is getting better, that life will get better for them, so it is important to share that information on the Senate floor.

To Nicholas: History is on your side. It will, in fact, get better. Workers fought for the right to organize, women fought for the right to vote, African Americans fought for equal justice, and now LGBT Americans of all backgrounds are fighting for equality.

It is up to us to join this fight. It is up to us to be on the side of people whose lives are a little bit more difficult, perhaps, than others' lives. It is that spirit of inclusion, it is the pursuit of the American dream, that will, in fact, make it better for these young people, and it will make it better for all Americans.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COIN MODERNIZATION, OVERSIGHT, AND CONTINUITY ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 6162 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6162) to provide research and development authority for alternative coinage materials to the Secretary of Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6162) was read the third time and passed.

AMERICAN EAGLE PALLADIUM BULLION COIN ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 6166 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6166) to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6166) was read the third time and passed.

COMMEMORATING THE 175TH ANNIVERSARY OF THE BIRTH OF MARK TWAIN

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 690, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 690) commemorating the 175th anniversary of the birth of Mark Twain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 690) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 690

Whereas Mark Twain was born with the name Samuel Langhorne Clemens on November 30, 1835, in Florida, Missouri, the 6th child of John Marshall and Jane Lampton Clemens;

Whereas in 1839, the Clemens family moved to Hannibal, Missouri, the inspiration for the fictional town of St. Petersburg depicted in the novels ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn'', where the Clemens family lived until 1853, including several years of residence at 206 Hill Street, known as the boyhood home of Mark Twain;

Whereas in 1848, Samuel Clemens left school to become a printer's apprentice at the Missouri Courier newspaper, his first in a series of occupations that include, most notably, author, but also, printer, typesetter, steamboat pilot, journalist, lecturer, publisher, editor, prospector, and political activist;

Whereas while working at the Virginia City newspaper, the Territorial Enterprise, Clemens first used the pen name ''Mark Twain'' in 1863;

Whereas with the publication of the short story ''Jim Smiley and His Jumping Frog'' in The Saturday Press in 1865, Mark Twain experienced his first significant success as an author;

Whereas in 1869, Twain's first book, ''The Innocents Abroad'', was published, detailing Twain's adventures through Europe and the Middle East;

Whereas Samuel Clemens, known for the love and affection he demonstrated for his wife and family and to whom the quote, ''What is a home without a child?'', is attributed, in 1870 married Olivia Langdon, with whom he had 4 children, Langdon, Olivia Susan, Clara Langdon, and Jane Lampton;

Whereas the book ''Roughing It'', part autobiography and part tall tale, chronicling Twain's adventures in the early American West and critiquing society's treatment of Chinese Americans, was published in 1872;

Whereas ''The Gilded Age: A Tale of Today'', a novel Twain wrote in collaboration with Charles Dudley Warner satirizing political corruption and greed in American life, was published in 1873;

Whereas Twain's novel, ''The Adventures of Tom Sawyer'', through which he sought ''to pleasantly remind adults of what they once were themselves, and of how they felt and thought and talked, and what queer enterprises they sometimes engaged in'', was published in 1876;

Whereas in 1881, Twain addressed class issues and attacked injustice and hypocrisy in English society with the publication of his novel, ''The Prince and the Pauper'';

Whereas in 1883, ''Life on the Mississippi'', Twain's book exploring the history and lore of the Mississippi River and detailing his time spent as a Mississippi River steamboat pilot, was published;

Whereas Mark Twain's most famous work, ''Adventures of Huckleberry Finn'', which attacked the institution of slavery, the failures of Reconstruction, and the continued mistreatment of African Americans in American society, and which is considered a masterpiece of American fiction and is widely known as one of the Great American Novels, was published in 1884;

Whereas Twain's powerful social critique, ''A Connecticut Yankee in King Arthur's Court'', was published in 1889;

Whereas ''The Tragedy of Pudd'nhead Wilson'', Twain's strongest critique of racism and the institution of slavery, was published in 1894;

Whereas on April 21, 1910, Samuel Clemens died at the age of 74; and

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation's greatest authors and humorists.

PERMITTING USE OF SENATE BUILDINGS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 691, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 691) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 691) was agreed to, as follows:

S. RES. 691

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL BRANDON W. PEARSON

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of LCpl Brandon W. Pearson. Lance Corporal Pearson, who was assigned to the 3rd Battalion, 5th Marine Regiment, Regimental Combat Team-2, I Marine Expeditionary Force Forward, 1st Marine Division, out of Camp Pendleton, CA, died on November 4, 2010, from wounds he received while supporting combat operations in Helmand Province, Afghanistan. He was 21 years old.

A native of Colorado, Lance Corporal Pearson graduated from Ralston Valley High School in Arvada. He was serving his second tour of duty. Although this was his first tour in Afghanistan, his battalion was assigned to one of the most dangerous districts in Helmand Province.

During his 3 years of service, Lance Corporal Pearson distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was given numerous awards and medals, including the Marine Corps Good Conduct Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Lance Corporal Pearson worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember Lance Corporal Pearson's dedication to friends and family. He was always there when someone was in a tight spot. His decision to serve influenced a close friend to join the Marines as well. All remember his unwavering bravery.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Lance Corporal Pearson's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Lance Corporal Pearson will forever be remembered as one of our country's bravest.

To Lance Corporal Pearson's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brandon's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

UNITED STATES-KOREA FREE TRADE AGREEMENT

Mr. LEVIN. Mr. President, as our economy struggles to recover from the worst recession since the Great Depression, we must look at all ways to create jobs here at home. One obvious way to create jobs is to sell more products to overseas markets. That's why President Obama has announced the goal of doubling U.S. exports by the year 2015. That is an admirable goal and one that I support.

To achieve that goal we have to examine our trade policies and change them when they are not working. That is surely what we need to do when it comes to the so-called U.S.-Korea Free Trade Agreement and automotive trade.

This agreement, still being negotiated, would perpetuate an unlevel playing field that unfairly disadvantages U.S. automotive exports. One of the reasons the agreement has not been brought before the U.S. Congress for approval is because the agreement is skewed in favor of Korean automakers.

The Bush administration made a major error in how it approached the growing field of electric vehicles during treaty negotiations. The agreement would allow for a 10 year phase-out of the 8 percent Korean tariff on hybrid electric passenger vehicles and the 2.5 percent U.S. tariff. This is not a fair deal for U.S. electric car exports. It's bad enough that the current Korean electric car tariff is more than three times the U.S. tariff. This agreement would lock in place for 10 years Korea's electric car tariff advantage as it is phased out. Why in the world would we agree to that?

It is as if you beat me up eight times a day and I beat you up two times a day and you expect me to be happy when you reduce that beating to seven times per day—that is still not much of a deal for me.

It is a stubborn thing this image some people have of free trade. It is like a blind faith belief that any trade agreement is automatically good for the United States. This seems to hold true no matter how many American jobs may have been lost as a result of unfair trading practices by our trading partners and no matter how bad a deal a specific free trade agreement might be for certain sectors in the United States. The response always seems to be the same for those that criticize an unbalanced free trade agreement: they call the critics protectionists.

The protectionism enmeshed in the U.S.-Korea trade relationship is protectionism by Korea. Until 1989 Korea did not even allow imported autos into its market. Once it did officially allow imported vehicles into its market, Korea found other, less visible ways of keeping them out, including maintaining tariff and nontariff barriers, such as discriminatory taxes based on engine size, unique standards, inadequate regulatory transparency, and inadequate ability of stakeholders to provide input at an early stage into the development of regulations and standards.

When it comes to automotive trade with Korea, the numbers tell the story. Korea has free unfettered access to the U.S. market and we have extremely limited access into Korea's market.

Last year Korea shipped 476,833 autos to the United States. And while Korea relies on exports to support its domestic auto makers, Korea remains one of the most closed auto markets in the world. In a market of almost 1.5 million annual vehicle sales, the U.S. exported just 5,878 autos to Korea last year. And it's not just American autos that are being kept out. Vehicles made in Korea account for 94 percent of the Korean market—only 6 percent of vehicles sold in Korea are imports. That is lower than every other developed country except Japan. In the U.S., over 41 percent of our auto market is made up of imports. In Germany that number is 55 percent, in Mexico it is 57 percent, and in Spain, Canada and Italy it is over 70 percent or higher.

Korea's protected automotive market provides a huge source of profit and jobs for Korea and, in contrast, it is a huge source of trade deficits and job loss for the United States. About 74 percent of the $10.6 billion U.S. trade deficit with South Korea is in automotive trade.

So to those who say we are protectionist when we complain about this, I respond that we are not the protectionists and we have not protected our automotive market. The nearly 500,000 Korean-made vehicles that come into the U.S. market each year validate this point, as does our 2.5 percent auto tariff compared to Koreas 8 percent auto tariff and numerous non-tariff barriers that keep our vehicles out of Korea.

Despite efforts by the U.S. Government for over a decade to open the Korean auto market, Korea has successfully kept its market closed. Auto-specific agreements negotiated in 1995 and 1998 failed to make any progress in opening Korea's automotive market. Although the previous agreements were intended to sweep away some of the most overt non-tariff barriers, Korea quickly replaced them. For instance, the year after the 1998 auto-specific agreement was signed committing Korea to, ''Not take any new measures that directly or indirectly adversely affect market access for foreign passenger vehicles'' Korea introduced three new and unique auto safety standards: front tow hook, headlamp, and remote keyless entry. In the 3 years after that, Korea introduced seven more auto safety and emissions regulations. And in the 4 years after that, Korea introduced another seven, and the list continues. Our protests were for naught.

Any trade agreement with South Korea should level the playing field for U.S. auto exports. Unfortunately, the pending agreement, reached more than 3 years ago but now being renegotiated, leaves South Korea with the effective ability to use rules and regulations to continue limiting automotive imports into the Korean marketplace. Korea has used such rules and regulations before to discriminate against imported vehicles and they will be used again unless we have a strong mechanism to remove them. This agreement does not include such a mechanism to deal with any new nontariff barriers, such as auto safety standards or emissions regulations that Korea could introduce once the current draft agreement is entered into and approved by the Congress.

The agreement is strongly opposed by Ford and Chrysler because the agreement does not ensure that South Korea will not take measures to impede access of imported U.S. made cars. GM is neutral on the agreement because it gained access to the Korea market by buying Daewoo, not by exporting cars to Korea from the United States.

Ensuring fair access to the Korean market would have an important impact on our auto industry's drive to regain its competitive strength and health. We need to fight for American jobs, not let them go overseas as a result of poorly negotiated trade agreements. We need to find a way to gain meaningful access to Korea's auto market and so far this trade agreement has not achieved that goal.

CLAIMS RESOLUTION ACT OF 2010

Mr. BAUCUS. Mr. President, I rise today regarding the Claims Resolution Act of 2010. It is a rare day in the Congress that we have an opportunity like this to end, once and for all, decades-old injustices and water related claims against the government so that we can move forward together. I am proud that the House of Representatives passed the Claims Resolution Act, which passed the Senate by unanimous consent on Friday, November 19.

The Claims Resolution Act of 2010 includes the Cobell settlement, which settles claims resulting from mismanagement of trust accounts of close to 300,000 American Indians.

It includes the Pigford settlement, which settles discrimination claims by black farmers against the USDA.

It settles water related claims of tribes in Arizona, New Mexico, and Montana.

The bill is fully offset.

Each settlement in this package has its own history—each compelling in its own regard—that has brought us to this day of resolution. I want to focus in particular on the Cobell settlement and the Crow Water Compact, which are both so important to Montana.

Tribal members comprise over 6 percent of Montana'spopulation. American Indians live in every county in Montana, and our State has several counties where more than half of the population is comprised of tribal members. Nine percent of Montana's land base is located within the boundaries of our State's seven Indian Reservations.

The Cobell settlement resolves the class-action lawsuit brought by Native American representatives and lead plaintiff Elouise Cobell, a member of the Blackfeet Tribe in northwestern Montana, against the U.S. Government. This case dealt with the mismanagement of Indian trust assets by the U.S. Government.

In 1887 the Federal Government allotted tribal lands to individual Indians in parcels between 40 and 160 acres. The Department of Interior was supposed to hold these parcels in trust for a period of 25 years and then turn them over to the individual Indians. The Department of Interior has held these allotments in trust until the present day. During the 123 years since 1887, these lands have become highly fractionated as successive generations of Indian owners bequeathed the land to their children.

Today the Department of the Interior holds about 56 million acres of land in trust for individual Indians. These 56 million acres generate approximately $357 million annually in coal sales, timber sales, oil and gas leases, and grazing leases. This $357 million is supposed to be dispersed to the over 230,000 Indians who have an interest in various parcels.

In the Cobell case, the plaintiffs sought a historical accounting of what individuals were owed and the Department of Interior contended that it could not provide such an accounting.

This case has been going on for 14 years, leaving the plaintiffs without resolution of their claims and diverting attention and resources away from other projects in Indian Country. On December 8, 2009, Secretary Salazar and the plaintiffs agreed to a $3.4 billion settlement. It is a testament to both sides in this litigation that a fair agreement has been reached.

The Claims Resolution Act of 2010 provides the funding needed to implement this settlement. I am proud of the diligence and focus with which Eloise Cobell pursued justice in this case. I am proud that she is a Montanan, proud of the result, and proud of the Congress for doing the right thing.

I am just as proud of the action we took with regard to the Crow Water Rights Settlement Act of 2010. The Crow Tribe has a membership of approximately 12,000 people. About 7,900 reside on the Crow Indian Reservation in Montana. It is the largest of Montana's seven reservations, comprising approximately 2.3 million acres. The current reservation was established by the Treaty of Fort Laramie with the United States dated May 7, 1868. At the time of its establishment, the reservation comprised nearly 5.9 million acres in both Wyoming and Montana. However, over time the reservation was reduced by nearly 3.6 million acres. The last cession of Crow land, in 1904, included what came to be known as the Ceded Strip, 1 million acres on the north side of the reservation.

There are a number of large streams that flow through the Crow Indian Reservation, including the Bighorn River and its tributaries, one of which is the Little Bighorn River. Another significant stream on the western portion of the Crow Indian Reservation is Pryor Creek and its tributaries.

The Crow Tribe Water Rights Settlement Act of 2010 ratifies the Crow-Montana Water Rights Compact, which was adopted by the Montana State Legislature in 1999. It establishes tribal water rights and settles claims against the government. The bill provides for funding that will be used to more fully develop tribal water resources. This water compact was endorsed by the administration—one of the first to receive this level of consensus and support.

I commend the tribe and the administration, particularly Chairman Cedric Black Eagle and the Commissioner of the Bureau of Reclamation, Mike Connor, and their respective teams for their hard work on this. I also want to thank the Senate Indian Affairs Committee, Chairman DORGAN and Ranking Member BARASSO, for their work reaching consensus. Finally, I want to thank my colleague from Montana, Senator JON TESTER, who has worked so hard to push this through the Senate.

This was truly a bi-partisan effort with cooperation here in the Senate from Senator BINGAMAN, Senator KYL, Senator DORGAN, and Senator GRASSLEY, all of whom worked together and compromised so that we could come together today and do the right thing.

With the House passage of this bill, we are settling decades-old injustices and claims against the government. We are bringing our Nation closer together. I am proud to stand here today, having been a part of making this happen, and I look forward to the day that we see President Obama's signature on this bill.

TRIBUTE TO GREYSON BUCKINGHAM

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Greyson Buckingham for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Greyson is a native of Wyoming and graduated from Jackson Hole High School. He currently attends Georgetown University, where he is majoring in history and government and minoring in Spanish and philosophy. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Greyson for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO IAN LOWE

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ian Lowe for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Ian is a native of Wyoming and graduated from Campbell County High School. He graduated from the University of Wyoming, where he majored in international studies and environment. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Ian for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO ROBERT DALEY

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Robert Daley for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Robert is a native of Pennsylvania and graduated from Governor Mifflin Public High School. He graduated from American University, where he majored in political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Robert for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO MAX WEISS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Max Weiss for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Max is a native of Wyoming and graduated from Rock Springs High School. He attended Leiden University where he received his master's of clinical psychology. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Max for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN P. COLLIER

• Mrs. SHAHEEN. Mr. President, today I congratulate Professor John Collier for being recognized as the 2010 New Hampshire Professor of the Year. This prestigious award recognizes Professor Collier's extraordinary dedication to undergraduate teaching and his positive influence on the lives and careers of his students.

Professor Collier is the Myron Tribus Professor of Engineering at Dartmouth, and has been teaching the introductory engineering course at Dartmouth's Thayer School of Engineering since the 1980s. His course is extremely popular among students because of its emphasis on practical, hands-on skills and problem solving. With Professor Collier's expert guidance, students in his introductory engineering course work in teams to solve real-world engineering problems in creative ways. Many former students of Professor Collier's note that the system of thinking they learned in his classes proved to be not only a cornerstone of their undergraduate educations but also their chosen professions.

Professor Collier is an expert on orthopedic implant design and engineering, and one of the world's foremost researchers on how and why implants fail. Failed implants are sent to his lab by the thousands, and his research is often used by implant manufacturers to improve the quality of their products.

The U.S. Professors of the Year program acknowledges the most exceptional undergraduate instructors in the country—those who stand out in their teaching and are a positive influence on the lives and careers of their students. It is important that we recognize the contributions that dedicated professors like John Collier make in educating young people. I am extremely proud that Professor Collier has been recognized with this distinguished honor.•

TRANSMITTING NOTIFICATION OF THE IMPLEMENTATION OF AN ALTERNATIVE PAY PLAN FOR LOCALITY PAY INCREASES FOR CIVILIAN FEDERAL EMPLOYEES COVERED BY THE GENERAL SCHEDULE AND CERTAIN OTHER PAY SYSTEMS IN JANUARY 2011—PM 68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

The law authorizes me to implement an alternative pay plan for locality pay increases for civilian Federal employees covered by the General Schedule

and certain other pay systems in January 2011, if I view the adjustments that would otherwise take effect as inappropriate due to ''national emergency or serious economic conditions affecting the general welfare.'' Our country faces serious economic conditions affecting the general welfare. As the economic recovery continues, the time has come to put our Nation back on a sustainable fiscal course, an effort that requires tough choices and shared sacrifice. Accordingly, I have determined that it is appropriate to exercise my statutory alternative plan authority under 5 U.S.C. 5304a to set alternative January 2011 locality pay rates. This decision will not materially affect our ability to attract and retain a well-qualified Federal workforce.

Under the authority of section 5304a of title 5, United States Code, I have determined that the current locality pay percentages in Schedule 9 of Executive Order 13525 of December 23, 2009, shall not increase from their 2010 levels. Pursuant to the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911–1919, Public Law 111–84), I am also establishing applicable 2011 locality pay rates for Alaska and Hawaii that are based on 2010 locality pay levels.

The locality pay rates established in 2010, and continued in 2011 under this alternative plan, are shown in the attachment.

BARACK OBAMA.

THE WHITE HOUSE, *November 30, 2010*.

MESSAGE FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''.

H.R. 6392. An act to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the ''Colonel George Juskalian Post Office Building''.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3985. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 30, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8200. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XZ54) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8201. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (RIN0648–XZ81) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8202. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2011'' (RIN0648–AY69) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8203. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Correction to Cod Landing Limit for Handgear A Vessels in the Common Pool Fishery'' (RIN0648–XZ44) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8204. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Class E Airspace; St. George, UT'' ((RIN2120–AA66)(Docket No. FAA–2010–0660)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8205. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Brunswick, ME; and Establishment of Class E Airspace; Wiscasset, ME'' ((RIN2120–AA66)(Docket No. FAA–2010–0248)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8206. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0611)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8207. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Jeannette, PA'' ((RIN2120–AA66)(Docket No. FAA–2010–0052)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8208. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC–8209. A communication from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Transportation Statistics Annual Report 2009''; to the Committee on Commerce, Science, and Transportation.

EC–8210. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2010 annual financial report; to the Committee on Commerce, Science, and Transportation.

EC–8211. A communication from the Acting Administrator of the Livestock and Seed Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sorghum Promotion and Research Program: Procedures for the Conduct of Referenda'' (Docket No. AMS–LS–10–0003) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8212. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations'' (Docket No. AMS–FV–10–0031; FV10–983–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8213. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Popcorn Promotion, Research, and Consumer Information Order; Reapportionment'' (Docket No. AMS–FV–10–0010) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8214. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate'' (Docket No. AMS–FV–10–0059; FV10–987–2 FR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8215. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (Docket No. AMS–FV–10–0007; FV10–993–1 FR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8216. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Changes to District Boundaries'' (Docket No. AMS–FV–08–0085; FV08–920–3 FIR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8217. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps'' (RIN3235–AK26) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8218. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Internal Agency Docket No. FEMA–8157)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Internal Agency Docket No. FEMA–8159)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8220. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act'' (RIN1550–AC35) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8221. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Confidentiality of Suspicious Activity Reports'' (RIN1506–AA99) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8222. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–8223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Section 833 Treatment of Certain Health Organizations'' (Notice 2010–79) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC–8224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2010'' (Rev. Rul. 2010–29) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC–8225. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Rules Relating to Status as a Grandfathered Health Plan under PPACA'' ((RIN1545–BJ91)(TD 9506)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC–8226. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier II Issue—Interchange and Merchant Discount Fees—Directive No. 2'' (LBandI–4–1110–030) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC–8227. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Build America Bonds and Other State and Local Bonds: Timing of Issuing Bonds'' (Notice 2010-81) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC–8228. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Ohio Regulatory Program'' (Docket No. OH–253–FOR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Energy and Natural Resources.

EC–8229. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law , a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the periods August 1, 2010 through September 30, 2010; to the Committee on Foreign Relations.

EC–8230. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment (235 various M113 series vehicles) from the Government of Jordan to the government of Pakistan with an original acquisition cost of $14,000,000; to the Committee on Foreign Relations.

EC–8231. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of Jordan to the government of Pakistan with an original acquisition cost of $14,000,000; to the Committee on Foreign Relations.

EC–8232. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of June 16, 2010 through August 18, 2010; to the Committee on Foreign Relations.

EC–8233. A communication from the Financial Assistance Program Manager, Office of Acquisition and Property Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Department of the Interior Implementation of OMB Guidance on Drug-Free Workplace Requirements (Financial Assistance)'' (RIN1093–AA12) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–8234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–564 ''Randall School Disposition Restatement Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–565 ''Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–566 ''Automated Traffic Enforcement Fund Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–567 ''University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8238. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–568 ''Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8239. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–594 ''Expanding Access to Juvenile Records Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8240. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Changes to National Archives and Records' Administration Hours of Operations'' (RIN3095–AB68) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8241. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8242. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8243. A communication from the General Counsel, Government and Accountability Office, transmitting, pursuant to law,

a report relative to the number of federal agencies that did not fully implement a recommendation made by the Office in response to a bid protest during fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8244. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled ''Fiscal Year 2010 Agency Financial Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–8245. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), transmitting, pursuant to law, the USPTO's 2010–2015 Strategic Plan; to the Committee on the Judiciary.

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. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving (Rept. No. 111—355).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4387. A bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

H.R. 5651. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''.

H.R. 5706. To designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''.

H.R. 5773. To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 118. A bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Samuel Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. CASEY, Mr. SANDERS, Mr. HARKIN, Ms. STABENOW, Mr. SPECTER, Mr. BROWN of Ohio, Mr. CARPER, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3986. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself and Mr. BEGICH):

S. 3987. A bill to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors; considered and passed.

By Mr. KIRK:

S. 3988. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, and Mr. THUNE):

S. 3989. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

By Mr. BROWN of Massachusetts:

S. 3990. A bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; read the first time.

By Mr. DURBIN:

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. Res. 690. A resolution commemorating the 175th anniversary of the birth of Mark Twain; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 691. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 372

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 372, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 3221

At the request of Mr. KOHL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3437

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3626

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3626, a bill to encourage the implementation of thermal energy infrastructure, and for other purposes.

S. 3737

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3819

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3819, a bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses.

S. 3981

At the request of Mr. BAUCUS, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions.

S. 3984

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3984, a bill to amend and extend the Museum and Library Services Act, and for other purposes.

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4697

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 4697 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, and Mr. THUNE):

S. 3989. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleagues Senators SESSIONS, MCCASKILL, and THUNE, I am introducing a bill to help crime victims and state courts recover the restitution and fees that are owed to them. This bipartisan bill would accomplish this worthy goal by intercepting tax refunds of deadbeat debtors who've failed to pay restitution or court fees. If enacted, this bill would essentially allow state courts to cross-reference outstanding debts with the IRS and use existing procedures to withhold tax refunds in order to satisfy past due debts.

This bill would not only deliver justice to crime victims who are owed restitution, but would also provide much-needed resources to help keep court rooms open and court programs operating. At a time when our State and local governments are struggling to find funding for vital programs—including keeping courthouse doors open—unpaid court fees represent an important source of revenue that should be captured. This bill would help close budget gaps and provide additional revenue without raising taxes or imposing any new costs or burdens. In fact, participation in the program would be optional for states, but I expect most states to participate and to benefit greatly from this bill.

This bill would operate the same way as the very successful child support debt collection system. The bill will allow states to share information on outstanding restitution owed and court debts with the IRS, which would then be required to intercept any Federal tax refunds of debtors and send that money to the victim or court owed that debt.

It has been estimated by the National Center for State Courts that outstanding court debts across the country total approximately $15 billion. In my home State of Oregon alone, the outstanding restitution and court fee debt amount is $987 million. Only a portion of outstanding debts are owed by individuals who will receive Federal tax refunds, so a portion of court debts would not be collected immediately. Nonetheless, the State of Oregon estimates that passage of this bill would allow the state to collect $30 million per year.

Without this straight-forward and efficient mechanism, the collection of victim restitution and court debts is a costly and time-consuming process. Enactment of this bill would reduce the fiscal cost and administrative burden that victims and courts bear in attempting to collect those debts. Again, in the midst of a challenging fiscal crisis, it only makes common sense to collect revenues that are already owed—through an efficient and convenient method.

Because this bill would benefit both the court system, and those who rely upon it, the Court Fee Tax Intercept Act is endorsed by a broad array of court, government, law enforcement, and crime victims organizations. The bill is supported by the National Center for Victims of Crime, the National District Attorneys Association, the American Probation and Parole Association, the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Managers, the National Conference of State Legislatures, the National Association of Counties, and the Government Finance Officers Association.

I urge all colleagues to support this bipartisan legislation.

By Mr. REID:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; read the first time.

Mr. REID. 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. 3991

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 ''Public Safety Employer-Employee Cooperation Act of 2010''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this Act, and such State and local laws should be respected.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) CONFIDENTIAL EMPLOYEE.—The term ''confidential employee'' has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, or political subdivision of a State, that employs public safety officers.

(5) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) PERSON.—The term ''person'' means an individual or a labor organization.

(10) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'', when used with respect to the rights and responsibilities described in section 4(b), means compliance with each right and responsibility described in such section.

(13) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) CONSIDERATION OF ADDITIONAL OPINIONS.—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) LIMITED CRITERIA.—In making the determination described in paragraph (1), the Authority shall be limited to the application of the criteria described in subsection (b) and shall not require any additional criteria.

(4) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) COMPLIANCE WITH REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this Act shall not preempt State law.

(d) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 5 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State that begins after the date the Authority made the determination.

(2) PARTIAL FAILURE.—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by the Act but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 5, pursuant to section 8(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

(a) IN GENERAL.—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) NO PREEMPTION.—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees;

(7) to prohibit a State from exempting from coverage under this Act individuals employed by the office of the sheriff in States that do not provide the rights and responsibilities described in section 4(b) for law enforcement officers prior to the date of enactment of this Act; or

(8) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this Act or the regulations promulgated under this Act shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this Act or the regulations promulgated under this Act shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this Act; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to employees of a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. DURBIN:

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3992

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 ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM 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.
Sec. 4. Cancellation of removal of certain long-term residents who entered the United States as children.
Sec. 5. Conditional nonimmigrant status.
Sec. 6. Adjustment of status.
Sec. 7. Retroactive benefits.
Sec. 8. Exclusive jurisdiction.
Sec. 9. Penalties for false statements.
Sec. 10. Confidentiality of information.
Sec. 11. Higher education assistance.
Sec. 12. Treatment of aliens with adjusted status for certain purposes.
Sec. 13. Military enlistment.
Sec. 14. GAO report.

SEC. 3. DEFINITIONS.

In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, a term used in this Act

that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a) of title 10, United States Code.

(3) CONDITIONAL NONIMMIGRANT.—

(A) DEFINITION.—The term ''conditional nonimmigrant'' means an alien who is granted conditional nonimmigrant status under this Act.

(B) DESCRIPTION.—A conditional nonimmigrant—

(i) shall be considered to be an alien within a nonimmigrant class for purposes of the immigration laws;

(ii) may have the intention permanently to reside in the United States; and

(iii) is not required to have a foreign residence which the alien has no intention of abandoning.

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of an alien who is inadmissible or deportable from the United States, and grant the alien conditional nonimmigrant status, if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of the enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date the alien initially entered the United States;

(C) the alien—

(i) is not inadmissible under paragraph (1), (2), (3), (4), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (4), (5), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and sentenced to imprisonment for an aggregate of 90 days or more;

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under paragraph (1), (4), or (6) of section 212(a) of the Immigration and Nationality Act and the ground of deportability under paragraph (1) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal and conditional nonimmigrant status under this subsection no later than the date that is 1 year after the later of—

(A) the date the alien was admitted to an institution of higher education in the United States;

(B) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(C) the date of the enactment of this Act.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not cancel the removal of an alien or grant conditional nonimmigrant status to the alien under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking relief available under this subsection; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such relief.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A)(i) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary cancels the removal of the alien under this subsection.

(7) MEDICAL EXAMINATION.—An alien applying for relief available under this subsection shall undergo a medical observation and examination. The Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature, frequency, and timing of such observation and examination.

(8) MILITARY SELECTIVE SERVICE.—An alien applying for relief available under this subsection shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under subsection (a) shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation to the number of aliens who may be eligible for cancellation of removal under subsection (a).

(e) REGULATIONS.—

(1) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish regulations implementing this section.

(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations required by paragraph (1) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(3) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who—

(1) has a pending application for conditional nonimmigrant status under this Act; and

(2) establishes prima facie eligibility for cancellation of removal and conditional nonimmigrant status under subsection (a).

SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.

(a) LENGTH OF STATUS.—Conditional nonimmigrant status granted under section 4 shall be valid for a period of 10 years, subject to termination under subsection (c) of this section.

(b) TERMS OF CONDITIONAL NONIMMIGRANT STATUS.—

(1) EMPLOYMENT.—A conditional nonimmigrant shall be authorized to be employed in the United States incident to conditional nonimmigrant status.

(2) TRAVEL.—A conditional nonimmigrant may travel outside the United States and may be admitted (if otherwise admissible) upon return to the United States without having to obtain a visa if—

(A) the alien is the bearer of valid, unexpired documentary evidence of conditional nonimmigrant status; and

(B) the alien's absence from the United States was not for a period exceeding 180 days.

(c) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional nonimmigrant status of any alien if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the Armed Forces.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional nonimmigrant status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional nonimmigrant status.

SEC. 6. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—A conditional nonimmigrant may file with the Secretary of Homeland Security, in accordance with subsection (c), an application to have the alien's status adjusted to that of an alien lawfully admitted for permanent residence. The application shall provide, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (b)(1).

(b) ADJUDICATION OF APPLICATION FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—If an application is filed in accordance with subsection (a) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(2) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and adjust the alien's status to that of an alien lawfully admitted for permanent residence, effective as of the date of approval of the application.

(3) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional nonimmigrant status of the alien as of the date of the determination.

(c) TIME TO FILE APPLICATION.—An alien shall file an application for adjustment of status during the period beginning 1 year before and ending on either the date that is 10 years after the date of the granting of conditional nonimmigrant status or any other expiration date of the conditional nonimmigrant status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed to be in conditional nonimmigrant status in the United States during the period in which such application is pending.

(d) DETAILS OF APPLICATION.—

(1) CONTENTS OF APPLICATION.—Each application for an alien under subsection (a) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the Armed Forces for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, adjust the status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional nonimmigrant status for the purpose of completing the requirements described in paragraph (1)(D).

(e) CITIZENSHIP REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the status of a conditional nonimmigrant shall not be adjusted to permanent resident status unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 312(a)).

(2) EXCEPTION.—Paragraph (1) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such paragraph.

(f) PAYMENT OF FEDERAL TAXES.—

(1) IN GENERAL.—Not later than the date on which an application is filed under subsection (a) for adjustment of status, the alien shall satisfy any applicable Federal tax liability due and owing on such date.

(2) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of paragraph (1), the term ''applicable Federal tax liability'' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest thereon.

(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not adjust the status of an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(h) BACKGROUND CHECKS.—

(1) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(A) to conduct security and law enforcement background checks of an alien applying for adjustment of status under this section; and

(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such adjustment of status.

(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by paragraph (1)(A) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants adjustment of status.

(i) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this section.

(j) CONDITIONAL NONIMMIGRANTS OTHERWISE ELIGIBLE FOR ADJUSTMENT.—Nothing in this section may be construed to limit the eligibility of a conditional nonimmigrant for adjustment of status, issuance of an immigrant visa, or admission as a lawful permanent resident alien at any time, if the conditional nonimmigrant is otherwise eligible for such benefit under the immigration laws.

(k) ELIGIBILITY FOR NATURALIZATION.—An alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence may be naturalized upon compliance with all the requirements of the immigration laws except the provisions of paragraph (1) of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), if such person immediately preceding the date of filing the application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least 3 years, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State or the district of U.S. Citizenship and Immigration Services in the United States in which the applicant filed the application for at least 3 months. An alien described in this subsection may file the application for naturalization as provided in the second sentence of subsection (a) of section 344 of the Immigration and Nationality Act (8 U.S.C. 1445).

SEC. 7. RETROACTIVE BENEFITS.

If, on the date of the enactment of this Act, an alien has satisfied all the requirements of section 4(a)(1) and section 6(d)(1)(D), the Secretary of Homeland Security may cancel removal and grant conditional nonimmigrant status in accordance with section 4. The alien may apply for adjustment of status in accordance with section 6(a) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 6(d)(1) during the entire period of conditional nonimmigrant status.

SEC. 8. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for cancellation of removal and conditional nonimmigrant status or adjustment of status under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States

consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 9. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any benefit under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 10. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under this Act to initiate removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine such application filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103–159; 107 Stat. 1536) or an amendment made by that Act, or for homeland security or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who is granted conditional nonimmigrant status or lawful permanent resident status under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. TREATMENT OF ALIENS WITH ADJUSTED STATUS FOR CERTAIN PURPOSES.

(a) IN GENERAL.—An individual granted conditional nonimmigrant status under this Act shall, while such individual remains in such status, be considered lawfully present for all purposes except—

(1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits), as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111–148); and

(2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced cost sharing; 42 U.S.C. 18071).

(b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY WAITING PERIOD UNDER PRWORA.—An individual who has met the requirements under this Act for adjustment from conditional nonimmigrant status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 13. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) An alien who is a conditional nonimmigrant (as that term is defined in section 3 of the DREAM Act of 2010).''.

SEC. 14. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional nonimmigrant status under section 4(a);

(2) the number of aliens who applied for cancellation of removal and grant of conditional nonimmigrant status under section 4(a);

(3) the number of aliens who were granted conditional nonimmigrant status under section 4(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 6.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 690—COMMEMORATING THE 175TH ANNIVERSARY OF THE BIRTH OF MARK TWAIN

Mrs. MCCASKILL (for herself and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 690

Whereas Mark Twain was born with the name Samuel Langhorne Clemens on November 30, 1835, in Florida, Missouri, the 6th child of John Marshall and Jane Lampton Clemens;

Whereas in 1839, the Clemens family moved to Hannibal, Missouri, the inspiration for the fictional town of St. Petersburg depicted in the novels ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn'', where the Clemens family lived until 1853, including several years of residence at 206 Hill Street, known as the boyhood home of Mark Twain;

Whereas in 1848, Samuel Clemens left school to become a printer's apprentice at the Missouri Courier newspaper, his first in a series of occupations that include, most notably, author, but also, printer, typesetter, steamboat pilot, journalist, lecturer, publisher, editor, prospector, and political activist;

Whereas while working at the Virginia City newspaper, the Territorial Enterprise, Clemens first used the pen name ''Mark Twain'' in 1863;

Whereas with the publication of the short story ''Jim Smiley and His Jumping Frog'' in The Saturday Press in 1865, Mark Twain experienced his first significant success as an author;

Whereas in 1869, Twain's first book, ''The Innocents Abroad'', was published, detailing Twain's adventures through Europe and the Middle East;

Whereas Samuel Clemens, known for the love and affection he demonstrated for his wife and family and to whom the quote, ''What is a home without a child?'', is attributed, in 1870 married Olivia Langdon, with whom he had 4 children, Langdon, Olivia Susan, Clara Langdon, and Jane Lampton;

Whereas the book ''Roughing It'', part autobiography and part tall tale, chronicling Twain's adventures in the early American West and critiquing society's treatment of Chinese Americans, was published in 1872;

Whereas ''The Gilded Age: A Tale of Today'', a novel Twain wrote in collaboration with Charles Dudley Warner satirizing political corruption and greed in American life, was published in 1873;

Whereas Twain's novel, ''The Adventures of Tom Sawyer'', through which he sought ''to pleasantly remind adults of what they once were themselves, and of how they felt and thought and talked, and what queer enterprises they sometimes engaged in'', was published in 1876;

Whereas in 1881, Twain addressed class issues and attacked injustice and hypocrisy in English society with the publication of his novel, ''The Prince and the Pauper'';

Whereas in 1883, ''Life on the Mississippi'', Twain's book exploring the history and lore of the Mississippi River and detailing his time spent as a Mississippi River steamboat pilot, was published;

Whereas Mark Twain's most famous work, ''Adventures of Huckleberry Finn'', which attacked the institution of slavery, the failures of Reconstruction, and the continued mistreatment of African Americans in American society, and which is considered a masterpiece of American fiction and is widely known as one of the Great American Novels, was published in 1884;

Whereas Twain's powerful social critique, ''A Connecticut Yankee in King Arthur's Court'', was published in 1889;

Whereas ''The Tragedy of Pudd'nhead Wilson'', Twain's strongest critique of racism and the institution of slavery, was published in 1894;

Whereas on April 21, 1910, Samuel Clemens died at the age of 74; and

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation's greatest authors and humorists.

SENATE RESOLUTION 691—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 691

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to protect consumers from certain aggressive sales tactics on the Internet.

TEXT OF AMENDMENTS

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to protect consumers from certain aggressive sales tactics on the Internet; as follows:

On page 15, line 17, strike ''purchaser's'' and insert ''consumer's''.

On page 15, line 19, strike ''purchaser'' and insert ''consumer''.

On page 17, beginning with line 4, strike through line 15 on page 18.

On page 18, line 16, strike ''(d)'' and insert ''(c)''.

On page 18, line 21, strike ''(e)'' and insert ''(d)''.

On page 19, strike lines 3 through 7.

On page 19, line 8, strike ''(3)'' and insert ''(2)''.

On page 19, strike lines 17 and 18 and insert the following:

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

On page 19, between line 18 and 19, insert the following:

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

On page 19, line 19, strike ''**SEC. 4.**'' and insert ''**SEC. 5.**''.

On page 20, strike lines 5 through 8.

On page 20, line 9, strike ''(c)'' and insert ''(b)''.

On page 20, line 16, strike ''(d)'' and insert ''(c)''.

On page 20, line 19, strike ''**SEC. 5.**'' and insert ''**SEC. 6.**''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 30, 2010, at 3:30 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. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 30, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 30, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on November 30, 2010, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Examining Enforcement of the Foreign Corrupt Practices Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 500, S. 3386.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet.

There being no objection, the Senate proceeded to consider the bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restore Online Shoppers' Confidence Act''.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers' business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for ''bounties'' and other payments, hundreds of reputable online retailers and websites shared their customers' billing information, including credit card and debit card numbers, with third party sellers through a process known as ''data pass''. These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions on hundreds of websites. These third party ''post-transaction'' offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers' billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers' billing information from the initial merchant through ''data pass'', millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a ''data pass'' process defied consumers' expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of ''free-to-pay conversion'' and ''negative option''

sales took advantage of consumers' expectations that they would have an opportunity to accept or reject the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED SALES.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet, unless—

(1) before obtaining the purchaser's billing information, the post-transaction third party seller has clearly and conspicuously disclosed to the purchaser all material terms of the transaction, including—

(A) a description of the goods or services being offered;

(B) the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and

(C) the cost of such goods or services; and

(2) the post-transaction third party seller has received the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer's name and address and a means to contact the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box that indicates the consumer's consent to be charged the amount disclosed.

(b) PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for an initial merchant to disclose a credit card, debit card, bank account, or other financial account number, or to disclose other billing information that is used to charge a customer of the initial merchant, to any post-transaction third party seller for use in an Internet-based sale of any goods or services from that post-transaction third party seller.

(c) LIMITATIONS ON USE OF NEGATIVE OPTION FEATURE IN INTERNET-BASED SALES TRANSACTIONS.—It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature, unless—

(1) before obtaining the purchaser's initial agreement to participate in the negative option plan, the seller has clearly and conspicuously disclosed all material terms of the transaction, including—

(A) the name of the entity offering the goods or services;

(B) a description of the goods or services being offered;

(C) the cost of such goods or services;

(D) notice of when billing will begin and at what intervals the charges will occur;

(E) the length of any trial period, including a statement that the consumer's account will be charged unless the consumer takes affirmative action and the steps the consumer must take to the avoid the charge; and

(F) instructions for stopping the recurring charges in accordance with the requirements of paragraph (3);

(2) the seller has obtained the express informed consent described in subsection (a)(2) from the purchaser before charging or attempting to charge the purchaser's credit card, debit card, bank account, or other financial account on a recurring basis; and

(3) the seller enables the purchaser to stop recurring charges from being made to the purchaser's credit card, debit card, bank account, or other financial account through a simple process that is available via—

(A) the Internet; or

(B) e-mail.

(d) APPLICATION WITH OTHER LAW.—Nothing in this Act shall be construed to supersede, modify, or otherwise affect the requirements of the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) or any regulation promulgated thereunder.

(e) DEFINITIONS.—In this section:

(1) INITIAL MERCHANT.—The term ''initial merchant'' means a person that has obtained a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) NEGATIVE OPTION FEATURE.—The term ''negative option feature'' has the meaning given that term in section 310.2(t) of the Federal Trade Commission's Telemarketing Sales Rule regulations (16 C.F.R. 310.2(t)).

(3) POST-TRANSACTION THIRD PARTY SELLER.—The term ''post-transaction third party seller'' means a person that—

(A) sells, or offers for sale, any good or service on the Internet;

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not a subsidiary or corporate affiliate of the initial merchant.

SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Violation of this Act or any regulation prescribed under this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) REGULATIONS.—Notwithstanding any other provision of law, the Commission may promulgate such regulations as it finds necessary or appropriate under this Act under section 553 of title 5, United States Code.

(c) PENALTIES.—Any person who violates this Act or any regulation prescribed under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made part of this Act.

(d) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 5. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) RIGHT OF ACTION.—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) NOTICE TO COMMISSION REQUIRED.—A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) LIMITATION.—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

Mrs. HAGAN. I ask unanimous consent that a Rockefeller-Hutchison managers' amendment which is at the desk be agreed to, the committee substitute amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4721) was agreed to, as follows:

(Purpose: To make minor and technical changes in the bill as reported, and for other purposes)

On page 15, line 17, strike ''purchaser's'' and insert ''consumer's''.

On page 15, line 19, strike ''purchaser'' and insert ''consumer''.

On page 17, beginning with line 4, strike through line 15 on page 18.

On page 18, line 16, strike ''(d)'' and insert ''(c)''.

On page 18, line 21, strike ''(e)'' and insert ''(d)''.

On page 19, strike lines 3 through 7.

On page 19, line 8, strike ''(3)'' and insert ''(2)''.

On page 19, strike lines 17 and 18 and insert the following:

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

On page 19, between line 18 and 19, insert the following:

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

On page 19, line 19, strike ''**SEC. 4.**'' and insert ''**SEC. 5.**''.

On page 20, strike lines 5 through 8.

On page 20, line 9, strike ''(c)'' and insert ''(b)''.

On page 20, line 16, strike ''(d)'' and insert ''(c)''.

On page 20, line 19, strike ''**SEC. 5.**'' and insert ''**SEC. 6.**''.

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

The bill (S. 3386), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3386

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restore Online Shoppers' Confidence Act''.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers' business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for ''bounties'' and other payments, hundreds of reputable online retailers and websites shared their customers' billing information, including credit card and debit card numbers, with third party sellers through a process known as ''data pass''. These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions on hundreds of websites. These third party ''post-transaction'' offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers' billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers' billing information from the initial merchant through ''data pass'', millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a ''data pass'' process defied consumers' expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of ''free-to-pay conversion'' and ''negative option'' sales took advantage of consumers' expectations that they would have an opportunity to accept or reject the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED SALES.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet, unless—

(1) before obtaining the consumer's billing information, the post-transaction third party seller has clearly and conspicuously disclosed to the consumer all material terms of the transaction, including—

(A) a description of the goods or services being offered;

(B) the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and

(C) the cost of such goods or services; and

(2) the post-transaction third party seller has received the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer's name and address and a means to contact the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box that indicates the consumer's consent to be charged the amount disclosed.

(b) PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for an initial merchant to disclose a credit card, debit card, bank account, or other financial account number, or to disclose other billing information that is used to charge a customer of the initial merchant, to any post-transaction third party seller for use in an Internet-based sale of any goods or services from that post-transaction third party seller.

(c) APPLICATION WITH OTHER LAW.—Nothing in this Act shall be construed to supersede, modify, or otherwise affect the requirements of the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) or any regulation promulgated thereunder.

(d) DEFINITIONS.—In this section:

(1) INITIAL MERCHANT.—The term ''initial merchant'' means a person that has obtained a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) POST-TRANSACTION THIRD PARTY SELLER.—The term ''post-transaction third party seller'' means a person that—

(A) sells, or offers for sale, any good or service on the Internet;

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Violation of this Act or any regulation prescribed under this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) PENALTIES.—Any person who violates this Act or any regulation prescribed under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made part of this Act.

(c) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) RIGHT OF ACTION.—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) NOTICE TO COMMISSION REQUIRED.—A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) LIMITATION.—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

MEASURES READ THE FIRST TIME—S. 3991 AND S. 3992 EN BLOC

Mrs. HAGAN. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3991) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

A bill (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mrs. HAGAN. I now ask for second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, DECEMBER 1, 2010

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; and, finally, I ask that the Senate recess from 12:30 until 3:30 p.m. for the Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:42 p.m. adjourned until Wednesday, December 1, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JOANNA SACCONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of Joanna Saccone, an outstanding New Yorker who has distinguished herself through years of service to New York City and New York State. A respected, highly successful presence in New York politics for over thirty years, Joanna Saccone has worked tirelessly on behalf of the people of New York her entire adult life. Ms. Saccone is known for her indefatigable advocacy, her love of politics and her uncanny political sense.

A lifelong resident of Greenwich Village, Joanna Saccone has been deeply active in the political life of her community and her city. She first became active in politics during her time at the prestigious Maxwell School of Syracuse University in 1969. While earning a degree in International Relations, Ms. Saccone distinguished herself as a leader on campus, organizing her fellow students to protest the war in Vietnam. She cut her political teeth working on the successful Syracuse mayoral campaign of Lee Alexander, the first Democrat to win the mayoralty of Syracuse in fifty years.

Upon graduating in 1972, Ms. Saccone returned home to New York City, and joined the Village Independent Democrats, where she worked under the guidance of District Leader John LoCicero and worked to elect Village politician Ed Koch as Mayor of the City of New York. In 1983, along with Mayor Koch and others, she broke away from the Village Independent Democrats and helped establish the Village Reform Democratic Club, which continues to play an important role in New York City politics today.

In her professional life, Ms. Saccone worked in the New York City Economic Development Administration, focusing primarily on the City's budget and human resources. By 1976, she had transitioned to a position in the office of New York State Assembly Speaker Stanley Steingut. This began a 34-year career as an Assembly staffer, working under four Speakers in a variety of roles. Under Speaker Stanley Fink, she worked with House Operations, where she advised Democratic Assembly members on legislation, staffing, creation of newsletters and pamphlets, and media relations. She also assisted constituents who were having difficulty getting benefits to which they were entitled from State government. Speaker Fink appointed her the first Sexual Harassment Officer for the New York City region, an appointment he reportedly called "the greatest political appointment of his career." Under Speaker Mel Miller, she coordinated the first Employee Assistance Program, which aids employees on matters relating to alcohol and drug abuse and psychological ailments. She has continued her significant involvement in all aspects of State government under current Speaker Sheldon Silver.

While government may have been her career, Ms. Saccone's passion has been politics. She has made a name for herself as a relentless campaigner, a resourceful networker, and an extraordinary strategist. As a sounding board, an adviser, and as a friend, there are few as adept as Ms. Saccone in navigating the complex path to victory. She has worked on many important city, state, and federal elections, including numerous judicial races. Indeed, few have her track record of success in helping judicial candidates navigate the intricacies of running a judicial race.

Throughout her busy career and political activism, Joanna has been a devoted and dedicated mother to her son, Phillip Anthony Saccone, whom she considers her greatest accomplishment.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to our civic and political life made by Joanna Saccone, and congratulate her on the occasion of her retirement.

RECOGNIZING NEXTEER AUTOMOTIVE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. KILDEE. Madam Speaker, I rise today to recognize the workers, management and owners of Nexteer Automotive as the company transitions to its new partnership with Pacific Century Motors.

In 1906 the machining firm of Jackson, Church, and Wilcox developed a better quality steering gear for Buick Motors and began manufacturing the steering gear in Saginaw that same year. Four years later General Motors purchased Jackson, Church and Wilcox and renamed the company Saginaw Steering Gear Division. Over the years, Saginaw Steering Gear Division became Saginaw County's largest employer as the sole supplier of steering mechanisms to General Motors. The first power steering system, the first energy-absorbing steering column and the first adjustable steering wheel were developed and built by Saginaw Steering Gear Division. Saginaw Steering Gear became the Saginaw Division and later Delphi Saginaw Steering Systems. As Nexteer Automotive they persist in innovation, recently designing QuadraSteer and Active Steering drive train technology. Nexteer Automotive and Pacific Century Motors are starting a "New Beginning" that will allow Nexteer to advance its products in the global marketplace.

Madam Speaker, I ask the House of Representatives to join me in congratulating the employees and management of Nexteer Automotive for their past achievements and as they embark upon a new international partnership with Pacific Century Motors. I welcome this collaboration of ideas, diligence and enthusiasm and I hope their success in technological development will continue for many, many years to come.

HONORING THE LIFE OF GEORGE BALTZER OSBORNE

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. MATHESON. Madam Speaker, today I would like to honor an exemplary individual. As a young man, Mr. George Baltzer Osborne of the State of Utah valiantly sacrificed to serve his country during World War II. Born in 1920, we commemorated his 90th birthday on November 7. At this time, I'd like to recognize him and his comrades as members of "The Greatest Generation" and thank them most sincerely for their brave and selfless service.

Mr. Osborne joined the Marines during WWII and began an eventful history in the service as a CB operator. He trained at Camp Pendleton, where he was assigned to the 4th division and stationed in Hawaii. From there, he was sent to Iwo Jima. When his division landed, Mr. Osborne was an integral part of a group of eight Marines whose mission was to find high ground in order to radio ship's bombing orders. During his service, Mr. Osborne consistently put his life on the line. At one point, a grenade was launched into a foxhole he had just evacuated. Fittingly, Mr. Osborne was present on February 23, 1945, when the American flag was raised atop Mount Suribachi during the Battle of Iwo Jima. This timeless symbol represents our country's strength and more personally, Mr. Osborne's dedication.

Even after active military service, Mr. Osborne continued to serve his country. After being discharged, he worked three jobs so his wife could stay home and raise their 12 children. Mr. Osborne spent many years devoted to his work as an administrator at the VA hospital. He loves his family, which has grown to 21 children, 36 grandchildren, 26 great-grandchildren, and 3 great-great-grandchildren.

George Baltzer Osborne's sacrifice, bravery, and service to family, career, and country serve as hallmarks of a noble American life. We recognize him today and express our gratitude for his contributions to this great country, the United States of America.

TRIBUTE TO WENDELL L. SAWYER, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay homage to the memory of a much-beloved

member of South Alabama's business community, Mr. Wendell L. Sawyer, Sr., of Mobile.

Mr. Sawyer passed away on August 29, 2010, at the age of 73 after a battle with leukemia.

America is made great through the contributions of local community leaders, either in business or in public service, who give more than their share to better the lives of their fellow man. Wendell Sawyer was just such a person.

Born in Monroeville, Alabama in 1937, Wendell moved with his parents to Chickasaw in Mobile County where he grew up, graduating from Vigor High School.

A hardworking businessman with a friendly manner and generous spirit, Wendell labored in the retail furniture business for nearly 55 years. He began his career with Sokol Furniture in Pritchard, Alabama. When the business closed in 1970, he established his own store, Sawyer Furniture, which became an icon in the community and the flagship for a chain of five locations in the Mobile area.

Sadly, his Pritchard furniture store was lost to a fire earlier this year. But local residents and customers remembered Wendell as a special kind of businessman; a person who always treated others as best friends. He also helped those in need, returning the kindness that his community had bestowed upon him and his family for more than a half century.

Madam Speaker, Wendell Sawyer was a pillar of our community and his loss will be sorely felt. On behalf of the people of south Alabama, I offer condolences to his children, Wendell "Del" Sawyer, Jr., Dawn Sawyer Cooper, John H. Sawyer, and his grandchildren, Jaclyn Sawyer, Wendell "Trey" L. Sawyer, III, Jacob Cooper, Zachary Sawyer, Cameron Cooper, Rachel Sawyer, Rebecca Sawyer, Kristen Sawyer and Joshua Sawyer, as well as his brothers and sisters, Elaine S. Sanford, Terrill Sawyer, Norville Sawyer, Malcolm Sawyer, and Emily S. Blount. You are all in our thoughts and prayers.

IN RECOGNITION OF THE SERVICE OF DR. ADEWALE TROUTMAN TO LOUISVILLE

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. YARMUTH. Madam Speaker, I rise in recognition of a man whose service to my hometown has not just improved our community, but has literally saved lives. Since 2003, Dr. Adewale Troutman has led the Louisville Metro Department of Health and Wellness with an ambition only topped by his achievements. As he moves on from our community to pursue new opportunities, no one can doubt that his work has left our community healthier and stronger.

Locally and nationally, Dr. Troutman's name has become synonymous with the fight to achieve real health equity and better health outcomes for each and every one of our citizens. And, his legacy is visible in every corner of our community.

It's evident at Healthy Start, the Louisville program that has dramatically reduced infant mortality and provided exceptional care to expecting and new mothers under Dr. Troutman's watch. It's seen in the cleaner air in our public places, thanks to Dr. Troutman's fight for a public smoking ban. And it's found in his widespread efforts to reduce health disparities and ensure every citizen of Louisville has the opportunity to live a long, fulfilling life. Through that work and so much more, Dr. Troutman has played a critical role in establishing Louisville as a place where the health and well-being of every resident is a top priority.

Every American should aspire to make their community a better place. Along with his wife Denise Vazquez Troutman, and her service at Louisville's Center for Women and Families, the Troutmans have more than exceeded that goal.

We in Louisville will miss Dr. Troutman's service but will continue to benefit from his legacy for years to come. Though he and Denise are leaving our community, the thousands of children and families that now have better opportunities to be healthy and better chances to succeed in life will serve as long-standing reminders of their work.

Therefore, I ask my colleagues to join me today in recognition of the extraordinary work and dedication of Dr. Adewale Troutman to Louisville, Kentucky.

IN RECOGNITION OF ANDY PROZES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise today to recognize Global CEO of LexisNexis Andy Prozes as he announces his retirement from the company. Andy Prozes has been the global CEO for more than 10 years. During his tenure, Mr. Prozes has transformed LexisNexis into one of the largest, most technologically advanced information solutions companies in the world. Today, LexisNexis serves over one million users daily and has over 17,000 employees in over 100 locations around the world. LexisNexis' global headquarters is located in my district in Manhattan and employs over 800 people.

Mr. Prozes' positive impact on LexisNexis and the people who work there will be felt long after he retires. Mr. Prozes grew LexisNexis from $1.7 billion in revenue in 2000 to over $4 billion in 2009. In addition to serving corporate and legal clients, LexisNexis provides important information solutions to federal and state law enforcement agencies in New York and across the country to help them locate missing children, investigate crimes, and track down sex offenders and other criminals.

Protecting children is one of Mr. Prozes' passions. Under Andy Prozes' leadership, LexisNexis has donated information solutions to the National Center for Missing and Exploited Children (NCMEC) to help that organization accomplish its important mission. With the help of information provided by LexisNexis, NCMEC has recovered hundreds of missing children and reunited them with their loved ones.

Mr. Prozes has also been a leader in the battle against human trafficking—particularly with respect to the horrific practice of trafficking young boys and girls as sex slaves. Mr. Prozes is an active supporter of the Somaly Mam Foundation, an organization dedicated to combating human trafficking and assisting children and other victims of this despicable crime. This past October, the Somaly Mam Foundation honored Mr. Prozes for his efforts on behalf of those who are unable to fight for themselves. He was also recognized by the Asian Woman's Center in October of 2009, for his leadership on this important issue.

Mr. Prozes has also been a vocal proponent of the Rule of Law and is a recognized leader within his industry for advancing the Rule of Law around the globe. LexisNexis, under Mr. Prozes' leadership, has provided thousands of hours of pro bono work to protect basic human rights and help society flourish through independent judiciaries and fair and equal access to justice for all.

Madam Speaker, please join me in congratulating Mr. Prozes on his many accomplishments, and thanking him for the tremendous contributions he has made in promoting the Rule of Law and helping to combat human trafficking around the globe.

HONORING SPECIALIST JESSE A. SNOW

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. AUSTRIA. Madam Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect our freedoms, I rise today to recognize and honor the life of Specialist Jesse A. Snow.

A 2003 Fairborn High School graduate and Army service member, Snow was killed while serving this country in Afghanistan on November 14, 2010. He gave his life, along with four other service members, in the defense of our freedoms.

Snow, 25, was full of energy and life. He had a kind spirit and he cared about everyone. He never let an opportunity pass by to make sure those around him were laughing and smiling. He is remembered by many as often telling jokes and expressing his personal care for others.

Snow was content with life but felt a calling to serve. Friends and family remember him as a noble gentleman who always placed others' needs in front of his own. In April of 2009 he joined the U.S. Army, as an infantryman assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky.

He served with distinction and his awards and decorations include the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the NATO Medal and Combat Infantryman Badge.

Survived by his parents, John W. Snow, Sr., and Janice Snow of Fairborn, and siblings, Snow is remembered as a loving son, brother and uncle. His devotion to his family, friends, fellow service members, and to this nation are honorable. A hard worker and a loyal patriot, he selflessly served this country with bravery and valor.

Thus, it is that I stand on behalf of those constituents of the Ohio's Seventh Congressional District to honor the life and memory of Specialist Jesse A. Snow, a true hero.

HONORING JACOB GEORGE HUDSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. DUNCAN. Madam Speaker, Jacob George Hudson, or Shag as he was known by almost everyone, is one of the most liked and respected men in Greenback, Tennessee, a town in my District. I recently received the sad news that Shag passed away at the age of 93.

He lived a long life full of family, friends, and the respect of everyone who knew him.

He was a very close friend to both me and my late father and one of the strongest supporters we ever had.

Although Shag accomplished much personal success, his devotion to God, family, and Country always came first.

He was a member of Greenback First Presbyterian Church for 62 years and served his congregation in every way possible as an Elder and Deacon. Before his death, Shag asked that people donate to the Greenback First Presbyterian Church Building Fund upon his passing instead of sending flowers. Even in death, he continued to give.

Shag also devoted his life to his community. He served on the Loudon County Commission from 1954–1982. In that capacity, he married more than 3,000 couples. I cannot think of a better way to strengthen the base of a community than with an investment in family, and Shag has been there from the beginning for so many families in Greenback. Shag did not just officiate the ceremonies, but he also served as a living example of commitment through his 69-year marriage to his wife Willie Dixon Hudson.

Many in Greenback also know Shag from his 65 years as a cattle broker and his 60-year membership in the Greenback Masonic lodge.

He is especially proud of the time he spent as a member of the Farm Service Agency State Committee from 1987–1992. In this position, he was able to help farmers all across the State of Tennessee.

Madam Speaker, I would like to call the remarkable life of Shag Hudson to the attention of my Colleagues and other readers of the RECORD and extend my sympathies to his wife Willie, son and daughter-in-law Ronald and Judy Hudson, daughter and son-in-law Brenda and Johnny Powell, five grandchildren, five great grandchildren, and brother Howard. He is greatly missed and fondly remembered by everyone lucky enough to have known him.

IN HONOR OF THE DUTCH KILLS CIVIC ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the Dutch Kills Civic Association, a not-for-profit organization that has made significant contributions to the economic and civic life of the community in western Queens that it serves. This month, the Dutch Kills Civic Association is celebrating its 30th Anniversary Fundraiser and Celebration at Riccardo's by the Bridge in Astoria, Queens.

The historic community of Dutch Kills traces its origins back to the original settlers of Queens in the seventeenth century, who were first granted a license to settle the area in 1642. In recognition of that heritage, the Dutch Kills Civic Association adopted a windmill as part of its logo when it was first founded in 1979.

Under the able stewardship of its President, Gerald J. Walsh, and its Executive Director, George Stamatiades, the Dutch Kills Civic Association embraced as its mission the promotion and stimulation of a more active participation in the improving and maintaining of proper services of the community. The Association focuses on maintaining the quality of life and assuring the adequate delivery of municipal government services in the areas such as health, safety, housing, ecology, highways and traffic, sanitation, lighting, education, fire, police protection, youth and senior citizens welfare, planning and zoning development, consumer protection, utilities, fair taxation, and water supply. Its members seek to represent, unite, and mobilize the Dutch Kills community in order to maintain the community as a desirable place in which to live and work.

The Dutch Kills Civic Association made an invaluable contribution to city planning efforts when it commissioned a land use survey and report in March and April of 2005 . The Survey included a Visual Field Inspection of land use in the Dutch Kills community, with the results were placed on 37 grid maps that were color coded, graphed and totaled. The survey inspected all structures on streets, avenues and roads in the Dutch Kills community and has provided an invaluable guide to community leaders, residents, and civic planners.

Madam Speaker, I am proud to offer my heartiest congratulations to the Dutch Kills Civic Association as it marks three decades of representing its community in western Queens. I salute the work of the Dutch Kills Civic Association and I ask that my distinguished colleagues join me in recognizing the outstanding work of the Association and its members for their many contributions to the civic life of our nation's greatest city.

RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF RON HAYES TOWARDS ENHANCING WORKPLACE SAFETY AND AWARENESS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I am honored to bring to the attention of the House the work of a remarkable American and constituent of mine, Mr. Ron Hayes, of Fairhope, Alabama.

As blessed as we are to be living in America, we would do well to remember that our society continues to be enhanced through the noble efforts of those who tirelessly and passionately pursue a better quality of life for us all. These often unsung heroes seek only the reward of knowing they have transformed our laws and our land for the better.

I rise today to honor one such individual who has spent nearly two decades advocating for the safety of all Americans in the workplace and to provide timely moral support to the accident victims and their families. His efforts have made a difference.

Ron Hayes began his journey to improve workplace safety in 1993 when he lost his beloved 19-year-old son, Patrick, to a grain silo accident in Florida. Facing tremendous emotional pain, Ron and his wife, Dot, sought details of their son's death as well as survivor's benefits from local, state and federal agencies, only to be met with delays and few answers. After two years of navigating the bureaucracy, they resolved to learn everything they could about workplace safety standards and sought ways to both improve job safety rules and enforcement.

Ron Hayes' dedication resulted in the revision of the Occupational Safety and Health Administration's, OSHA, grain handling standards. But this was only the beginning.. Ron and his wife founded the Families In Grief Hold Together Project, a non-profit group devoted to assisting families and workers cope with the consequences of workplace accidents and deaths.

Some 10,000 people lose their lives while working each year. Ron Hayes worked with OSHA to create a policy which the agency often uses in communicating with family members after a workplace accident.

Since its founding, the FIGHT Project has reached out to nearly 800 families, providing valuable help in the grieving process, negotiating the red tape and finally, in healing.

Ron Hayes could have stopped there, but his dedication to improving worker safety has motivated him to speak to almost 50,000 workers and taken him to some of the largest companies in the world. He has testified before Congress on numerous occasions and has served as a special advisor to the Senate Labor Committee.

Ron Hayes has been awarded many awards for humanitarian efforts.

Madam Speaker, on behalf of this entire House, I commend Ron Hayes' selfless dedication to worker safety while providing comfort and valuable counsel to families.

In our society it is possible for one person, or in this case a husband and wife, to make a difference that will positively impact the lives of millions. Ron Hayes has shown us that a lone voice for good can not only be heard, but can change society for the better.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for votes on Monday, November 29, 2010.

However, had I been present, I would have voted as follows:

''Yea'' on H.R. 5877 to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building.''

''Yea'' on H. Res. 771, supporting the goals and ideals of a National Mesothelioma Awareness Day.

HONORING CHARLOTTE NEWFELD

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor an important member of the Chicago community, Charlotte Newfeld, who celebrated her 80th birthday on November 26.

Charlotte has long been an outstanding activist in the community since she moved to Chicago in the 1950s. Since then, she has been a marathon runner of community activism, tackling a myriad of important issues.

One such issue is her dedication to equal rights for the Lesbian, Gay, Bisexual and Transgender community. Among other accomplishments, she helped establish the Chicago Mayor's Committee on Gay and Lesbian Issues and lobbied for the passage of the city's gay-inclusive human rights ordinance. In 1996, she was inducted into the Chicago Gay and Lesbian Hall of Fame as a Friend of the Community.

Additionally, Charlotte has been a vocal green advocate and environmentalist. Serving as the project director of the Bill Jarvis Migratory Bird Sanctuary, she organizes volunteers to keep the area clean and safe. Due to her steadfast dedication to the eight acres of the sanctuary, she has earned the nickname some have given her, ''the Jarvis Earth mother.''

Twenty years ago, I saw firsthand the tenacity and dedication with which Charlotte pursued every issue she found important, from LGBT and environmental issues to an organization we founded together: CUBS, or Citizens United for Baseball in Sunshine. The community would be better off if we had more people like her.

Madam Speaker, I ask my colleagues to join me in recognizing Charlotte Newfeld for her years of service and to thank her for 80 great and dedicated years.

IN RECOGNITION OF THE HONORABLE GEORGE ONORATO, DISTINGUISHED NEW YORK STATE SENATOR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Senator George Onorato, a distinguished public servant who will be retiring from the New York State Legislature at the end of the current session. Throughout his career, George Onorato has devoted himself to his country and to public service.

In recognition of his lifetime of service to others, Senator Onorato was honored last month by the Taminent Democratic Club in Astoria, New York. George Onorato has served as the Chair of its Board of Directors since 1972, and this year is marking his sixth decade as an active Club member. As its Male District Leader, he has helped ensure the Taminent Club's premier status as one of the largest and most active Democratic political clubs in all of Queens County. He is a lifelong resident of the western Queens community that he has served as an elected official with distinction for more than a quarter century.

A compassionate, dedicated public servant, Senator Onorato is deservedly respected by colleagues on both sides of the aisle in both chambers of the New York State Legislature. Since first being elected to represent the people of his beloved Queens in the New York State Senate in 1983, he has successfully sponsored legislation to preserve and improve the quality of life for consumers, tenants, the environment, members and fellow veterans of the U.S. armed forces, and the elderly, including hundreds of thousands of Medicare patients. He has served in the Senate leadership since 1992, currently holding the position of Assistant Majority Leader and the Senate Majority's Liaison to the Executive Branch. Drawing on the keen understanding of the needs of working men and women that he developed while serving for a decade and a half as Secretary/Treasurer of Bricklayer's Local #41, George Onorato is Chairman of the Senate Standing Committee on Labor. He has also been a champion of the environment and in particular on issues involving air quality and on waterfront development. He has also been a passionate and effective advocate for providing more affordable housing for the elderly and for moderate and low income New Yorkers. He is a past President of the Conference of Italian American Legislators.

In addition to his long and distinguished tenure as a New York State Senator, George Onorato served heroically in our nation's armed forces. He earned a Presidential Citation for his service in the United States Army, 118th Medical Battalion from 1950 to 1952. Steadfast in his devotion to his fellow veterans and those currently serving in the armed forces, he sponsored legislation providing student aid to Vietnam veterans, and in 1997 introduced a measure to increase the level of such funding. He sponsored and supported legislation to help develop a database for research on dioxin-related birth defects of children born to Vietnam veterans. And in 2003, Senator Onorato helped found the bipartisan New York State Armed Forces Legislative Caucus.

In addition to his dedicated public service, George Onorato is deeply devoted to his family and his faith. He is married to the former Athena Georgakakos. They have three adult children, Joanne, George and Janice, and six grandchildren. His wife regularly accompanies him to legislative sessions in Albany, where the two of them are a universally admired and inseparable couple.

Madam Speaker, in recognition of his courageous wartime service to our country in the United States Army, to the people of the State of New York, and to his beloved family, I ask that my distinguished colleagues join me to pay tribute to the enormous contributions to civic life made by the Honorable George Onorato.

TRIBUTE TO JOHN ''JACK'' HENRY FRIEND, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to Mr. Jack Friend, a respected Mobile businessman, historian and author who recently passed away at the age of 81.

A consummate scholar, a lover of military traditions and the foremost authority on the Civil War history of Mobile Bay, Jack Friend was passionate about Mobile and its past.

A native of Mobile, Jack Friend was a graduate of McGill Institute, the Virginia Military Institute, and the Tuck School of Business at Dartmouth College.

Jack proudly served in the U.S. Army as a 1st Lieutenant and tank company commander in Korea. His deep reverence for military service and his country were an important part of Jack's life.

After his military service, he founded a market research company in Mobile which he headed for some 25 years.

Jack made his mark as a local military historian. In 2004, he wrote the definitive work on the Civil War history of Mobile Bay—''West Wind, Flood Tide: The Battle of Mobile Bay.''

Jack was also a lover of the outdoors, sports fishing and local wildlife and was a member of many civic and historic organizations in Baldwin and Mobile counties.

I wish to extend my condolences to Jack's family for their loss: his wife, Venetia Friend; his sons, John Friend and Danner Friend; and his sister, Emily Bayle; and five grandchildren. You are all in our thoughts and prayers.

IN RECOGNITION OF MR. DONALD WILLIAMS, SR.

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to join with students, parents, friends and staff of Mr. Donald Williams, Sr., to pay tribute to him as he steps back from his intense community involvement including his work with the Gerald R. Ford Job Corps Center. I have had the privilege of working on many civic and community activities with Don throughout the years, and am delighted to honor him today.

Don Williams, Sr. received his Bachelor's degree in special education at Eastern Michigan University and went on to receive a Master's degree in educational administration from West Virginia University. Assuming responsibility for the administration of special colleges at Rutgers University was the beginning of Don's career, which has spanned over 30 years of experience in the administration of special programs with special emphasis and political sensitivity.

Throughout his career, Don has received widespread recognition for his considerable talent in assisting minority students. In 1980, his devotion to improving opportunities for minority youth led him to Grand Rapids, when he was approached by a group of educators and professionals working to create a residential training center for youth. This position led Don to be named Director of the Minority Business Education Center at the prestigious F.E. Seidman School of Business at Grand Valley State University. In 1989, he was named GVSU Dean of Minority Affairs/Multicultural Center. During his service at GVSU, Don coordinated and developed programs to assist minority students on campus, and created a

very visible and dynamic outreach to other community organizations and activities, including development of the Minority Teacher Education Center and Minority Science Education Center. For the past several years, Don has devoted his time and talents to the Gerald R. Ford Job Corps Center, an organization that provides quality job training and education so students can become equipped with the skills and self-discipline necessary for success in today's workforce.

Don has been recognized by the Grand Rapids Area Chamber of Commerce as Minority Advocate of the Year, has received the coveted Liberty Bell award from the Grand Rapids Bar Association, and was named the Walter E. Coe Giant for Outstanding Community Service in 1991. In 2008, he received special recognition from the Grand Rapids community by being named their "Giant Among Giants."

When Don received the Giants award, I wrote him that his life is notable because of his commitment to ending racial inequities and mentoring the next generation. Through his strong convictions, Don has demonstrated to others that lives can be transformed. He has a unique and wonderful willingness to be outspoken when he senses an injustice. Many of us have been influenced by Don's unwavering principles but, along the way, he has never lost his perspective or his great sense of humor.

Having the chance to impact students in a very positive way lured Don to our community, and with his vision of hope, he has mightily impacted not just our youth, but all of us as well. May his love for community, students and a brighter future through education never end!

RECOGNIZING THE EXEMPLARY SERVICE OF "TEAM TRAVIS"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to recognize the enormous contributions of those serving our country at Travis Air Force Base in my home state of California. The 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing, as well as the civilians and families serving at Travis have truly served our community and our Nation with the utmost dignity, honor and courage, and they truly deserve all of our respect.

The members of "Team Travis" have gone above and beyond the call of duty in serving our Nation in missions around the globe. The active duty members and civilians who serve out of Travis have flown hundreds of thousands of hours in a number of military conflicts, as well as humanitarian and peacekeeping missions. Most recently, Team Travis provided search and rescue personnel, medical experts and supplies, and 82,600 pounds of cargo in support of the relief mission following the January 12, 2010 earthquake in Haiti.

As a congressman representing much of Solano County, California, many members of Team Travis are my constituents, and I can personally attest that these honorable men and women serve our community with just as much energy and dedication as they do our country. I have seen them volunteering, participating in the community, serving as positive role models for our young people, and so much more.

I am proud to be a lead co-sponsor of this resolution honoring the men and women serving at Travis Air Force Base and I would like to thank my friend and colleague, Representative GARAMENDI, for introducing it. Once again, my deepest thanks to the men and women of Team Travis and I ask that all of my colleagues join me in supporting this important resolution.

IN HONOR OF PAMELA HANLON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to honor Ms. Pamela Hanlon. Ms. Hanlon has devoted herself to others and to her beloved community of Turtle Bay on Manhattan's East Side. This month, her efforts are being honored by the Turtle Bay Association at its annual meeting.

A longtime journalist and public relations professional, Ms. Hanlon has lived in Turtle Bay with her husband, Charles Hanley, since 1976. She began her career as a journalist with the Associated Press, and eventually moved to the field of corporate communications, where she rose to become Vice President for Public Relations at American Express. She has also dedicated herself to the betterment of the community throughout that time, serving on the Board of Directors of the Turtle Bay Association and as Editor of its newsletter, the Turtle Bay News. Ms. Hanlon authored a handsome volume about the postwar history of the fabled neighborhood. Her book, Manhattan's Turtle Bay: Story of A Midtown Neighborhood, offers an incisive, engaging look at the charming enclave to which she has been so devoted.

The Turtle Bay neighborhood is one of the most storied in our nation's greatest city, dating back to 1639, when the Dutch rulers of Manhattan Island granted two English settlers a land grant. Turtle Bay's natural beauty was noted by famous Americans from Horace Greeley to Edgar Allan Poe. Today, as the home to the United Nations, Turtle Bay is a fitting symbol of New York City's status as the capital of the world. Famous Turtle Bay residents have included Katherine Hepburn, Walter Cronkite, Kurt Vonnegut, Dorothy Thompson, Derek Jeter, and the brilliant Broadway composer Stephen Sondheim.

For more than half a century, the dedicated members of the Turtle Bay Association have served as passionate and conscientious stewards of one of Manhattan's most celebrated and historic neighborhoods. Its members have conserved their area's low-rise architectural cohesiveness and esthetic beauty by successfully fighting for rezoning efforts. They have also undertaken numerous neighborhood beautification initiatives, and, thanks in large part to Ms. Hanlon's tireless efforts, have kept Association members informed through the publication of regular newsletters.

Madam Speaker, I request that my distinguished colleagues join me in honoring Pamela Hanlon, a great New Yorker and a great American, for her devotion and service to the Turtle Bay community and for her contributions to the civic life of our nation's greatest city.

TRIBUTE TO THE HONORABLE HENRY E. BROWN, JR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. YOUNG of Alaska. Madam Speaker, at the end of the 111th Congress, our distinguished colleague from Hanahan, South Carolina, the Honorable HENRY E. BROWN, JR., will retire from this institution. Congressman HENRY BROWN has served the people of the 1st Congressional District, those living in South Carolina, and this nation with the highest distinction for the past twenty nine years.

His distinguished career in public service began on the Hanahan Planning Commission and City Council in 1981. Four years later, he was elected to the South Carolina House of Representatives and he became the first Republican Chairman of the Ways and Means Committee. In that capacity, just like President Ronald Reagan, he successfully led the fight for the largest tax cut in the history of the state. It has been his consistent view that the hardworking men and women of South Carolina deserve to keep more of their hard earned money and not the government.

After serving fifteen years in the South Carolina legislature, HENRY BROWN was overwhelmingly elected by the voters of the 1st Congressional District and for the past decade has served on the House Committees on Natural Resources, Transportation and Infrastructure and Veterans' Affairs. He has also served as the Co-Chairman of the Coastal Caucus, Congressional Friends of Canada Caucus, Congressional Shellfish Caucus and the Port Security Caucus.

For the past two Congresses, he has served as the Ranking Republican on the House Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife. By working in a bipartisan manner with the Chairwoman of that Subcommittee, the Honorable MADELEINE Z. BORDALLO of Guam, HENRY BROWN was successful in having at least two of his legislative proposals enacted into law. These include H.R. 3891, the National Fish and Wildlife Foundation Act Amendments of 2008 and H.R. 1454, the Multinational Species Conservation Funds Semipostal Stamp Act of 2010. Congressman BROWN remains hopeful that prior to adjournment this year, the Senate will adopt his bill, H.R. 509, the Marine Turtle Conservation Reauthorization Act which passed the House of Representatives last year.

While these represent just a few of the legislative proposals he has championed, his tireless dedication and leadership in sponsoring H.R. 1454 is an excellent example of why the people of the 1st Congressional District in South Carolina have come to know their Representative as a "workhorse" and not a "show horse".

Let me spend just a few minutes talking about H.R. 1454. This is a remarkable bill,

which I was pleased to co-sponsor. At a time of record federal deficits, this proposal will raise a significant amount of money to save some of the most beloved and endangered iconic wildlife species on this planet without spending a single dime of taxpayer money. In addition, while the 111th Congress will be remembered for its highly partisan environment, this bill was co-sponsored by 86 Democrats and 68 Republicans. Even more remarkable, it has been endorsed by more than 40 different organizations including the Humane Society of the United States and Safari Club International, two groups that do not agree on many issues.

Under this simple but innovative approach, the American people will be given the opportunity to voluntarily purchase U.S. postal stamps and certain proceeds from their sale will assist in saving African and Asian elephants, rhinoceros, tigers, Great Apes and marine turtles for future generations. This legislation is a tribute to Congressman BROWN's perseverance and leadership.

During his distinguished career in public service, the hard work of Congressman HENRY BROWN has not gone unnoticed. In fact, among the awards he has received are the College of Charleston's Founders Medal in 2005, the National Republican Legislator of the Year Award, the South Carolina Association of Realtors Legislator of the Year, the South Carolina Taxpayers Watchdog Award and the Order of the Palmetto in 2000. This award is the highest honor a civilian can receive from the State of South Carolina.

Madam Speaker, at the end of this year, this outstanding representative of the people of the 1st Congressional District will return to his beloved farm in Berkeley County, South Carolina. I wish him and his entire family the very best in the future.

HONORING JUAN ANTONIO ''CHI CHI'' RODRIGUEZ

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Juan Antonio ''Chi Chi'' Rodriguez for the remarkable work he has done to improve the lives of so many at-risk youth. The same dedication and determination he displayed on the golf course is now readily apparent in his community service through youth programs.

While visiting a juvenile detention center in Florida, Mr. Rodriguez realized a better way to help at risk children succeed. Through discipline and responsibility on the golf course, instructors work with youth to build self-esteem, character, work ethic, social adjustment, and academic performance.

To realize his goals of helping to advance children both intellectually and morally, Mr. Rodriguez has been instrumental in raising over $4 million for his youth foundation, which supports his Academy. I am honored that that Chi Chi Rodriguez Academy is in my Congressional District.

I addition to the 600 children that benefit annually from the inspiration of his programs on the golf course, Mr. Rodriguez has been able to provide more than 430 scholarships over the past three years to help Latino youth attend institutions of higher education.

Mr. Rodriguez's dedication to improving the lives of children is truly inspirational. He has expanded his personal successes into youth programs based in love and respect and has laid a foundation in which pupils build confidence, learn discipline, and gain positive educational experiences.

Madam Speaker, it is my privilege to speak of the contributions stemming from Mr. Rodriguez's vision not just in my community, but throughout the nation, and I strongly encourage passage of H. Res. 1430.

TRIBUTE TO WILBUR PILLMAN, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to the memory of a beloved citizen of Mobile, Alabama and denizen of the arts who passed away October 15, 2010.

Wilbur Pillman was a graduate of McGill Institute and served with the U.S. Navy, Pacific Theatre, during World War II. He was a talented artist, dancer and director, appearing in many musical productions of the Mobile Catholic Theatre Guild later the Mobile Theatre Guild. He was president of the First Theatre of the Deep South in Prichard, took part in Mobile Optimist Club's annual minstrel, and served in many church, civic and social organizations as performer and director.

Wilbur formed and directed the Phi Gamma Chi High School Sorority annual ''Follies'' for many years, and directed and performed in the Alpha Delta Kappa Sorority's annual ''Minstrel''. He directed and performed in the American Business Women's yearly ''Riverboat Follies'' as well as the Insurance Women's annual show for ''Boss Wright'' He co-directed and performed in the annual Epsilon Chapter, and the Phi Delta Kappa Business Men's Fraternity show for the March of Dimes.

Wilbur also served as guest artist, director and performer for many local conventions, the Convent of Mercy's annual ''Soiree'', as well as the Shriner's annual charity benefit shows. Mr. Pillman had the lead in three local productions of ''The Music Man'' as well as starring as ''George M''.

He also lent his talents to many of Mobile's Mardi Gras Mystic Societies where he designed costumes, wrote tableaus, narrated the balls, choreographed the skits, and often performed to open some of the balls. Through the University of South Alabama he spoke for many years to the visiting ''Snowbirds'' on the history and background of Mardi Gras and its activities, often appearing in a colorful costume. He was a regular volunteer at the Mobile Carnival Museum as a docent from its beginning.

As a member of his beloved Mystic Stripers Society since 1955, he was knighted into the Royal Order of Stripers in 2000, being the third recipient of this honor. In 2008, upon the celebration of his 50th year as the society's official Court Jester, Wilbur was honored by the Stripers when the theme of their annual parade and ball was based around the Court Jester, and he also served as Grand Marshall for two of Mobile's women's Mystic Organizations parades.

Wilbur was an icon of the Mobile area performing arts and especially Mardi Gras, and his absence will be deeply felt across our community.

On behalf of the people of Mobile, I offer my condolences to his sister, Miss Alilee Pillman; his grandchildren, Elizabeth, Michael, Joseph, Mary Grace, Sarah and Emma Rose Kennedy, Christina, Jennifer, and Theresa Cranford, Claire, Sophie, and Dane Arden, and Aubrey River Gewehr and his many many friends. You are all in our thoughts and prayers.

IN RECOGNITION OF DR. MURRAY ITZKOWITZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, it is my great privilege to pay tribute to Dr. Murray Itzkowitz, who is receiving the 2010 Adaptive Design Association Lifetime Achievement Award. His leadership, advocacy and contributions to children with disabilities and his work on behalf of the mental health rehabilitation community have enhanced the lives of countless individuals throughout my district and the greater New York City area.

Dr. Itzkowitz joined the board of directors of the Adaptive Design Association (ADA) in 2005. The ADA's mission is to ''engage families, schools, and communities in the process of designing and building responsible, child-specific, adaptive equipment.''

As a board member, Dr. Itzkowitz played a pivotal role in the relocation of the ADA's workshop and training center to a more appropriate space in Midtown Manhattan. Dr. Itzkowitz recognized that the organization's small space on Riverside Drive was limiting its ability to fulfill its mission and urged the organization to move to a larger and more central location. His passion for the organization is contagious and has led to the recruitment of new board members and relationships that continue to allow the organization to grow. In April 2010 Dr. Itzkowitz was recognized for his exceptional drive and dedication by being elected Vice Chair of the Board.

Dr. Itzkowitz has been a tireless advocate and visionary for vulnerable populations. In 1954 he was one of the founding members of The Bridge Inc. (The Bridge) a non-profit organization at the forefront of mental health and rehabilitative services. He became the first full time Executive Director of The Bridge in 1969 and retired in 2000. Under Dr. Itzkowitz's direction, The Bridge has matured from a small, self-help group to an award-winning and nationally recognized organization that annually serves more than 1,500 adults.

During his tenure as Executive Director, Dr. Itzkowitz nurtured The Bridge's comprehensive and pioneering approach to treatment. With his support and guidance The Bridge developed programs that could meet the growing needs of its clients. In the 1970s, Dr. Itzkowitz identified the need for supervised residences and expanded The Bridge's services to include housing. Under his leadership, The Bridge developed properties throughout New York City and today houses 902 adults, many

of whom suffer from not only mental health issues but also homelessness, substance abuse disorders, and HIV/AIDS—a notable increase from the first residency they established in 1979 which housed only 20 clients.

Dr. Itzkowitz was also instrumental in creating The Bridge's Vocational and Job Training Services, a key element of rehabilitation that had long been neglected. Building on Dr. Itzkowitz's responsive approach to treatment; today, The Bridge offers mental health and substance abuse treatment, housing, vocational training, and job placement, healthcare, education and creative arts therapies. All of these afford countless clients help, hope, and opportunities to enjoy healthier and more fulfilling lives.

In addition to his long history of commitment to and achievement within the social services field, Dr. Itzkowitz has been a devoted husband to his wife, Phyllis, and father to his sons, David and Jake. Jake continues his father's legacy of service as Chief of Staff for New York City Councilwoman Margaret Chin.

Madam Speaker, I ask that my distinguished colleagues join me in congratulating Dr. Murray Itzkowitz on his much deserved 2010 Adaptive Design Association Lifetime Achievement Award.

NATIONAL EPILEPSY AWARENESS MONTH—GET SEIZURE SMART!

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. EMERSON. Madam Speaker, I rise today and join the Epilepsy Foundation in calling for Americans to Get Seizure Smart! this November as part of National Epilepsy Awareness Month. More than three million American families are affected by epilepsy—over 60,000 Missourians have been diagnosed with epilepsy or reoccurring seizures.

Epilepsy Foundation staff and volunteers are distributing the Get Seizure Smart! Quiz across the country this month to raise awareness. By taking the online quiz at www.GetSeizureSmart.org, Americans can learn about the condition and how to treat it.

Epilepsy awareness is critically important for public servants. Because first responders are often called when someone is having a seizure, it's critical they have good information on which to act.

I commend the Epilepsy Foundation for their 40-year campaign to raise awareness and reduce the stigma associated with this condition. I encourage my colleagues to learn more about epilepsy and to connect with the Epilepsy Foundation in their community.

HONORING KEVIN RIDLEY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to honor Kevin Ridley on the occasion of his retirement after more than 40 years of service to our Nation and his community.

While I have no doubt Kevin has many new exciting chapters left to write in his life, I take this moment to commemorate his achievements of the last 4 decades.

Kevin Ridley is the son of an Air Force colonel and learned early in life the meaning of commitment to country and family. Following in his father's footsteps, Kevin enlisted in the Air Force in late 1968, after graduating high school in Tokyo, Japan.

Trained as a weapons loader for A–7 and F–100 jet fighters, Kevin was stationed at Luke Air Force Base in Arizona for 2 years before doing a tour of duty during the Vietnam War. While in Vietnam during 1971 and into 1972, he saw time in both Saigon and Da Nang.

Following his honorable discharge from the Air Force later in 1972, Kevin continued to serve our Nation as a member of the National Guard, compiling a remarkable 26 years of military service. In the National Guard, he served as a full-time civilian weapons technician and was stationed for 17 years at Otis Air Force Base in Cape Cod, Massachusetts.

I know that while Kevin Ridley possesses a fierce determination to excel, he is also a humble man, much like many of our Nation's military personnel. He would never seek to tout his own accomplishments. However, I am proud to tell you tell you that Kevin consistently stood out during his military service, accumulating 15 decorations and awards during the Vietnam War and in his time with the Air Force Reserve and National Guard.

Beginning in 1989, and continuing through his retirement in December of this year, Kevin has worked for the Department of Defense's Defense Contract Administration Services as a plant representative with Raytheon Corporation in Massachusetts. In that capacity, he has continued his service to military defense efforts and his deep commitment to the security of the United States. While with the Defense Contract Administration Services, he has contributed his expertise to over 30 defense programs. He also worked on a program near and dear to the State of Florida—NASA's Space Station modules program.

Most importantly, Kevin is a dedicated family man. He is a loving spouse to Andrea Ridley and father of two wonderful children. Andrea is an 8th grade math teacher at Franklin Middle School, his daughter Alexandra is currently a freshmen at Lynn University in Boca Raton, Florida, and his son Phillip is a sophomore in high school in Medfield, Massachusetts.

I'm sure that his friends and family would agree that his record of excellence, bravery, and dedication is a living testament to a life well lived, and proof that the American dream is alive and well.

I offer my deepest gratitude to Kevin Ridley for his contributions to the fabric of this nation and wish him all the best in his future endeavors. Congratulations, Kevin.

IN HONOR OF THE EAST RIVER DEVELOPMENT ALLIANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the East River Development Alliance, a not-for-profit organization that has made extraordinary contributions to the economic and civic life of the residents of underserved communities in western Queens. This month, the East River Development Alliance (ERDA) is celebrating its Sixth Anniversary Fundraiser and Celebration at the Ace Hotel in Manhattan.

Under the able stewardship of the Bishop Mitchell Taylor, the East River Development Alliance helps residents of New York City Housing Authority complexes and other New Yorkers with limited income achieve economic security and self-empowerment through employment, financial counseling and education, college access and community revitalization initiatives. ERDA has developed a range of programs to help the more than 20,000 residents of public housing in its catchment area to achieve economic stability and mobility, and ensure that these neighborhoods have access to critical goods and services.

In the last year alone, the Alliance opened the ERDA Federal Credit Union—the first new credit union chartered in New York City in a decade; helped more than 150 low-income New Yorkers find good jobs. As New York City Mayor Michael Bloomberg noted in his State of the City Address earlier this year, a big impact can be achieved by ''credit unions serving public housing residents, like the one Bishop Taylor is opening in Long Island City this spring,'' going on to praise him as ''one banker who truly is doing God's work.'' ERDA has also helped more than 500 individuals build savings and reduce debt, is sending a cohort of high school seniors to college—nearly all of whom are the first in their families to obtain a higher education.

At its Sixth Anniversary Event, the East River Development Alliance is honoring three noteworthy community leaders: Matthew Bishop, American Business Editor and New York Bureau Chief of The Economist magazine and the author of Philanthrocapitalism; John Rhea, Chairman of the New York City Housing Authority; and Diana Taylor, Managing Director of the Wolfensohn & Company, LLC and former New York State Superintendent of Banking in the administration of Governor George Pataki. All are being honored for their outstanding efforts to improve the lives of their fellow New Yorkers and the economic vitality of our communities.

Congratulations to Bishop Taylor and the East River Development Alliance on another successful year in pursuing its vital mission of ensuring public housing communities are neighborhoods of great opportunities. Madam Speaker, I salute the work of the East River Development Alliance and I ask that my distinguished colleagues join me in recognizing the outstanding work of ERDA and its 2010 honorees for their many contributions to the civic and spiritual life of our Nation.

TRIBUTE TO AUSTAL USA CEO BOB BROWNING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the outstanding record of outgoing Austal USA Chief Executive Officer, Mr. Bob

Browning. During his tenure, Mr. Browning helped to transform the face of Mobile's industrial waterfront and secure the long-term return of Navy shipbuilding to Alabama's port city.

On November 16, Bob Browning officially stepped down as CEO for Austal USA shipbuilding in Mobile to pursue a new business opportunity. He has held Austal USA's top position for the last 2 years after joining the company in 2007.

Bob arrived at Austal as it was establishing itself as a force to be reckoned with in building quality, high-speed ships. For the last decade Austal has been expanding its footprint along the Mobile River and Bob played a significant role in making Mobile home to the largest aluminum shipyard in the world.

Bob guided the growth of Austal's high-speed military shipbuilding program by preparing it to successfully compete in major military contracts. In 2008, Austal secured a coveted $1.6 billion contract to build joint high-speed vessels, JHSV, for the U.S. Army and Navy. The program is continuing with Austal on track to build the fourth and fifth vessels.

Bob has also well positioned Austal to successfully compete for a $5 billion U.S. Navy contract to produce ten littoral combat ships. Austal and partner General Dynamics were awarded a contract in 2005 to construct their first LCS, the USS *Independence*, which was commissioned in January 2010.

Under Bob's leadership, Austal has since become the leader in the contract to build the full 10-ship Navy LCS fleet. The Navy is expected to make a decision by the end of the year. The award would mean a doubling of Austal's local workforce of 1,800 employees.

As Bob and his family transition to new challenges, I wish to convey the appreciation of Alabama's coastal community for a job well done. His leadership and his dedication to our local workforce have made our region stronger.

HONORING DANIEL JOHNSON

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the service and sacrifice of Senior Airman Daniel Johnson. Daniel was killed by an improvised explosive device last month in Kandahar, Afghanistan. He was just 23 years old.

Daniel spent much of his childhood in Minnesota and Wisconsin before moving to Schiller Park, Illinois to live with his grandmother. Family members remember fondly Daniel's lifelong dream to fight for his country and the pride he felt when he put on his uniform. In Afghanistan he disarmed dangerous bombs, continuously risking his life to protect others.

His commitment to service extended beyond the battlefield. Daniel attended Triton College with the admirable goal of one day working as an emergency medical technician. Today, I offer my deepest condolences to all of those who had the privilege to know such a selfless and giving young man.

I join with them in mourning the loss of this brave airman and exemplary American. On behalf of the United States Congress and the 5th district of Illinois I thank him for his courage. To his family, friends, and loved ones: Daniel's country will never forget his service.

IN HONOR OF THE HEALTHCARE CHAPLAINCY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the HealthCare Chaplaincy, a nonprofit multi-faith healthcare organization that is devoted to serving the spiritual needs of patients seeking palliative care and their families. This month, the Chaplaincy hosts its annual ''Wholeness of Life'' Awards Dinner in Manhattan.

Founded in 1961 by a syndicate of churches, the HealthCare Chaplaincy has served nearly 5 million people, relieving medical suffering and improving the quality of life of countless grateful clients and their families. Over the course of those five decades, the HealthCare Chaplaincy has sought tirelessly to expand palliative care by improving its accessibility, affordability, and quality, and by training qualified chaplains for hospital ministry. As the largest clinical pastoral education and research center of its kind in the United States, the HealthCare Chaplaincy has become an integral part of the medical community, caring for both residential and non-residential patients with serious progressive illnesses and helping to reduce the severity of disease symptoms.

The HealthCare Chaplaincy is hosting its 23rd Wholeness of Life Awards Dinner this month to celebrate its 50th Anniversary. I also wish to congratulate this year's most worthy honorees: the Chairmen of the Board of Trustees, as well as doctors and nurses who excelled at patient care in the palliative medical field.

The HealthCare Chaplaincy's remarkable achievements would not be possible without its President and Chief Executive Officer, the Reverend Dr. Walter J. Smith, and Executive Vice President and Chief Operating Officer, Claire Haaga-Altman. A specialist in end-of life palliative care, the Rev. Dr. Walter Smith has served at the HealthCare Chaplaincy for nearly two decades. Ms. Haaga-Altman has served in the non-profit sector for more than 30 years, helping to develop New York City's Access-a-Ride program and fostering and facilitating the growth of the multi-faith palliative medical field. At the Chaplaincy, she is overseeing an innovative and critically needed assisted living program.

Madam Speaker, I salute the work of HealthCare Chaplaincy and I ask that my distinguished colleagues join me in recognizing the outstanding work of the HealthCare Chaplaincy and its 2010 honorees for their many contributions to the civic and spiritual life of our Nation.

HONORING ELAINE ROTH FOR HER 42 YEARS OF PUBLIC SERVICE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. ISRAEL. Madam Speaker, I rise today to congratulate Elaine Roth, former District Manager of the Social Security Administration field office in Melville, NY, who will be retiring later this year. Her 42-year career with Social Security is a testament to Ms. Roth's dedication to public service.

Ms. Roth's career with Social Security began in 1968 when she was hired as a Claims Representative in Brooklyn, NY. Between then and 1980 she was promoted multiple times and served as Branch Manager of the field offices in Kings Plaza (Brooklyn), Riverhead (Long Island), and Flushing (Queens). She was then promoted to District Manager of the field office in Melville in 1998, a position she held until 2004 when she was asked to join Social Security's National Medicare Planning Task Force.

Throughout her four decades with Social Security, Ms. Roth's many accomplishments have been recognized with various awards. Most notably, she received a Deputy Commissioner's Citation (August 2007 and October 2005), a Component Head's Citation (August 2006), and the Commissioner's Citation—Social Security's highest honor—in September 2005 and three times previously.

Ms. Roth and her husband are long-time residents of Long Island and she will be entering her well-earned retirement as a loving mother of two and a devoted grandmother of one. I thank her for her service to the Second District of New York and wish her all the best in the future.

HONORING ETHAN J. SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Ethan J. Smith. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has contributed to his community through his Eagle Scout project. Ethan painted and renovated the Pink Hill Park playground prior to that park hosting the Wall That Heals traveling Vietnam War Memorial exhibit.

Madam Speaker, I proudly ask you to join me in commending Ethan J. Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DR. BRIAN MARSDEN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. ROHRABACHER. Madam Speaker, Dr. Brian Marsden directed the Minor Planet Center, MPC, at the Smithsonian Astrophysical Observatory in Cambridge, Massachusetts for nearly 30 years, where he kept track of the thousands of daily asteroid and comet observations from around the world. The responsibility of keeping track of these near-Earth objects, and potentially the fate of all humanity, could not have been in better hands than those of this capable, conscientious scientist.

Dr. Marsden became interested in astrophysics at the early age of five, when his mother displayed to him that method by which eclipses could be predicted in advance. His teen years were spent calculating forecasts of astronomical phenomena—long before modern computers or even calculators were available. By the time he was an undergraduate student, he had achieved an international reputation for the accuracy of his predictions of comets and for a number of new discoveries.

One of the most outstanding examples of his predictive prowess can be seen in his calculation of the return of comet Swift-Tuttle. The scientific consensus was that the comet would return in 1981, almost 120 years after it was last seen, but Dr. Marsden analyzed the available data and projected correctly that it would not return to the inner solar system until late 1992, over a decade later than previously expected. Swift-Tuttle has the longest period of any comet whose return has been successfully predicted.

Dr. Brian Marsden passed away on November 18, 2010. His soaring accomplishments have made this planet a safer place, and his legacy will live on for centuries.

TRIBUTE TO COMMANDER LORENZO ''PETE'' CASALEGNO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. HUNTER. Madam Speaker, I rise today to recognize the dedication, public service and patriotism of U.S. Navy Commander ''Pete'' Casalegno for 30 years of distinguished service to our nation, both with the U.S. Navy and the U.S. Air Force.

Commander Casalegno's military service began in 1965 when he enlisted in the Air Force and served as a weather observer and forecaster. A veteran of the Vietnam War, he served as a member of the combat weather team at Tan Son Nhut, Vietnam, from December 1967 to December 1968.

Upon graduation from the University of San Francisco, Commander Casalegno was commissioned and subsequently designated as a naval flight officer. After completion of advanced training in the E–2 Hawkeye aircraft, Commander Casalegno was assigned to Carrier Airborne Early Warning Squadron 114 and completed two overseas deployments onboard the USS *Kitty Hawk* (CV–63) and the USS *Coral Sea* (CV–43). During this assignment, Commander Casalegno completed arduous qualifications as Officer of the Deck and Tactical Action Officer.

After graduating from the United States Postgraduate School in 1981 with a Master of Science in Systems Engineering, Commander Casalegno was assigned to the staff of the Cruiser Destroyer Group Three as Assistant Air Operations and Electronic Warfare Officer. Involved in frequent deployments to both the Western Pacific and Southwest Asia, Commander Casalegno participated in military operations following the fall of the Shah of Iran and numerous humanitarian operations.

In 1985, Commander Casalegno reported to Carrier Airborne Early Warning Squadron 116 where he served as Operations Officer and Maintenance Officer during deployments to the Western Pacific and Southwest Asia. Commander Casalegno was involved in operations which included escorting U.S. merchant ships through the Straits of Hormuz and retributive strikes on Iranian oil facilities.

Following the tour, Commander Casalegno was assigned to the staff of Commander Allied Forces Southern Europe in Naples, Italy. As a staff officer, he was involved in numerous North American Treaty Organization operations, including support of allied forces during Operations Desert Shield and Desert Storm.

In 1990, Commander Casalegno was assigned as the United States Navy Exchange Officer to the Royal Navy's Maritime Tactical School in Portsmouth, England, where he trained senior allied officials in the employment of naval forces. In 1994, Commander Casalegno returned to the United States to serve at the Navy's Tactical Training Group, Atlantic Fleet, as the air defense instructor.

Commander Casalegno, his wife Marla, his daughter Julie, and his sons Cory and Phillip are stalwart Americans who have made enormous sacrifices over the last 30 years. Commander Casalegno has honorably and faithfully upheld the nation's special trust and confidence conveyed through his military commission. In every way, he has upheld his oath of office with true faith and allegiance. It is with the greatest sense of respect and appreciation that I stand today in recognition of Commander Casalegno and, along with the rest of my colleagues, wish him all the best in his retirement.

TRIBUTE TO FORMER STATE REPRESENTATIVE F.P. ''SKIPPY'' WHITE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, it is with sadness that I rise to inform the House of the passing of long-time South Alabama State Representative F.P. ''Skippy'' White. Representative White died on October 21, 2010, after an extended illness at age 69.

Skippy was the epitome of a public servant. He served with distinction in the Alabama House of Representatives for three decades, proudly representing the people of Baldwin and Escambia counties from 1982 to 2006.

He began his career in public service as a firefighter and later councilman for his beloved hometown of Pollard, Alabama where he held office for seven years. In 1982, he was elected as a Democrat to the Alabama House of Representatives and served in that capacity for 24 years. In fact, he was the longest serving legislator from Escambia County.

During his career in the Alabama State Legislature, Representative White worked tirelessly on behalf of south Alabama. He was distinguished as an outstanding legislator and served on the House Rules Committee and the Joint Transportation Committee. He is credited with improving the roads and bridges in his district where he took a great personal interest.

On behalf of the people of south Alabama, I extend deepest sympathy to his lovely wife, Clara; their wonderful children, Todd, Hugh, and Sarah Anne; and his family and many friends.

Representative Skippy White was much loved and respected by his constituents for his tireless dedication to Baldwin and Escambia counties. He will be deeply missed by all who knew him.

HONORING HANK DAVID GAMEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Hank David Gamel. Hank is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1494, and earning the most prestigious award of Eagle Scout.

Hank has been very active with his troop, participating in many scout activities. Over the many years Hank has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Hank has earned the rank of Warrior in the Tribe of Mic-O-Say. Hank has also contributed to his community through his Eagle Scout project. Hank designed and constructed a sign for the entrance of the Church of the Annunciation in Kearney, Missouri.

Madam Speaker, I proudly ask you to join me in commending Hank David Gamel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING JAMES J. BOLLICH AS 2010 AMERICAN LEGION POST 241 LEGIONNAIRE OF THE YEAR

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BOUSTANY. Madam Speaker, I want to recognize Sergeant James J. Bollich who was recently named Legionnaire of the Year by American Legion Post 241 in Lafayette, Louisiana. Sergeant Bollich served this Nation with honor and distinction, and has lived an exemplary American life worthy of approbation.

Sergeant Bollich was born in the small farm community of Mowata and attended college at

Southwestern Louisiana Institute, now the University of Louisiana at Lafayette. His time there was cut short, as in 1940 he joined the Army Air Corps at Barksdale Field in Shreveport, and participated in the Louisiana Maneuvers in 1941. His squadron was sent overseas, where he fought for the defense of the Philippines.

Serving as an infantryman during the Battle of Bataan, Bollich was captured by the Japanese and was forced to participate in the Bataan Death March as a prisoner of war. Despite the cruelty endured at the hands of his captors, and the thousands of deaths of his fellow servicemen he witnessed, Bollich bravely persevered and survived. He ultimately spent three and a half years at the Japanese POW camp in San Fernando before he and his fellow survivors were freed by the Russian Army in 1945.

After his harrowing ordeal, he returned to the United States and returned to college. Upon graduating, he worked as a subsurface petroleum geologist until his retirement. He has written several books, including ''A Soldier's Story'' which told his story of his time as a prisoner of war. For his courage in the face of unimaginable hardship, he received several commendations and medals, including the Bronze Star, the Victory Medal, and the POW medal. In addition to this, he was recently inducted to the Louisiana Veterans Hall of Honor. He has sacrificed much for his country, and should serve as an example and a reminder of true patriotism to this Nation.

It goes without saying that Sergeant James J. Bollich is very deserving of the honor of being named American Legion Post 241's Legionnaire of the Year. His story is one of bravery and dedication, and I am honored to serve as his member of Congress. He is part of our ''Greatest Generation'' and my words cannot express the gratitude we should all show to those who served in World War II. I wholeheartedly thank Sergeant Bollich for his service to the United States, and I congratulate him on this most recent honor.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, November 29, 2010, I missed two recorded votes on the House floor. I ask that the record reflect that had I been present, I would have voted ''yea'' on rollcall 581 and ''yea'' on rollcall 582.

IN HONOR OF DR. RUSS COLSON

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. PETERSON. Madam Speaker, I rise today to congratulate one of my distinguished constituents, Dr. Russ Colson, the 2010 Professor of the Year awarded by Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education.

Dr. Colson was hired by Minnesota State University Moorhead in 1993 to teach geology at a school that did not have an existing geology program. In an area like the Red River Valley with its rich geologic history, a strong program was necessary and Dr. Colson worked to create a stand-out geology program at one of our nation's stand-out universities.

He has put an emphasis on experiential learning in nearly three-quarters of his classes. A self-described ''science coach,'' Dr. Colson introduces students to geology around the globe through hands-on experiences—applying what is learned in books to the real world.

He is beloved by faculty and students alike. His students praise his teaching style for helping them develop skills necessary in the 21st century. A fellow faculty member refers to Dr. Colson as ''the best.''

Dr. Colson is the first professor from a Minnesota public university to receive this award but likely not the last. I offer my heartfelt congratulations to Dr. Colson, his family and the MSUM community on this impressive achievement.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor on the legislative day of November 29, 2010. Had I been present, I would have voted ''yea'' on rollcall votes 581 and 582.

CONGRATULATING MARY, MOTHER OF THE REDEEMER'S CATHOLIC EDUCATION CENTER

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Mary, Mother of the Redeemer's Catholic Education Center on the momentous achievement of being designated a 2010 Blue Ribbon School of Excellence. Mary, Mother of the Redeemer is a Catholic Parish in North Wales, Montgomery County. In 1997, the ten-year old parish saw the need for a school of its own and began laying the groundwork to establishing what would become an award winning educational center. In 2002, after years of planning and fundraising, the parish began construction and only two years later the school had an enrollment of nearly 700 students. The education center has a mission statement of recognizing the uniqueness of each student to provide a quality Catholic education.

The Blue Ribbon Program is a project of the Department of Education that identifies the best school leadership and teaching practices, setting a standard of excellence for all middle and high schools. This year, 254 public and 50 private schools were chosen for this honor. Schools are chosen based on their ability to produce students who, regardless of their backgrounds, are high performing.

Being chosen as a Blue Ribbon School designates Mary, Mother of the Redeemer as a model for other schools across the country. Of the 413 schools nationwide that can be nominated, only 50 originate with the Council for Private Education, through which Mary, Mother of the Redeemer was nominated. The school is fully committed to maintaining its five year Blue Ribbon designation and being nominated again in 2015. I am proud to represent in congress a school that is so committed to excellence that it is nationally recognized, serving as a model nationwide.

Madam Speaker, once again I ask that my colleagues join me in congratulating Mary, Mother of the Redeemer on its momentous designation as a blue ribbon school.

RECOGNIZING THE ONE HUNDREDTH ANNIVERSARY OF THE CHAUTAUQUA HALL OF BROTHERHOOD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the centennial anniversary of the Chautauqua Hall of Brotherhood, located in DeFuniak Springs, Florida.

On Lake Chautauqua in western New York, the original Chautauqua Institution was founded in 1874 as a vacation school for Sunday school teachers. Chautauqua retreats gained popularity in the 1880s; in 1885, the first Florida Chautauqua program, and second in the nation, was founded and convened on the banks of Lake DeFuniak It served as a platform for discussion of the latest thinking in politics, economics, literature, science and religion and attracted noted scholars and famous lecturers.

In 1910, the Hall of Brotherhood was completed. The Dome was dedicated to the soldiers and sailors of the Republic, and the columns on the outside of the building represent the Presidents of the United States. The expansive edifice incorporated many large meeting rooms and contained a 4,000 seat amphitheatre, fully equipped with electrical lights, dissolving color effects and foot lights for the presentation of plays and grand concerts. It was the largest Chautauqua amphitheatre in the southern United States.

As he laid the cornerstone at the dedication ceremony, General John B. Gordon remarked, ''The Hall of Brotherhood tells the story. Every beam and timber, each brick and stone that shall complete its structure, from this supporting cornerstone now laid to its finished turret, will speak to coming generations of the sentiment that suggested it. American brotherhood, a reunited country, on which depends not only the life and perpetuity of the Republic, but the welfare of universal humanity, are the glorious realities which this Hall is to represent. In the name, therefore, of every state in this Union, and of our priceless freedom, invoking Heaven's blessing upon it, I dedicate this spot where the Hall of Brotherhood is to stand a holy invocation to the everlasting fraternity of the American People.''

On August 7, 1972 the Chautauqua Hall of Brotherhood was listed in the National Register of Historic Places.

Madam Speaker, on behalf of the United States Congress, I am proud to celebrate the centennial anniversary of the Chautauqua Hall of Brotherhood.

CONGRATULATING DIAMOND STANDARD ON EXCELLENCE IN CREATING AFTER-MARKET PARTS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. COHEN. Madam Speaker, I rise today to congratulate Diamond Standard, a Memphis based company, for receiving an excellent rating from the Insurance Institute for Highway Safety (IIHS) for their after-market bumpers. The IIHS, widely considered to be a leading authority on crash testing and auto safety, describes itself as ''an independent, nonprofit, scientific, and educational organization dedicated to reducing the losses—deaths, injuries, and property damage—from crashes on the nation's highways.'' IIHS found Diamond Standard's bumpers to be equivalent to factory equipment.

Diamond Standard is truly an American company that shows the American dream is still alive and well. Owner and founder Mike O'Neal started his work in the automotive business as an employee for his father, John O'Neal, who owned a bumper re-chroming shop in West Memphis. In the 1990's, Mike saw a demand for high-end, after-market bumpers. However, Diamond Standard did not officially begin selling its product until four years ago.

Today, Diamond Standard and its sister companies have manufacturing and warehousing facilities in Ohio, Michigan, Oklahoma, Washington State, Pennsylvania, Arizona and Taiwan. Diamond Standard provides jobs for approximately 439 Americans, including 65 in Memphis.

The collision replacement industry is estimated to generate more than $16 billion a year. Diamond Standard provides parts to nearly 15 percent of companies within this industry. Because of the tremendous work they are doing, the company is worth an estimated $150 million a year. Mr. O'Neal has said that the Insurance Institute certification has the potential to double Diamond Standard's business in the next 24 months.

For the past 5–6 years Diamond Standard has invested about $2 million for research and testing to prove that its parts are comparable to those that are factory-made. Their recent invention of an after-market bumper that is comparable to a factory bumper is significant because it has never been done before. This new and safe bumper has the potential to lower bumper-replacement costs for hard working Americans.

Diamond Standard has given Memphis much of which to be proud. Its investment in research and development, revolutionary innovation and operational expansion is truly emblematic of the American entrepreneurial spirit. Madam Speaker, I ask the House to join me in congratulating Diamond Standard for the excellent rating they received for their after-market bumpers and for the bright future Diamond Standard will surely have.

HONORING ADELE LICHTENBERGER, RECIPIENT OF THE AMERICAN METEOROLOGICAL SOCIETY/NASA EARTH SCIENCE GRADUATE FELLOWSHIP

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Adele Lichtenberger, of Springfield, Va., for receiving the American Meteorological Society and NASA Earth Science Graduate Fellowship. This fellowship program is designed to encourage careers in environmental science—specifically atmospheric, oceanic and hydrological fields—for the bright young scientists. It selects promising students in their first year of graduate study who are interested in a variety of concentrations including meteorology, physics, mathematics, hydrology, oceanography, marine science, computer science and engineering. Ms. Lichtenberger received one of only thirteen fellowships from the American Meteorological Society.

Ms. Lichtenberger recently received her bachelor's degree in meteorology and physics from North Carolina State University, where she was recognized as the Outstanding Senior in Meteorology in May 2010. She has also earned the American Meteorological Society's Richard and Helen Hagemeyer Scholarship for the 2009 school year as well as the National Oceanic and Atmospheric Administration's Ernest F. Hollings Undergraduate Scholarship for the 2008 and 2009 school years. Ms. Lichtenberger's studies were focused on cloud and aerosol physics, and she will continue this focus in her graduate studies at Colorado State University.

Madam Speaker, I ask my colleagues to join me in honoring Adele Lichtenberger as the recipient of the AMS/NASA Earth Science Graduate Fellowship and for her commitment to her study of meteorological science.

TRIBUTE TO LUCILLE RYAN

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. OWENS. Madam Speaker, I rise today to honor Lucille Ryan of Brooklyn, my cousin and Godmother, on her 90th Birthday.

Lucille has spent most of her life in Brooklyn and now lives in Whiting, New Jersey with her husband, Bill. They have been married for 58 years, raising three wonderful children; and have eight grandchildren and three great grandchildren. They have contributed to their church and local communities in immeasurable ways.

As my Godmother, I have known Lucille for my entire life, spending many holidays at her house. Lucille always kept a warm and welcoming environment in her home, teaching me the value of hospitality and a strong family relationship from an early age. As a person of deep religious conviction, I learned how important love, understanding and tolerance truly are.

To this day, Lucille continues to bring loved ones together and teach a whole new generation the value of family. The lessons and values I have learned from her will stay with me throughout my life. I congratulate her on 90 full years and thank her for playing such a strong role in my life.

PERSONAL EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. RYAN of Ohio. Madam Speaker, on Monday, November 29, 2010, I was unable to return to Washington, DC, in time to cast my vote for rollcall votes 581 and 582. Had I been present, I would have voted ''aye'' on both.

NOVEMBER IS NATIONAL HOSPICE AWARENESS MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. TOWNS. Madam Speaker, I rise today to acknowledge the month of November being designated as National Hospice Awareness Month. We may hear of hospice care from friends or colleagues that have had the unfortunate experience of placing their loved one in a hospice facility. Oftentimes, when we hear the word hospice, we think of it as a cold and uncaring place that our loved one may transition to before their final resting place. However, ''hospice'' care is a compassionate approach to caring for those who are faced with a life-limiting illness. It provides families with the supportive services that not only keep the patient comfortable, but educates the family and provides emotional support.

Hospice care brings together a team of specifically trained professionals and volunteers who work with the patient's doctor to provide a plan of care designed to control the pain and ease end-of-life struggles for the patient and family. The typical hospice team consists of the patient's physician and the hospice physician; registered nurses; social workers; spiritual care coordinators; bereavement counselors; dietitians; pharmacists; physical, occupational and speech therapists; home care aides; and volunteers. Some patients even benefit from having access to music, art and massage therapists as well, all of which are services provided in hospice care.

In the state of New York, there are over 20 specialized Hospice and Palliative Care facilities, three of which are in my district. If you read the testimonies from family members who have received any type of hospice service for a loved one, I believe that you would have a different outlook and better understanding of hospice care. Hospice is covered under Medicare Part A, Medicaid and private insurance. It is truly underutilized by those who would benefit the most and many hospices will not turn anyone away based on their ability to pay.

In closing, I no longer want you to think of ''hospice'' care as cold and uncaring, but a philosophy of services available to you and your loved one. The kind of health care services that are available round the clock; services that don't end once your loved one have

gone to their final resting place, but bereavement services that extends beyond that timeframe and as needed. Therefore, it is important for me to recognize the many organizations that provide these specialized services in a nation that is hurting from so many crises on a daily basis. I want to recognize and honor these facilities around the world.

RECOGNIZING FACETS AND ''A TASTE OF FALL''

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize FACETS, a Northern Virginia non-profit that is a leader in providing dynamic and responsive service to those suffering from poverty and homelessness. Tonight we are here for the ''Taste of Fall'' in support of this organization.

Founded in 1988 by Ms. Linda D. Wimpey and three Episcopalian churches, FACETS works to address the needs of those living on the brink of homelessness. To successfully work towards this goal, FACETS has grown its partnerships in the community, drawing in faith organizations, businesses, individuals, and local government. In the past year, nightly meals and Sunday morning breakfasts were served by a core group of 35 faith partners and 1000 volunteers who cooked and delivered more than 42,000 meals to men, women, children who are homeless in Fairfax. With the help of an additional 400 volunteers, FACETS also provides social work services, housing, and supportive programs for individuals and families that are homeless or living in government-subsidized housing sites in Fairfax County.

FACETS approach to its quality service is in its guiding values of dignity, commitment, and integrity.

The homeless suffer from the stigmas and biases, making it difficult to navigate the challenges they face. Recognizing this shortcoming, FACETS has committed itself to treating clients with dignity and respect. Understanding without judging is important to promoting the self esteem necessary to self improvement.

Through a strong commitment to its volunteers, staff, partners, donors and clients, FACETS works to foster an atmosphere of camaraderie and teamwork in achieving their goal of ending homelessness and poverty. The caliber of work FACETS performs is a testament to the people involved in this mission.

Integrity of operations and transparency in management is critical to FACETS' ability to maintain high quality services. FACETS holds the communities trust in its stewardship of resources, and its discipline in providing the best quality service possible.

Madam Speaker, I ask my colleagues to join me in thanking FACETS for its work to end homelessness and poverty in Fairfax County. It is the collaboration of volunteers, donors, government, and businesses that enable FACETS to carry out its mission. You have the appreciation of the Northern Virginia community, and my personal thanks for your important service.

REMEMBERING JOHN ALVIS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BRADY of Texas. Madam Speaker, ten years ago today, our world lost a great champion for global democracy and the rule of law.

John Alvis, a close friend and constituent of mine, was murdered on November 30, 2000 in Baku, Azerbaijan where he was working for the cause most dear to his heart spreading democracy around the globe. For those of you who never had the honor to meet John, I'd like to tell you today about this 36 year old idealistic warrior for international democracy who never met a stranger.

I first got to know John when he helped guide my first campaign for Congress and in 1999, I was honored to witness first hand John's impact around the globe as he assisted the Republic of Georgia in their transition to a democratic government. His passion to export American democratic principles was unrivaled and that lead him from his home in Texas to the former Soviet Union.

John's young life was ended by an unknown assailant while he serving as a resident director of the International Republican Institute, training campaign workers and election officials in Azerbaijan. One of his colleagues there probably described John best as someone who ''touched the lives of everyone he came in contact with.'' I and members of my staff remember John for his infectious laugh, his great sense of humor, his passion for all things politics, his love for man's best friend, his Dalmatian Jersey, and his innate ability to keep people together even in the toughest of times.

Even though it was just two weeks before John was due to return home to celebrate Christmas that he was killed, this proud Aggie lives on through the recipients of the John Alvis Memorial Scholarship at Texas A&M University who exemplify his passionate American Patriotism through their public service.

I am concerned that John's murder remains unsolved. Madam speaker, I want to take this opportunity to impress on the Government of Azerbaijan and the FBI the necessity to continue to press to bring those responsible for this heinous act to justice.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I intended to vote ''nay'' on rollcall vote 584 taken on November 30, 2010. The CONGRESSIONAL RECORD currently lists me as an ''aye'' vote on this measure. As a fiscal conservative, I cannot support $4.6 billion in government spending in a period of record federal deficits and budget constraints facing American families.

HONORING SERENA SUTHERS AS A RUNNER UP IN THE 2010 ''GOLDEN CARROT AWARDS'' FOR INNOVATION IN SCHOOL FOODSERVICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Serena Suthers for receiving the runner-up award in the Physicians Committee for Responsible Medicine's (PCRM) Golden Carrot Awards celebrating innovation in school foodservice. PCRM established The Golden Carrot Awards in 2004 to recognize exceptional efforts to improve the nutritional value of school lunches. It identifies school programs that have encouraged students to eat fresh fruits and vegetables, while also offering students plenty of healthful options.

Ms. Suthers serves as the Director of School Food and Nutrition Services for the Prince William County Public Schools (PWCS). As part of an initiative to make healthy eating habits and nutrition education fun and engaging for students, PWCS offers various events and programs to promote a healthy diet. The school system offers daily vegetarian and vegan meal options and other healthy choices such as whole grains, soymilk, brown rice, and granola bars. It also hosts tasting parties featuring a fruit or vegetable of the month and has developed a partnership with a local vendor to provide lettuce for PWCS' salads.

Madam Speaker, I ask that my colleagues join me in recognizing Serena Suthers for receiving the PCRM's Golden Carrot runner-up prize for her dedication to child nutrition and innovation in school foodservice. I would like to congratulate her for her achievement in creating a more healthy community for the students of Prince William County Public Schools.

CORRECTION

Daily Digest

HIGHLIGHTS

Senate passed S. 510, FDA Food Safety Modernization Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S8257–S8308

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 3986–3992, and S. Res. 690–691. **Page S8298**

Measures Reported:

S. 1938, to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving, with an amendment in the nature of a substitute. (S. Rept. No. 111–355)

H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

H.R. 5651, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''.

H.R. 5706, To designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''.

H.R. 5773, To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''.

S. 118, to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, with an amendment in the nature of a substitute. **Page S8298**

Measures Passed:

FDA Food Safety Modernization Act: By 73 yeas to 25 nays (Vote No. 257), Senate passed S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, after taking action on the following amendment and motions proposed thereto: **Pages S8259–67**

Adopted:

Reid (for Harkin) Amendment No. 4715, in the nature of a substitute. **Page S8259, S8267**

During consideration of this measure today, Senate also took the following action:

By 39 yeas to 56 nays (Vote No. 255), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XXII, of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn Amendment No. 4697. **Page S8263**

By 36 yeas to 62 nays (Vote No. 256), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XXII, of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn Amendment No. 4696. **Page S8264**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S8267**

Fair Credit Reporting Act: Senate passed S. 3987, to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors. **Pages S8288–89**

Coin Modernization, Oversight, and Continuity Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 6162, to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items, and the bill was then passed. **Page S8292**

American Eagle Palladium Bullion Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 6166, to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and the bill was then passed. **Page S8292**

175th Anniversary of the Birth of Mark Twain: Senate agreed to S. Res. 690, commemorating the 175th anniversary of the birth of Mark Twain. **Pages S8292–93**

Charitable Collections in Senate Buildings: Senate agreed to S. Res. 691, to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings. **Page S8293**

Restore Online Shoppers' Confidence Act: Senate passed S. 3386, to protect consumers from certain aggressive sales tactics on the Internet, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8305–08**

Hagan (for Rockefeller/Hutchison) Amendment No. 4721, to make minor and technical changes in the bill as reported. **Page S8306**

Morning Business—Agreement: A unanimous-consent agreement was reached providing that at approximately 9:30 a.m., on Wednesday, December 1, 2010, Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the Majority controlling the next 30 minutes. **Page S8308**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, notification of the implementation of an alternative pay plan for locality pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2011; which was referred to the Committee on Homeland Security and Governmental Affairs. (PM–68) **Pages S8295–96**

Messages from the House: **Page S8296**

Measures Referred: **Pages S8258, S8296**

Measures Placed on the Calendar: **Page S8296**

Measures Read the First Time: **Page S8308**

Enrolled Bills Presented: **Page S8296**

Executive Communications: **Page S8296–98**

Executive Reports of Committees: **Page S8298**

Additional Cosponsors: **Pages S8298–99**

Statements on Introduced Bills/Resolutions: **Pages S8299–S8305**

Additional Statements: **Page S8295**

Amendments Submitted: **Page S8305**

Authorities for Committees to Meet: **Page S8305**

Record Votes: Three record votes were taken today. (Total—257) **Pages S8263–64, S8267**

Adjournment: Senate convened at 9:00 a.m. and adjourned at 8:42 p.m., until 9:30 a.m. on Wednesday, December 1, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8308.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Scott C. Doney, of Massachusetts, to be Chief Scientist of the National Oceanic and Atmospheric Administration, and Mario Cordero, of California, and Rebecca F. Dye, of North Carolina, both to be a Federal Maritime Commissioner, Federal Maritime Commission, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

H.R. 5651, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse";

H.R. 5706, to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building";

H.R. 5773, to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building";

H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building";

H.R. 5282, to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities;

H.R. 4973, to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges;

S. 3874, to amend the Safe Drinking Act to reduce lead in drinking water;

S. 3973, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program;

Proposed resolutions relating to the General Services Administration; and

The nomination of Samuel Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission.

BUSINESS MEETING

Committee on Foreign Relations: Committee announced the following subcommittee assignments:

Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs: Senators Dodd (Chair), Menendez, Cardin, Webb, Gillibrand, Barrasso, Isakson, Risch, and Inhofe.

Subcommittee on African Affairs: Senators Feingold (Chair), Cardin, Webb, Shaheen, Coons, Isakson, DeMint, Corker, and Inhofe.

Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues: Senators Boxer (Chair), Feingold, Menendez, Shaheen, Gillibrand, Coons, Wicker, DeMint, Barrasso, and Inhofe.

Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection: Senators Menendez (Chair), Boxer, Cardin, Casey, Shaheen, Gillibrand, Corker, Wicker, DeMint, and Risch.

Subcommittee on Near Eastern and South and Central Asian Affairs: Senators Casey (Chair), Dodd, Feingold, Boxer, Cardin, Coons, Risch, Corker, Barrasso, and Isakson.

Subcommittee on East Asian and Pacific Affairs: Senators Webb (Chair), Dodd, Feingold, Boxer, Casey, Gillibrand, Inhofe, Isakson, Barrasso, and Wicker.

Subcommittee on European Affairs: Senators Shaheen (Chair), Dodd, Menendez, Casey, Webb, Coons, DeMint, Risch, Corker, and Wicker.

Senators Kerry and Lugar are ex-officio members of the subcommittees.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorable reported the following business items:

S. 3784, to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office";

H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building";

H.R. 6118, to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the "Dorothy I. Height Post Office";

H.R. 6237, to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building";

H.R. 6387, to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building"; and

The nomination of Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States, Government Accountability Office.

FOREIGN CORRUPT PRACTICES ACT

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine enforcement of the Foreign Corrupt Practices Act, after receiving testimony from Greg Andres, Acting Deputy Assistant Attorney General, Department of Justice; Mike Koehler, Butler University, Indianapolis, Indiana; Andrew Weissmann, Jenner and Block LLP, New York, New York, on behalf of the United States Chamber of Commerce and the United States Chamber Institute for Legal Reform; and Michael Volkov, Mayer Brown LLP, Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 4 public bills, H.R. 6459–6462; and 2 resolutions, H.J. Res. 101–102 were introduced. **Page H7757**

Additional Cosponsors: **Pages H7757–58**

Reports Filed: Reports were filed today as follows:

H.R. 5112, to provide for the training of Federal building personnel, and for other purposes (H. Rept. 111–662);

H.R. 5562, to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes

(H. Rept. 111–663); H. Res. 1741, providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes (H. Rept. 111–664);

H. Res. 1742, providing for consideration of the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes (H. Rept. 111–665);

H.R. 42, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes, with an amendment (H. Rept. 111–666);

H.R. 3290, to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence (H. Rept. 111–667);

H.R. 5105, to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes, with an amendment (H. Rept. 111–668, Pt. 1) and

H.R. 233, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, with an amendment (H. Rept. 111–669, Pt. 1). **Pages H7756–57**

Speaker: Read a letter from the Speaker wherein she appointed Representative Salazar to act as Speaker pro tempore for today. **Page H7645**

Recess: The House recessed at 10:39 a.m. and reconvened at 12 noon. **Page H7649**

Claims Resolution Act of 2010: The House concurred in the Senate amendments to H.R. 4783, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, by a yea-and-nay vote of 256 yeas to 152 nays, Roll No. 584. **Pages H7651–58, H7658–95, H7700–01**

H. Res. 1736, the rule providing for consideration of the Senate amendments to the bill, was agreed to by a yea-and-nay vote of 223 yeas to 168 nays, Roll No. 583, after the previous question was ordered without objection. **Pages H7651–57**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing: H. Res. 1585, amended, to honor and recognize the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California; by a ⅔ recorded vote of 408 ayes with none voting ''no'', Roll No. 585; **Pages H7695–96, H7702–03**

Recognizing and honoring the National Guard on the occasion of its 374rd anniversary: H. Res. 1740, to recognize and honor the National Guard on the occasion of its 374rd anniversary, by a ⅔ recorded vote of 404 ayes with none voting ''no'', Roll No. 586; **Pages H7696–98, H7703**

Providing for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy: H.R. 6411, to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; **Pages H7723–24**

Requiring the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts: H.R. 6398, to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts; **Pages H7727–28**

Nuclear Energy Research and Development Act of 2010: H.R. 5866, amended, to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, and to increase efficiency and safety of civilian nuclear power; **Pages H7730–33**

Honoring the historic contributions of veterans throughout all conflicts involving the United States: H. Res. 1622, to honor the historic contributions of veterans throughout all conflicts involving the United States; **Pages H7734–35**

Directing the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights: H.R. 5953, amended, to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights; and **Pages H7735–39**

Agreed to amend the title so as to read: ''To direct the Secretary of Veterans Affairs to display in

each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes.''. **Page H7739**

Expressing support for designation of a ''National Veterans History Project Week'': H. Res. 1644, to express support for designation of a ''National Veterans History Project Week''.

Pages H7739–42

Moment of Silence: The House observed a moment of silence in memory of Stephen Solarz, former Member of Congress. **Pages H7701–02**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Honoring Fort Drum's soldiers of the 10th Mountain Division: H. Res. 1217, amended, to honor Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States; **Pages H7698–99**

Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base: H. Res. 1724, amended, to commend the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force; **Pages H7699–H7700**

Honoring and saluting golf legend Juan Antonio ''Chi Chi'' Rodriguez: H. Res. 1430, amended, to honor and salute golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute; **Pages H7704–07**

Supporting the goals and ideals of National GEAR UP Day: H. Res. 1638, to support the goals and ideals of National GEAR UP Day;

Pages H7707–09

Expressing support for the designation of the month of October as National Work and Family Month: H. Res. 1598, to express support for the designation of the month of October as National Work and Family Month; **Pages H7709–11**

Expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established: H. Res. 1576, amended, to express the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established; **Pages H7711–12**

Expressing support for designation of May as ''Child Advocacy Center Month'' and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010: H. Res. 1313, to express support for designation of May as ''Child Advocacy Center Month'' and to commend the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010;

Pages H7712–13

Supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years: H. Con. Res. 323, to support the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years; **Pages H7713–16**

Supporting the observance of American Diabetes Month: H. Res. 1690, amended, to support the observance of American Diabetes Month;

Pages H7716–20

Commercial Advertisement Loudness Mitigation Act: S. 2847, to regulate the volume of audio on commercials; **Pages H7720–21**

Condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010: H. Res. 1735, to condemn North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010; **Pages H7721–23**

Commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security: H. Res. 527, amended, to commend the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security;

Pages H7724–26

Commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia: H. Res. 528, to commend the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia; and **Pages H7726–27**

Supporting the goals and ideals of National Homeless Persons' Memorial Day: H. Con. Res. 325, to support the goals and ideals of National Homeless Persons' Memorial Day. **Pages H7728–30**

Presidential Message: Read a message from the President wherein he notified Congress of his determination that it is appropriate to exercise the statutory alternative plan authority under 5 U.S.C. 5304a

to set alternative January 2011 locality pay rates for civilian Federal employees covered by the General Schedule and certain other pay systems—referred to the Committee on Oversight and Government Reform and ordered to be printed (H. Doc. 111–156).

Page H7742

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H7657, H7700–01, H7702–03, H7703. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 10:47 p.m.

Committee Meetings

DOD RESPONSE TO REPORT ON PROFESSIONAL MILITARY EDUCATION

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Continued Engagement: Department of Defense Responses to the Committee's April 2010 Report on Professional Military Education. Testimony was heard from the following officials of the Department of Defense: Lernes J. Hebert, Acting Director, Officer and Enlisted Personnel Management, Office of the Under Secretary, Personnel and Readiness; BG William C. Hix, USA, Director, Operational Plans and Joint Force Development, J–7, Joint Chiefs of Staff; BG Sean MacFarland, USA, Deputy Commandant, Command and General Staff College, U.S. Army; Scott Lutterloh, Director, Total Force Training and Education Division, U.S. Navy; Dan Sitterly, Director, Force Development, Deputy Chief of Staff, Manpower and Personnel, U.S. Air Force; and MG Robert Neller, USMC, President, Marine Courts University.

DEMOCRATIC REPUBLIC OF CONGO CRISIS—U.S. NATIONAL SECURITY IMPLICATIONS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats, and Capabilities held a hearing on the Crisis in the Democratic Republic of Congo: Implications for U.S. National Security. Testimony was heard from Ted Dagne. Specialist in African Affairs, CRS, Library of Congress; John Prendergast, former Director, African Affairs, National Security Council; and a public witness.

INVESTMENTS TIED TO GENOCIDE

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled "Investments Tied to Genocide: Sudan Divestment and Beyond." Testimony was heard from Thomas Melito, Director, International Affairs and Trade, GAO; Richard S. Williamson, former Special Envoy to Sudan; and public witnesses.

CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by a non-record vote, a closed rule providing for consideration of H.J. Res. 101, Making further continuing appropriations for fiscal year 2011, and for other purposes. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against the joint resolution. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Obey.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Committee on Rules: Granted, by a non-record vote, a closed rule providing for consideration of S. 3307, Healthy, Hunger-Free Kids Act of 2010. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman George Miller of California, and Representative Kline of Minnesota.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 1, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine problems in mortgage servicing from modification to foreclosure, part 2, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: To hold hearings to examine transition and implementation, focusing on the NASA Authorization Act of 2010, 10:30 a.m., SR–253.

Full Committee, to hold hearings to examine mini med policies, 2:30 p.m., SR–253.

Committee on Foreign Relations: To hold hearings to examine Latin America in 2010, focusing on opportunities, challenges, and the future of the United States policy in the hemisphere, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, S. 3036, to establish the Office of the National Alzheimer's Project, S. 1275, to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, H.R. 2941, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, an original bill entitled, ''The Museum and Library Services Act of 2010'', and the nominations of Anthony Bryk, of California, Robert Anacletus Underwood, of Guam, and Kris D. Gutierrez, of Colorado, all to be a Member of the Board of Directors of the National Board for Education Sciences, Sean P. Buckley, of New York, to be Commissioner of Education Statistics, Department of Education, Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services, Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation, and Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities, and subcommittee assignments; to be immediately followed by a hearing to examine the Pension Benefit Guaranty Corporation, focusing on management and oversight, 9:45 a.m., SD–430.

Committee on the Judiciary: Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3728, to amend title 17, United States Code, to extend protection to fashion design, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Robert Neil Chatigny, and Susan L. Carney, both of Connecticut, both to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid, and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, Diana Saldana, to be United States District Judge for the Southern District of Texas, Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, and Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement, and Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service, both of the Department of Justice, and Patti B. Saris, of Massachusetts, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission, 10 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Strategic Forces, hearing on the status of the phased adaptive approach, 2 p.m., 2212 Rayburn.

Committee on Foreign Affairs, hearing on Implementing Tougher Sanctions on Iran: A Progress Report, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Competition Policy, hearing on Antitrust Laws and Their Effects on Health care Providers, Insurers and Patients, 10:30 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on WikiLeaks Unauthorized Disclosures of Classified Information, 11 a.m., 304–HVC.

Subcommittee on Intelligence Community Management, hearing on Update on Security Clearance Reform, 1 p.m., 2253 Rayburn.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Not Going Away: America's Energy Security, Jobs and Climate Challenges,'' 11 a.m., 210 Cannon.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 1

Senate Chamber

Program for Wednesday: Senate will be in a period of morning business.

(Senate will recess from 12:30 p.m. until 3:30 p.m. for the Democratic caucus meeting.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 1

House Chamber

Program for Wednesday: Consideration of S. 3307—Healthy, Hunger-Free Kids Act of 2010 (Subject to a Rule).

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