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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FARR).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 7, 2010.

I hereby appoint the Honorable SAM FARR 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.

TIME TO CHARGE ASSANGE NOW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER) for 2 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, since WikiLeaks has begun releasing American top secret information that it obtained illegally, there has been a debate about how our Nation should respond to this. I believe that the actions of WikiLeaks provide material support to our terrorist enemies, so it should be treated as a terrorist organization. Others have argued that WikiLeaks is simply a media organization and, therefore, it is protected under the First Amendment.

Well, consider for a moment the most recent statements by Julian Assange, the founder of WikiLeaks, which I believe show exactly what he is—a terrorist. Assange has spread across the world an encrypted document which he claims has even more vital national secrets that he is going to release. Assange calls this file his ''insurance'' file, and he has threatened to release this information if he is captured or if he is charged with any violation of law. Those, Mr. Speaker, are not the actions of a journalist. Those are the actions of a terrorist.

Even President Clinton recently said that lives will be lost because of the release of this information. But still, Mr. Speaker, we still have not heard anything on this issue from our current Commander in Chief, President Obama. The silence from President Obama, our Commander in Chief, is absolutely baffling.

HONORING LOUISVILLE'S MAYOR JERRY ABRAMSON

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

Mr. YARMUTH. Mr. Speaker, there was a time, and it wasn't too long ago, that the gorgeous waterfront park in my hometown of Louisville, Kentucky, was a junkyard. It was a time, just 25 years ago, that if you found yourself in our now thriving downtown after dark, you were most likely either working late or lost. This was a time, believe it or not, that Louisville Slugger was in Indiana.

You can't make this stuff up.

No, these days, it's hard to picture Louisville before 1985, hard to believe how much has changed in the last quarter century, hard to imagine Louisville without Mayor Jerry Abramson. Yet on January 3, 2011, that's exactly what we'll be when we say goodbye, with gratitude, to the man for whom the title ''Mayor for Life'' proved just a little too optimistic.

Don't get me wrong, with our diverse and storied neighborhoods, along with our hardworking community-oriented families, the Derby City—hometown of the Louisville Lip, Muhammad Ali—has long been a source of pride. Still, few could have dreamed that it could be the world-class 21st century city it has become.

Mayor Jerry dared not only to dream, he led the charge that made that dream reality. In five terms as mayor, Jerry was a driving force in expanding and modernizing our airport and transforming Louisville into an international shipping hub by luring UPS and 23,000 jobs to our community. His team's investments in our community have encouraged some of our Nation's largest companies—Ford, GE, Humana—to invest as well, creating thousands more quality jobs for our residents. But during his tenure, Louisville has also become a city of entrepreneurship, the Possibility City, a vibrant, attractive place for startups to grow into thriving businesses.

The once antagonistic relationship between the River City and the rest of Kentucky now is limited to sporting events, under his stewardship. In all other facets, a partnership has grown, from Pikeville to Paducah, in which Jerry's Louisville works with Frankfort and 119 other counties for the betterment of the entire Commonwealth of Kentucky.

But what will truly be the legacy of Mayor Jerry? How about a revitalized downtown, which has been transformed into a vibrant and modern destination while remarkably retaining its historic character and preserving its architectural treasures; or in our park system, which has grown and flourished like never before, earning us the distinction, city of parks. It could be his commitment to Louisville's low-income families. After all, in the last 15 years, his administration has revolutionized the Federal HOPE VI program with

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two of the most successful housing projects in the Nation. Maybe his legacy will be Metro Safe, which has improved public safety in our neighborhoods, or his Operation Brightside initiative that has made those neighborhoods cleaner and greener, or the Hometown movement that has enhanced our community's health.

I think you see where I am going with this. With more accomplishments, victories, and advances for our entire community than I have time to rattle off today, Jerry Abramson's legacy is Louisville. I am far from the only one who thinks so.

Jerry has been named Local Public Official of the Year by Governing Magazine, Kentucky's best civic leader a record five times, and one of the best and most dynamic mayors in the country. But if you know Jerry like I do, you know these aren't the accolades that matter to Jerry. He cares about the ones that named Louisville the Most Livable City in America, a top city for young people, one of the country's best places to retire, one of the Nation's safest cities, one of the best cities to do business in—the list goes on.

His pride in and passion for Louisville has been contagious and has inspired generations of leaders who have worked with him to create great things for our community and who will continue to carry the torch after he has passed it on. That pride can be seen everywhere today. We display it on T-shirts and bumper stickers in any number of different ways, from the fleur-de-lis to proud displays of our area code, from efforts to Keep Louisville Weird to T-shirts that conflate Jerry and Elvis, which is definitely weird. You can see it in the way we support our local businesses, local restaurants, and local artists, in the way we take care of our neighborhoods and watch out for our neighborhoods. And we do it all because we know we live in the best city in the world, and we want to keep it that way.

So after more than two decades, our Mayor for Life opts for early retirement—in title alone, mind you. If you think Jerry's service to this community was just a job, you've got another thing coming. As he moves on to the next stage of his career of service, City Hall will miss his leadership, his tenacity, and his passion for Louisville; but we will forever benefit from his legacy. After all, it's hard to miss.

To Mayor Abramson and his incredible, devoted staff, I join all of metro Louisville in thanking you for your service. The measure of your work and your sacrifice is that you have unquestionably left Louisville a better place than when you found it, and I am grateful that your work is not yet done for our city, our Commonwealth, and our Nation.

STATE OF THE ECONOMY: TARP LIVES ON AND FED PRINTS MONEY

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

Mr. STEARNS. Mr. Speaker, the Treasury Department announced the end of the TARP on October 3, 2010. Now, it may have marked the end of the Treasury Department's authority to initiate new investments under the Troubled Asset Relief Program, but in reality, TARP is not dead. American taxpayers still face a daunting economic recovery, with the Federal Reserve now downgrading their economic outlook for the United States economy and predicting over 9 percent unemployment through the end of next year as it simultaneously engages in a dangerous quantitative easing plan—a monetary policy used to increase the money supply by simply buying up government securities—that could further damage our financial recovery.

Mr. Speaker, let's start with the troubling news about the TARP program. According to Neil Barofsky, the Special Inspector General of the TARP, which is called SIGTARP, the taxpayer-funded bailout program ''remains very much alive.'' In fact, Mr. Barofsky's report states, ''As of October 3, $178.4 billion in TARP funds were still outstanding, and although no new TARP obligations can be made, money already obligated to existing programs may still be expended.''

□ 1240

Furthermore, $211.3 million in Capital Purchase Program dividends remain outstanding and unpaid. This is money that is owed to the taxpayers.

SIGTARP's November report also criticized Treasury's TARP program for failing to save homeowners from foreclosure. Out of the 1.7 million American homes that have been foreclosed on since January 2009, TARP has only supported a little over 200,000 permanent—now that's less than 12 percent—mortgage modifications.

Disturbingly, SIGTARP's latest report also indicates that Treasury concealed $40 billion in taxpayer losses on the AIG bailout by changing its valuation methods. Our United States Treasury is now saying taxpayers will only lose $5 billion on AIG, when it previously stated taxpayers would lose $45 billion.

Mr. Speaker, the Treasury Department seems inclined to paint an artificial picture of taxpayers' losses and clearly shows the Obama administration isn't being straightforward about the true cost of the taxpayer-funded TARP program.

The monetary policies coming out of the Fed are also troublesome. On November 3, the Fed announced that it will purchase $600 billion in government debt (treasuries), over the next 8 months, initiating a second round of quantitative easing. You may recall that in 2008 the Fed engaged in this same kind of quantitative easing, spending around $1.7 trillion to take bonds off the hands of banks.

Quantitative easing is a dangerous gamble, and in many ways is akin to the creation of simply another TARP program, but without congressional approval and without transparency for American taxpayers. With this QE2, this second round of quantitative easing, our Nation's central bank will become the largest holder of the national debt in the entire world. The Fed already holds $834 billion of treasuries, and is on pace to have over $1 trillion in treasuries by August 2011. That's more than China, Japan, or any other foreign creditor.

The printing of new money as a way to deal with our economic issues is just as worrisome and misguided as the creation of the TARP program. The Fed's QE2 plan could weaken the dollar further and lead to trade disputes with other countries. It could lead bond traders to believe that inflation will run wild. And they could then themselves derail the Fed's efforts by pushing rates even higher. It could also create bubbles as hedge funds and other speculators borrow cheaply and make even bigger bets on stocks and commodities.

The true costs of TARP are incalculable, as are the dangerous monetary policies the Fed is pursuing. Even in the improbable event that the TARP program will recover all of its funds, American taxpayers will continue to bear the costs of the Federal Government's demonstration that certain financial institutions are just ''too big to fail''. And likewise, the costs to the economy of the Fed's second round of quantitative easing will be unknown, as the Fed continues to operate behind a veil of secrecy. The American taxpayers are only now just finding out the Fed spent over $3.3 trillion in ''emergency programs'', propping up banks and financial institutions all over the world.

Mr. Speaker, the incoming new Republican majority, which the American people resoundingly voted in on November 2, is poised to take control of our disastrous economic situation by dramatically reducing Federal spending and creating jobs through the elimination of this economic uncertainty that exists today and by implementing pro-business policies. We are committed to reducing the costs of government and the proliferation of burdensome regulations, and we will usher in an era of growth that benefits all Americans.

THE CENSURE OF MR. RANGEL

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

Mr. FRANK of Massachusetts. Mr. Speaker, before proceeding to the topic I plan to discuss, I do have to comment on the gentleman from Florida. It is

striking the extent to which Republicans are siding with the Central Bank of China and the Chinese Government in objecting to American Federal Reserve actions taken in our self-defense. There are some debatable aspects of this. I think what the Fed is doing is very wise. But what the gentleman just said we have seen from elsewhere. ''This could lead to trade disputes with other nations because of its effect on our currency.''

Yes, the major other nation making that argument is China, which deliberately undervalues its currency, and is objecting because a potential side effect of what the Fed is doing to stimulate employment could be to reduce our currency vis-a-vis theirs. This notion that taking the side of these other countries in trade disputes, given the extent to which many of them have unfairly abused trade rules, seems to me quite shocking. And I am continually surprised that my Republican colleagues side with China, with Germany, and with other foreign central banks in their criticism of the Fed because of the effect it could have on our currency.

But I wanted to talk about the censure of our colleague, Mr. RANGEL of New York, because I voted for a resolution amendment that would have had him be reprimanded, and then voted against censure. And I think my constituents are entitled to know why.

Mr. RANGEL did things he should not have done. And he should have been reprimanded. I do not believe, however, that they rose to the very severe level of censure. In my mind, a reprimand is the House telling a Member that he or she has done things that were wrong. But when you get to censure, and if you look at the historical precedents here, you are going beyond simple bad acts. You are talking about, at least in one instance, a serious character defect. You are talking about someone who was a bad person.

The Ethics Committee itself said that the gentleman from New York (Mr. RANGEL) was not trying to enrich himself. He was careless, he was sloppy, he was too zealous in trying to get money at a public university for a center in his name, but it would not have redounded to him personally financially. So I do agree he should have been reprimanded. But I do not think, given the acknowledgment that he was not trying to personally enrich himself, that he should have been censured.

I was also struck that the Republican cochair of the Ethics Committee—and I honor the members of the Ethics Committee. They do a very difficult job. They were very fair about the procedures, and I honor them for that, the gentlewoman from California and the gentleman from Alabama. But he said that if Mr. RANGEL had comported himself differently—go back and look at this—if Mr. RANGEL had comported himself differently during these discussions, he might have been reprimanded instead of censured. That's inappropriate. The punishment voted by this House for behavior should not be affected by what goes before.

But there is another element of what goes before in the process, and there is another element of this that I need to address. I think I am the only Member still serving in the House who was in fact reprimanded. And I want to deal with those who consider reprimand a slap on the wrist, saying, well, a reprimand was no big deal.

Mr. Speaker, it is a big deal. I am very proud of my service in this House. I am about to start my 31st year of service. And I am very proud of many of the things I have done. But reports of my service will include the fact that I was reprimanded 20 years ago for things that were done 24, 25 years ago. And that is not something that anyone ought to consider simply a slap on the wrist. I bear the stigma of having been reprimanded. I am enormously proud of serving in this wonderful body that embodies democracy. It is an enormous source of pride to me that hundreds of thousands of my constituents choose to have me serve here on their behalf. And to have marred that record, of which I am generally proud, with a reprimand means a great deal to me.

So I would just say in summary that given what Mr. RANGEL did, given that he did things that he should not have done, but not for the purpose of enriching himself, they were careless, they were occasionally overreaches, but not, again, for his personal enhancement financially, given what we have traditionally reprimanded people for and what we have censured people for, reprimand was the appropriate response. And I would have voted for a reprimand, and I voted for an amendment that would have made it reprimand.

But I did not think that you should trivialize censure by censuring someone for the kind of behavior Mr. RANGEL engaged in. And I would remind people again, from my own personal experience—and by the way, while he is not here, I assume that former Speaker Gingrich, who was also reprimanded by this House, would share my view—that having been reprimanded is not some slap on the wrist. I do not understand, Mr. Speaker, how anyone who shares the pride that I feel in serving in this body, and having been selected by American citizens to make the laws of this country, could trivialize something like a reprimand.

DEATH TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 2 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last week the Democrats brought back the death tax.

This calendar year, there has been no estate tax, and I guess in some ways it was the year to die. But on January 1, because of the actions of the House Democrats, the death tax roars back at a rate of 55 percent after the first $1 million. Now that means that your heirs pay nothing on the first million dollars that you leave them, but they pay 55 percent tax on every dollar beyond that.

I talked to a constituent recently who says just during his lifetime, he and his family had bought the family business back from the government three times, every time a generation passed away. In other words, the heirs have had to essentially buy back that family business over and over again.

Now, a million dollars sounds like a lot of money to most of us, but when you are talking about acreage or buildings, equipment, homes, inventory, even livestock if you are talking about a family farm, it isn't hard to exceed the first exemption. Small businesses can easily be punished by this tax.

Why is it fair to essentially ask people to buy back a large portion of their family farms or businesses on which they already pay taxes? Ask the Democrats.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON LEE of Texas) at 2 p.m.

PRAYER

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

On another sunny December 7 in the year 1941, the Japanese air attack on Pearl Harbor in Hawaii changed the map of history and would be described as ''a date which will live in infamy.''

Lord, how baffling is human memory with what is remembered and what is forgotten. Mindful of the contradictory consequences of war, we pray for peace in our own day.

Still mourning the many lives lost, those injured, and those missing, that event gave rise to America's ''Greatest Generation,'' as well as racism and internment camps of 120,000 Japanese Americans for nearly 3 years, Asian economic power, as well as nuclear energy.

Lord, help us to find new ways instead of war or violence to develop human development and negotiate ordinary differences of opinion. Guide people around the world in any effort to balance support of military forces fighting for peace with the scales of justice.

Lord, make Your people one in creative work, in hope for peace, and in effective compassion so we bring You glory and honor 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 South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

F–35S IN BEAUFORT

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

Mr. WILSON of South Carolina. Madam Speaker, Beaufort, South Carolina, is home to the Marine Corps Air Station, professionally commanded by Colonel John Snider. The Marine Corps Air Station plays a critical role in our national security operations and is home to six Marine squadrons and one Navy squadron, with an economic impact of $615 million annually. I hope the future is about to grow even brighter for Beaufort this week as we are optimistic that the final environmental impact study promotes F–35B squadrons in this great and historic community.

It has been a pleasure to work with Senator LINDSEY GRAHAM to highlight Beaufort's pro-military community, mild climate, and existing facilities which provides for year-round training to military leaders including Marine Corps Commandant James Conway.

If Alternative I is chosen to support the F–35s, Beaufort can expect to see over 1,500 new jobs and hundreds of private sector high-tech jobs, as promoted by the Beaufort Chamber of Commerce led by President Carlotta Ungaro and the Military Enhancement Committee chaired by General Garry Parks. I look forward to expanding the Sound of Freedom in the Lowcountry.

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

LIU XIAOBO

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

Mr. PITTS. Madam Speaker, this week, the Nobel Committee will award its annual Nobel Peace Prize to Chinese human rights advocate Liu Xiaobo, but at the ceremony the chair reserved for Liu will be empty as he is serving 11 years in prison for peacefully petitioning his government for basic human rights.

Earlier this year, I was proud to join my colleagues on the Human Rights Commission in nominating Liu for the Nobel Peace Prize. Even now, the Chinese Government is censoring the news of this award and is calling for a boycott of the award ceremony. Sadly, some nations have bowed to the wishes of the Communist government. I am particularly grieved to hear that Kazakhstan, Morocco, and Iraq will not send representatives to the ceremony. These nations should know exactly what it is like to have basic human rights denied by an autocratic government.

It is not too late to defy the bullying and intimidation from those who have imprisoned a peaceful man. I call on all nations to recognize the peaceful struggle of Liu Xiaobo, a man who has no hatred even for those who have denied him and his people basic freedoms, of this distinguished honor.

HONORING STAFF SERGEANT KEVIN MATTHEW PAPE

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

Mr. STUTZMAN. Madam Speaker, over 2 weeks ago, Staff Sergeant Kevin Matthew Pape, age 30, was killed by enemy forces during a heavy fire fight while conducting combat operations in the Konar province of Afghanistan.

Born February 5, 1980, in Fort Wayne, Indiana, Sergeant Pape enlisted in the United States Army in September of 2005 from his home town of Fort Wayne. As a squad leader assigned to 1st Battalion, 75th Ranger Regiment, Staff Sergeant Pape was on a remarkable sixth deployment, with three previous deployments to Iraq and two to Afghanistan.

Sergeant Pape's awards and decorations for his service are too numerous to list here. However, he was awarded the Bronze Star, the Purple Heart, and the Meritorious Service medals.

Sergeant Pape is survived by his wife, Amelia Rose Pape; his daughter, Anneka Sue; his father, Marc Dennis Pape; and his sister, Kristen Michele Pape, both of Fort Wayne. Sergeant Pape selflessly lived his life for others, distinguishing himself as an Army Ranger while continuously deployed in support of Operations Iraqi Freedom and Enduring Freedom and fighting valiantly as he served our great Nation and following the Ranger creed.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT

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

Ms. MCCOLLUM. Madam Speaker, today, 25,000 girls—some as young as 10 years old—will be robbed of their future when they are forced to marry much older men. This isn't marriage when a 10-year-old girl is given to a 40-year-old man; it's sexual abuse.

The practice of child marriage is wrong, and it must end. The United States must take a strong stand against child marriage.

Democrats and Republicans must come together and pass the International Protecting Girls by Preventing Child Marriage Act as soon as possible. Every Senator agreed to this bill when it passed last week. It passed unanimously.

There is a lot of talk in Congress about the need to protect children from abuse. It's time for action. It's time for a vote.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2010 at 4:15 p.m.:

That the Senate passed without amendment H.R. 3237.

That the Senate passed with amendments H.R. 5281.

That the Senate passed S. 1774.

That the Senate passed S. 124.

Appointment:

United States Commission on Civil Rights.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2010 at 1:24 p.m.:

That the Senate passed without amendment H.R. 6399.

That the Senate passed S. 3860.
That the Senate passed S. 3817.
With best wishes, I am
Sincerely,
LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2010 at 9:50 a.m.:

That the Senate passed without amendment H. Con. R. 259.
That the Senate passed S. 4010.
Letter of Transmittal
Senate informs the House of Representatives that the Senate will resume consideration of the articles of impeachment against Judge G. Thomas Porteous.
With best wishes, I am
Sincerely,
LORRAINE C. MILLER.

□ 1410

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 is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

SUPPORTING NATIONAL RUNAWAY PREVENTION MONTH

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1687) supporting the goals and ideals of National Runaway Prevention Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1687

Whereas the number of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youth live on the streets each year;

Whereas the problem of children who run away from home is widespread, as youth between 12 and 17 years of age are at a higher risk of homelessness than adults;

Whereas runaway youth are often expelled from their homes by their families, discharged by State custodial systems without adequate transition plans, separated from their parents by death and divorce, or physically, sexually, and emotionally abused at home;

Whereas runaway youth are often too poor to secure their own basic needs and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that provide support to runaway youth and assist them in remaining at home with their families can succeed through partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future of the Nation is dependent on providing opportunities for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth with their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas during the month of November, the National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month, in order to increase public awareness of the circumstances faced by youth in high-risk situations and to address the need to provide resources and support for safe, healthy, and productive alternatives for at-risk youth, their families, and their communities: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of National Runaway Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. I now yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present House Resolution 1687 for consideration. This resolution recognizes the importance of youth runaway prevention and at-risk youth programs. House Resolution 1687 was introduced by our colleague, Representative JUDY BIGGERT of Illinois, on September 29, 2010. Notably, this measure enjoys the support of 55 cosponsors.

Madam Speaker, according to the National Runaway Switchboard, between 1.6 million and 2.8 million youth run away from home every year. Notably, the National Runaway Switchboard reports that among those youth at greatest risk of running away and facing homelessness are those that have been expelled from home, those that have suffered domestic abuse, and those that have been discharged by State custodial systems without the benefit of adequate transitional planning. Additionally, youth that have been separated from their parents by death or divorce, live in poverty, and/or are unable to access adequate medical or mental health resources are similarly at risk of running away and becoming homeless.

Madam Speaker, in light of the prevalence of the problem of runaway youth as well as youth homelessness, let us take this opportunity to pass House Resolution 1687 and recognize the important role that youth runaway prevention and at-risk youth programs play in addressing these issues. I urge my colleagues to join me in supporting it.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Today I rise in support of House Resolution 1687, expressing the support of the House of Representatives for the goals and ideals of National Runaway Prevention Month.

Studies suggest that nearly 3 million children are living on the street each year. Many of these individuals, who come from every socioeconomic background, have been kicked out of their homes, separated from their parents, or physically abused. Worse, these at-risk youth often find it increasingly difficult or even impossible to acquire the knowledge, skills and abilities necessary to develop into safe, healthy and productive adults. That's why it is so important that we pass this resolution today, to raise awareness of the plight of runaway youth and increase public understanding of the role individual Americans can play in helping to prevent youth from running away from home.

As cochair of the Missing and Exploited Children's Caucus, I have worked with my colleagues to help address many of the issues that face runaways and their families. The caucus has done some great work, and I would like to extend to all of my colleagues in the House an invitation to join us in exploring ways to improve the well-being of distressed youth and reduce the incidence of runaways.

In addition, I would like to commend the work done by organizations such as the National Center for Missing and Exploited Children and the National Runaway Switchboard as well as similar organizations across the country that help ensure runaways and homeless kids in our communities aren't deprived of a chance at a future. In my home State of Illinois alone, almost 7,500 calls were placed to the National Runaway Switchboard last year, and nationally the organization fielded over 117,000 calls. For more than two decades, the National Center for Missing and Exploited Children has worked

with communities to coordinate strategies to reunite children with their families.

With so many children living on the street and the risk that runaway youth pose to themselves and their communities, it is clear that much work still remains. But by highlighting the problem and expressing support for the valuable work done by communities and youth organizations, we can make significant progress towards preventing instances of children running away from home and create an environment in which our Nation's at-risk youth have access to the building blocks for a lifetime of success.

With that, I would like to encourage all my colleagues to support this important resolution.

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

Mr. CLAY. Madam Speaker, again let me thank our colleague Mrs. BIGGERT of Illinois for introducing this important legislation and let me again urge my colleagues to join me in supporting this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1687.

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.

EARL WILSON, JR. POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6400

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

SECTION 1. EARL WILSON, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, shall be known and designated as the ''Earl Wilson, Jr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Earl Wilson, Jr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Madam Speaker, once again I stand as a member of the House Committee on Oversight and Government Reform to join my colleagues in the consideration of H.R. 6400. This legislation would name the U.S. post office facility at 111 North 6th Street in St. Louis, Missouri, after a man who transformed his community while giving hope and opportunity to hundreds of young people, a true giant of philanthropy, the late Earl Wilson, Jr.

□ 1420

The measure before us was first introduced on November 15, 2010. I am proud to say that the bill now enjoys the support and cosponsorship of 18 Members of Congress, including the entire congressional delegation from my home State of Missouri.

Madam Speaker, Earl Wilson, Jr.'s lifetime of achievement in the corporate world, as the founder of the St. Louis Gateway Classic Foundation, as a proud veteran in the U.S. Army, as a father, husband, and friend to so many will live forever.

Earl Wilson, Jr., was born in St. Louis on October 9, 1932. He grew up on 11th Street, just a few blocks away from the U.S. Post Office that will hopefully bear his name. Mr. Wilson graduated from Vashon High School and received his B.S. in education from Lincoln University in 1957. After graduation, he proudly served as a captain in the U.S. Army Corps of Engineers.

In 1963, he became a corporate trailblazer at IBM, where he was a stellar performer for three decades. Toward the end of his IBM career, Mr. Wilson was loaned to his alma mater to help rescue his school from financial straits, which he successfully accomplished.

Earl Wilson, Jr., later founded the St. Louis Gateway Classic Foundation, an annual football contest that helped to fund the dreams of deserving students. Without a doubt, his impact on the lives of so many young St. Louisans will endure for generations to come.

Over the last 16 years, the annual Gridiron Classic featured top Historically Black Colleges and Universities. The game itself was a celebration of football tradition and a battle of the bands. But as Earl Wilson often reminded us, ''It was more than just a game.'' The St. Louis Gateway Classic Foundation effectively raised $2.6 million to send average C-grade students to college on full 4-year scholarships.

The foundation's busy year-round schedule of fundraising and community events helped to fuel its success. To raise money, Wilson orchestrated golf tournaments, basketball shoot-outs, baseball games, a boxing showcase, pageants, and concerts. To give back to the community, the foundation provided quality after-school programs, an adult day care, holiday meals for people in need, and neighborhood lunches. He also created a Walk of Fame that honors local African Americans who have been pioneers in St. Louis.

When Earl Wilson, Jr., passed away on October 29 of this year, it was not only an enormous personal loss for my family and me, but his death was mourned throughout St. Louis and across our Nation.

Madam Speaker, I have been blessed to experience and witness firsthand his commitment to opening the doors of higher education to young people. He selflessly invested his immense talents and boundless energy to build up his community and his country. And as we move to recognize the accomplishments of this great humanitarian, father, and friend to many, I ask that we pass the underlying bill without reservation and pay tribute to a great American, Earl Wilson, Jr.

I urge passage of H.R. 6400, and I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office.''

Madam Speaker, Mr. Wilson did so much for his country and community throughout his 78 years, as Mr. CLAY has spoken of so eloquently. He was a man dedicated to helping and improving the lives of others, and it's proper and fitting that we name this post office to honor Mr. Wilson. So I urge all Members to join Mr. CLAY and the entire Missouri delegation in support of this bill.

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

Mr. CLAY. Madam Speaker, I have no further requests for time, and, again, I would just like to urge my colleagues to pass the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6400.

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

The yeas and nays were ordered.

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

RECOGNIZING CENTENNIAL OF LILBURN, GEORGIA

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1642) recognizing

the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1642

Whereas the City of Lilburn was founded in 1890 by the Seaboard Airline Railway;

Whereas the City was named after the general superintendent of the railroad, Lilburn Trigg Myers of Virginia;

Whereas, on July 27, 1910, the City of Lilburn, Georgia, incorporated by the Georgia General Assembly and W.A. Carroll became the city's first mayor and T.F. Brownlee, Dr. H.T. Dickens, W.H. Massey, and J.S. Young were the first four councilmen;

Whereas John Choice's store was the first general store in Lilburn, located at the crossroads of today's Rockbridge Road, Harmony Grove Road, and Highway 29;

Whereas a post office and voting precinct were established at John Choice's store;

Whereas Choice's store was a landmark on a Civil War map used by General Sherman in his Atlanta campaign;

Whereas by 1919, the town had grown to include a bank, school, auto dealer, two doctors, and about nine merchants;

Whereas the business section of Lilburn was largely destroyed by fire on November 15, 1920;

Whereas the depression of 1929 also took a heavy toll on the area and the town gradually died and the government organized in 1910 ceased to exist;

Whereas it is claimed that the people were so quiet, well behaved, orderly, and law abiding that there was no need for government;

Whereas the town gradually relocated along Highway 29, as automobiles provided an alternative to the railroad and thereby created an old and new Lilburn;

Whereas the need for a water line in 1955 created a new city government and the town began to grow again;

Whereas in 1976, a new city hall was built in the Old Town area and led to the vibrant City of Lilburn as it stands today;

Whereas the City of Lilburn has been home to several notable citizens including National Basketball Association Hall of Fame Player, Dominique Wilkins, and Miss Georgia 2009, Kimberly Gittings;

Whereas the City of Lilburn boasts a diverse mix of churches and temples, including Shri Swaminarayan Mandir, one of the largest Hindu temples in the world and the largest traditional, stone, and marble Hindu temple outside of India;

Whereas the Shri Swaminarayan Mandir was completed and dedicated in Lilburn on August 26, 2007;

Whereas the City of Lilburn has a vibrant arts culture and an active citizenry;

Whereas the 37th annual Lilburn Daze, an arts and crafts festival promoted by the Women's Club, is celebrated on the second Saturday in October and features over 400 vendors;

Whereas the annual Christmas parade, held on the second Saturday in December, is always an anticipated event for the community with over 70 participants marching down Main Street;

Whereas the City of Lilburn strongly values education and is home to eight elementary schools, three middle schools, three high schools, and five private schools;

Whereas the City of Lilburn has undergone dramatic demographic change since its incorporation, and boasts a growing South Asian and Hispanic population;

Whereas the 2000 Census found the population of the City of Lilburn to be 11,307 people, 3,943 households, and 2,835 families;

Whereas, on July 27, 2010, the City of Lilburn marked the 100th anniversary of its incorporation;

Whereas the City of Lilburn will formally celebrate its centennial on September 25, 2010;

Whereas the Centennial Year Council, made up of Mayor Diana Preston and Councilmen Scott Batterton, Johnny Crist, Tim Dunn, and Eddie Price, has continued as well as initiated projects such as the Downtown Development Authority, the Lilburn Community Improvement District, the Lilburn Community Partnership, and the Centennial Greenway Trail with the intention that such projects will ensure a healthy and vibrant community for generations to come;

Whereas the City of Lilburn will celebrate its centennial with numerous activities including music, games, an ice cream social, and a mini-museum at numerous locations throughout the city; and

Whereas the commitment to preserving Lilburn's legacy is evident today with its Centennial Celebration on September 25, 2010, which brings the past and the present together to reflect, to plan, and to act for the community to continue to grow and prosper: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the centennial of the City of Lilburn, Georgia;

(2) congratulates the City of Lilburn, Georgia, on its centennial;

(3) supports the goals and ideals of a City of Lilburn Day; and

(4) requests that the President issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

On behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 1642 for consideration. This measure recognizes the centennial of the City of Lilburn, Georgia. House Resolution 1642 was introduced by our colleague, the gentleman from Georgia, HANK JOHNSON, on September 22, 2010. The measure enjoys the support of over 50 Members of the House.

Madam Speaker, the City of Lilburn was founded in 1890 by the Seaboard Airline Railway and incorporated in 1910 by the Georgia General Assembly. This historic city has faced dramatic changes and tough times since its incorporation. Its business district was largely destroyed in a fire on November 15, 1920, and the Great Depression nearly wiped the city out for good.

The city gradually relocated to an auto-friendly location around Highway 29 as widespread travel by car became an alternative to rail travel. In 1976, Lilburn's city hall was built in the city's original location, anchoring its Old Town district with shops and restaurants. Today, Lilburn is a vibrant, small city with an active arts community, a large and diverse collection of churches and temples, and growing South Asian and Latino populations.

Madam Speaker, let us now congratulate the City of Lilburn on its centennial through the passage of House Resolution 1642. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 1642, which recognizes the centennial of Lilburn, Georgia. Located just outside of Atlanta, the City of Lilburn was incorporated by the Georgia General Assembly on July 27, 1910. I understand that Lilburn celebrated the centennial on September 25, and I wish to congratulate the city and everyone involved in the planning and execution of the festivities.

Madam Speaker, I urge all Members to join in support of this resolution, and I reserve the balance of my time.

□ 1430

Mr. CLAY. Madam Speaker, at this time I yield 5 minutes to one of the original cosponsors of the resolution, and a gentleman who has represented the city over time, my good friend from the great State of Georgia, Mr. DAVID SCOTT.

Mr. SCOTT of Georgia. Thank you, Mr. CLAY, for your outstanding leadership on the committee and for your outstanding leadership in bringing forward this very, very appropriate and extraordinary resolution for a very extraordinary city that I have had the privilege of representing for many years that has now been redistricted over the years, and my colleague HANK JOHNSON now represents it. But once you represent Lilburn, you always represent the city of Lilburn.

It is a fantastic city, made up of tremendous people who are very courageous, who are very smart, and who make a very significant contribution to every aspect of the forward progress of our great State of Georgia. So I am proud as a cosponsor of this resolution, which recognizes the history, the prominence, and the resilience, especially the resilience. Because you measure greatness not by the easy times; you measure greatness by the tough times that you go through and that you overcome. Such is the story of this great city of Lilburn, Georgia.

As many of my colleagues know, and as I mentioned before, I had the privilege of representing Lilburn during my first term as a Member of Congress. I

had my district office out there, and grew to love the people of Lilburn, and still do. And I can proudly say that the men and women of Lilburn are still as uplifting and courageous today as they were when I had the honor of representing that extraordinary city.

It was first inhabited by Native Americans, Madam Speaker, the Native American tribes, in 1817. The city of Lilburn has since blossomed to a community now of over 11,000 people. This community now has eight elementary schools, three middle schools, three high schools, and five private schools. And I am proud to say that the education system within the city of Lilburn is creating the future leaders of my great State of Georgia, this Nation, and indeed, the world.

Madam Speaker, the city of Lilburn has truly been tested, as I mentioned before, and as my colleagues have mentioned. Of the tremendous challenges facing this city, on that devastating day of November 15, 1920, the city business section was completely destroyed by a fire. And while the pulse of the city was tested by this fire, the great people of Lilburn rose to the challenge to reclaim their sense of community and partnership, rolled their sleeves up, and went to work and rebuilt this great city.

And today I am proud to say that the city of Lilburn is largely associated with the Gwinnett County Chamber of Commerce, which now boasts a sound residential area, a thriving business section where historic buildings are for antiques, crafts, clothing, restaurants, and all in an inviting atmosphere. The culture, the arts, the business, education, these are areas of great contribution of this great city.

Madam Speaker, today the city of Lilburn is represented by Mayor Diana Preston, Councilman Scott Batterton, Councilman John Crist, Councilman Tim Dunn, and Councilman Eddie Price, great people doing a great job. And together, these outstanding public leaders are continuing to advance the city of Lilburn in an economically and culturally vibrant and healthy way. The leaders of this great city have initiated projects such as Downtown Development Authority, the Lilburn Community Improvement District, the Lilburn Community Partner, and the Centennial Gateway Trail.

Madam Speaker, greatness is here, and it is in the possession of the great city of Lilburn. I encourage all of my colleagues to unanimously pass this resolution in honor of this great and historic city, Lilburn, Georgia.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 5 minutes to the gentleman from the great State of Georgia who happens to represent the city of Lilburn, Georgia, and the chief sponsor of the resolution, Mr. HANK JOHNSON.

Mr. JOHNSON of Georgia. Madam Speaker, today I am pleased, on behalf of the citizens of the great city of Lilburn, Georgia, to usher through, with the help of my friends, this resolution, which speaks to the prominence and the resilience of the people of Lilburn.

My colleague DAVID SCOTT has said it all, ladies and gentlemen. And I do appreciate him for his very eloquent words on behalf of this resolution. All has been said. It's tough to follow a Baptist preacher. And I won't even try at this time. But I would ask that my colleagues give this due consideration and please vote ''yes'' on this resolution, H. Res. 1642, recognizing the centennial of the city of Lilburn, Georgia.

Mrs. BIGGERT. I ask for support of this resolution, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1642.

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

The yeas and nays were ordered.

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

RECOGNIZING ROTARY INTERNATIONAL

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1727) recognizing Rotary International for 105 years of service to the world and commending members on their dedication to the mission and principles of their organization.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1727

Whereas the mission of Rotary International is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders;

Whereas Rotary International, founded in 1905, in Chicago, Illinois, is the world's first service club and one of the largest nonprofit service organizations;

Whereas there are more than 1,200,000 Rotary International club members comprised of professional, community, and business leaders in more than 34,000 clubs in over 200 countries and geographical areas;

Whereas the Rotary International motto, ''Service Above Self'', inspires members to provide humanitarian service, meet high ethical standards, and promote international goodwill and peace;

Whereas Rotary International promotes international understanding through scholarships, exchange programs, humanitarian grants, and service projects;

Whereas annual dues from members worldwide help finance Rotary programs and service opportunities that are designed to help Rotarians meet the needs of their own communities and assist people worldwide;

Whereas the core values of Rotary International are service, fellowship, diversity, integrity, and leadership; and

Whereas the Four-Way Test of Rotary International promotes universal values and asks the following questions, ''Of the things we think, say or do: Is it the truth?; Is it fair to all concerned?; Will it build goodwill and better friendships?; and Will it be beneficial to all concerned?'': Now, therefore, be it

Resolved, That the House of Representatives recognizes Rotary International for 105 years of service to the world and commends members on their dedication to the mission and principles of their organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Madam Speaker, I rise in support of House Resolution 1727, a measure recognizing Rotary International for 105 years of service to the world, and commending members on their dedication to the mission and principles of their organization.

House Resolution 1727 was introduced by our colleague, the gentleman from Texas, Representative LAMAR SMITH, on November 18, 2010. The measure enjoys bipartisan support from over 60 cosponsors.

Madam Speaker, most of us here are familiar with the work of our local Rotary clubs. Their devotion to service makes a tremendous difference in the lives of all of our communities and in communities around the world. The projects that the over 34,000 Rotary clubs sponsor are too numerous to list here, but some of Rotary International's highest profile undertakings include PolioPlus, an effort to eliminate polio around the world.

□ 1440

They have raised hundreds of millions of dollars for that effort.

Another global undertaking by Rotary International has been an aggressive effort to help solve the global water and sanitation crisis, which claims over 2 million lives each year, including 4,000 children every day. Earlier this year, Rotary International entered into a partnership with the U.S. Agency for International Development to implement sustainable long-term water sanitation and hygiene projects

in the Dominican Republic, Ghana, and the Philippines.

Rotarians have also assisted in disaster relief efforts in Indonesia, Pakistan and New Orleans, helping to distribute food, clean water shelters and medical supplies. These are just a few examples of some of Rotary International's service projects. In addition to supporting projects like these around the world, Rotary International supports scholarships, exchange programs, and humanitarian grants.

Madam Speaker, let us take the time now to thank Rotary International for all that they continue to do to fulfill their mission of providing service to others, promoting integrity and advancing world understanding, goodwill and peace. I would, therefore, urge my colleagues to join me in supporting the resolution, which recognizes Rotary International for 105 years of service to the world.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Texas, the sponsor of this resolution, Mr. LAMAR SMITH.

Mr. SMITH of Texas. I would like to thank the gentlewoman from Illinois for yielding me time. I also would like to thank my colleagues on the committee itself for giving this resolution bipartisan support.

Madam Speaker, this resolution honors Rotary International for 105 years of service and commends members for their dedication to the mission and principles of Rotary.

The mission of Rotary International is to provide service to others, promote integrity and advance world standing, goodwill and peace through its fellowship. All across the country, business, professional and community leaders better their communities by participating in their local Rotary Clubs.

Founded in 1905 in Chicago, Illinois, Rotary International is the world's first service club and one of the largest nonprofit service organizations. Rotary International promotes international understanding through scholarships, exchange programs, humanitarian grants and service projects. Their motto is ''Service Above Self.''

Rotary International also promotes universal values with their ''four-way test'' that asks the following questions: ''Of the things we think, say or do: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?''

It is a pleasure to recognize Rotary International for 105 years of service. I hope my colleagues will join me in honoring them on this achievement.

Mr. CLAY. Madam Speaker, at this time I yield 2 minutes to the gentleman from the great State of Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I rise today to join my colleagues in commemorating the Rotary International Club for 105 years of service.

Like many Members of this House, I have been a member of my local Rotary Club, the McCandless Rotary. Over the years, I have served in many of the club's offices, including a term as its president. I have seen firsthand the great work that Rotary Clubs provide for their communities and literally around the world.

Founded in 1905 in Chicago, Rotary International is the world's first formal service club and has grown into one of the largest nonprofit service organizations in the world. The mission of Rotary is to serve others, promote integrity and advance worldwide understanding, goodwill and peace through its fellowship network of business and community leaders.

Today, there are 1.2 million Rotarians in more than 34,000 clubs across six continents. The district that I represent is home to 25 of those clubs. With a well-known motto of ''Service Above Self,'' Rotary International promotes understanding through scholarships, student exchange programs, humanitarian grants, and other service projects.

I am sure every Member of this House has at one time or another attended a Rotary meeting or spoken to a Rotary group. The resolution we are debating today recognizes Rotary International for 105 years of service to the world and commends its members on their dedication to the mission and principles of Rotary International's organization.

I join my colleagues in support of this resolution.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I can't help but emphasize that Rotary International was founded in the great State of Illinois, in Chicago, in 1905; and it is the world's first service club and one of the largest nonprofit service organizations. Its motto, ''Service Above Self,'' helps encourage members provide humanitarian aid, meet high ethical standards and promote international goodwill and peace. We salute all members of Rotary International for their great civic works as they celebrate this anniversary.

I thank the gentleman from Texas for sponsoring this resolution. I urge all Members to join in support of the resolution.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1727.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL ESSENTIAL TREMOR AWARENESS MONTH

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1264) expressing support for the designation of March as National Essential Tremor Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1264

Whereas essential tremor is the most common movement disorder, affecting up to 10 million Americans, including 4 to 5 percent of people aged 40 to 60, and 6 to 9 percent of people aged 60 and older;

Whereas essential tremor is often misdiagnosed as Parkinson's disease, dystonia and other neurological movement disorders, most people with essential tremor are not diagnosed until after several visits to many physicians;

Whereas essential tremor is not a normal outcome of aging, as believed by many people including some physicians, but is an abnormal condition, primarily genetic, afflicting people of all ages, including newborns;

Whereas there are no medications that have been developed for people with essential tremor, the medications currently being used were developed for other conditions and only help 60 percent of the people affected, and the only treatment specifically designed for essential tremor is brain surgery;

Whereas essential tremor interferes with a person's ability to perform activities of daily living such as grooming and writing, and in approximately 5 percent of cases, is totally disabling;

Whereas research shows that people with essential tremor have a higher incidence of depression than the general population and that a significant number of these people isolate themselves in their homes;

Whereas essential tremor is a chronic condition that undermines the American economy through lost wages and work hours and high medical costs in getting an accurate diagnosis;

Whereas overcoming the medical, social, and economic issues listed in this resolution depends upon research and research funding is dependent upon awareness; and

Whereas March would be an appropriate month to designate as ''National Essential Tremor Awareness Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Essential Tremor Awareness Month'' for the purpose of raising awareness about the Nation's number one neurological condition, affecting approximately 10,000,000 Americans; and

(2) encourages the people of the United States to support the observance of National Essential Tremor Awareness Month by participating in the educational activities of the International Essential Tremor Foundation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Madam Speaker, at this time I yield 5 minutes to the chief sponsor of the legislation, the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. I thank the gentleman.

Madam Speaker, I rise in support of House Resolution 1264, a resolution supporting the designation of March as Essential Tremor Awareness Month.

As you may know, essential tremor, also known as ET, is a progressive neurological condition that causes a rhythmic trembling of the hands, head, voice, legs, or trunk. It is often confused with Parkinson's disease and dystonia. ET is estimated to affect up to 10 million Americans, including up to 5 percent of people aged 40 to 60, and up to 9 percent of people aged 60 and older.

ET can interfere with a person's ability to perform activities of daily living such as grooming and writing, and in approximately 5 percent of cases is totally disabling. Additionally, research has shown that people with ET have a higher incidence of depression than the general population and that a significant number of these people isolate themselves in their homes.

Because of stereotypes and a lack of awareness, many people with ET never seek medical care, though most would benefit from treatment. While no medications have been developed for people with ET, specifically, the medications currently being used for other conditions may help up to 60 percent of people with ET.

While this number is encouraging, clearly more research is needed to develop treatments from chairman all people with ET can benefit. Organizations such as the International Essential Tremor Foundation headquartered in my district in Lenexa, Kansas, are leading the way to promote research in an effort to determine the causes, treatment and ultimately the cure for ET, as well as provide information, services and support to individuals and families affected by ET.

□ 1450

To bolster these efforts and to create more awareness about tremors as well as the need for greater ET research, please join me in supporting our resolution supporting the designation of March as National Essential Tremor Awareness Month.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 1264, which expresses support for the designation of March as National Tremor Association Awareness Month. ET is certainly the most common movement disorder, afflicting nearly 10 million Americans. And, of course, for those who have this disease, everyday life can present some frustrating challenges.

Unfortunately, due to a lack of awareness and stereotypes, many suffering from essential tremor do not seek medical care. Unfortunately, there are no medications that have been developed for people with these tremors; so I thank the gentleman from Kansas for bringing this important issue before us today to raise awareness about ET.

I would also like to thank the gentleman from Kansas (Mr. MOORE) for his hard work and years of service—12 years, I think it is, since we came in at the same time—of service in this body and for his work as chairman of the Financial Services Subcommittee on Oversight and Investigations, which I have the honor of serving with him as the ranking member. So I really appreciate everything he's done in this body, and I wish him well. We will miss him.

With that, Madam Speaker, I urge all Members to join me in support of this resolution.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I too, like my colleague from Illinois, want to thank my friend and neighbor from Kansas (Mr. MOORE) for introducing this important piece of legislation, but more than that, for his level of service here in this institution and someone that I can truly look to and call a friend.

It has been a wonderful 10 years for us, and thank you for your service to your State and your country, Mr. MOORE.

And with that, Madam Speaker, I would urge my colleagues to join me in supporting this measure which supports the designation of March as National Essential Tremor Awareness Month.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1264.

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

The yeas and nays were ordered.

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

SUPPORTING DESIGNATION OF WORLD VETERINARY YEAR

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1531) expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1531

Whereas the world's first veterinary school was founded in Lyon, France, in 1761;

Whereas 2011 will mark the 250th anniversary of veterinary education;

Whereas 2011 will mark the 250th anniversary of the founding of the veterinary medical profession;

Whereas 2011 will mark the beginnings of comparative biopathology, a basic tenet of the ''one health'' concept;

Whereas veterinarians have played an integral role in discovering the causes of numerous diseases that affect the people of the United States, such as salmonellosis, West Nile Virus, yellow fever, and malaria;

Whereas veterinarians provide valuable public health service through preventive medicine, control of zoonotic diseases, and scientific research;

Whereas veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations such as artificial hips, bone plates, splints, and arthroscopy;

Whereas veterinarians play an integral role in protecting the quality and security of the herd and food supply of the United States;

Whereas military veterinarians provide crucial assistance to the agricultural independence of developing nations around the world;

Whereas disaster relief veterinarians provide public health service and veterinary medical support to animals and humans displaced and ravaged by disasters;

Whereas veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare;

Whereas 2011 would be an appropriate year to designate as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; and

Whereas colleagues in the United States will join veterinarians from around the world to celebrate this momentous occasion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''World Veterinary Year'';

(2) supports the goals and ideals of World Veterinary Year by bringing attention to and expressing appreciation for the contributions that the veterinary profession has made and continues to make to animal health, public health, animal welfare, and food safety; and

(3) requests that the President issue a proclamation calling upon the people of the United States to ''World Veterinary Year'' with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. At this time, Madam Speaker, I yield 5 minutes to my colleague, the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. I appreciate Mr. CLAY for yielding time to me.

I would like to take a moment here and thank Chairman TOWNS and Ranking Member ISSA and their staffs on the Oversight and Government Reform Committee for helping to bring this resolution to the floor.

As a veterinarian myself and a Member of Congress, I introduced this resolution to bring attention to the veterinary profession at a time when it faces some challenges and to honor the contributions veterinary medicine has made in animal health, public health, animal welfare, and our food safety.

Next year will mark the 250th anniversary of the opening of the first Veterinary school in Lyon, France, and the beginning of our veterinary profession. The school in Lyon was authorized by King Louis XV, August 4, 1761, based on the principles and methods of curing livestock. The reputation of this school soon spread and students from all over Europe attended, and these students became the leading lights of veterinary science when they returned to their own countries.

A second school was established in Alfort, France, and soon secondary schools built on the Lyon model appeared in Germany, England, and other European countries. Since its humble beginnings in Lyon in the year 1761, the practice of veterinary medicine has spread across the globe for the betterment of animals, humans, and our environment.

As a result, veterinarians have become the most qualified health professionals to help us deal with zoonotic diseases, bioterrorism, comparative medicine, and food safety issues on our front lines and leaders in research and scientific innovation as well as the scientific benefits of the animal-human companion bond.

Veterinarians have always been an integral part of their communities and expected to be community leaders. I may have carried it to an extreme.

In my lifetime, I have been actually blessed to see some exponential growth in the veterinary medical field. We went from the James Herriot era of liniments and potions to the ongoing use of antibiotics and steroids; advances in diagnostics and treatments, including IV therapy, dentistry; second and third generation of antibiotics and steroids, new anti-inflammatories; treatments for diabetes, Cushing's, Addison's—diseases we see both in humans and in animals—and advances in nutrition that our human colleagues could take advantage of.

I encourage my colleagues to join me in commemorating this important milestone by supporting H. Res. 1531 and proclaiming 2011 as World Veterinary Year in honor of the 250th anniversary of the veterinary profession.

Mrs. BIGGERT. I yield myself such time as I may consume.

I rise today to support House Resolution 1531, which expresses support for designation of 2011 as World Veterinary Year, with the goal of helping to bring attention to and showing appreciation for the veterinarian profession on its 250th anniversary.

I believe that those who choose to enter into the medical profession deserve our gratitude for entering into a life where they help heal the sick, be it human or animal. And for many of us, our pets become a huge part of our family, and our Nation's veterinarians help ensure our furry family members live long and rewarding lives.

So, Madam Speaker, I urge all Members to join me in support of this resolution.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, at this time I would like to recognize the gentleman from Georgia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT of Georgia. Thank you, Mr. CLAY, once again. And certainly I want to thank the outstanding leadership of my colleague, Mr. KURT SCHRADER of Oregon, who's the chief sponsor of this bill, for it is, indeed, a very important bill.

I too want to thank the gentlelady from Illinois (Mrs. BIGGERT) for her leadership on this, and Mr. TOWNS, chairman of our Oversight Committee, for assisting us with making sure this bill got on the suspension calendar.

Madam Speaker, H.R. 1531, designating 2011 as World Veterinary Year, is a simple but an extraordinarily important gesture, offering recognition for an often overlooked yet increasingly very important profession, and that is the field of veterinary medicine.

We all know the role veterinarians play in keeping our pets healthy. As a pet owner myself, I've come to depend on the expertise and the skill of my vet to keep my precious dog, Jazz, very healthy.

But the work of veterinarians is so much more vital than just giving rabies shots and passing out medicine. As chairman of our Agriculture Subcommittee on Livestock, Dairy, and Poultry, what I would like to highlight, Madam Speaker, is the crucial role that our veterinarians play in keeping our food supply safe—not just keeping our animals safe and healthy, but keeping our food supply safe and healthy.

□ 1500

They are the ones that we are growing more and more to depend upon for this important role. Whether in the movement with antibiotics or farm animal safety, who better to provide the leadership on these critical issues than the veterinarians, the physicians for the animals.

Veterinarians have an important responsibility to prevent contamination from bacteria and diseases. In a world of rapid trade, food animal veterinarians serve a crucial role in protecting our country from serious food-borne illnesses, from biological hazards, from pathogens. Veterinarians work to curb bacterial infections and diagnose conditions such as foot-and-mouth disease and avian flu before they really have a chance to become a threat to our food supply.

Having someone in the field to monitor these dangers is critical to our safety in a world of global trade, and particularly, constant trading in and out of different countries of food and animals over our wide, incredible differences.

But, Madam Speaker, what worries me the most and worries me greatly is that our Nation is now in dire need of many more veterinarians to provide us with this undeniably vital service. The American Veterinary Medical Association has found several vast regions of the country that currently lack sufficient food animal veterinarians. Throughout the center of this country, from Texas to North Dakota, numerous counties don't even have a single food animal veterinarian despite having more than 25,000 animals. Some areas have many more than 100,000 animals with no food animal veterinarian nearby.

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

Mr. CLAY. I yield 2 additional minutes to the gentleman.

Mr. SCOTT of Georgia. Without a serious endeavor to train more large animal veterinarians, the country could be in a position where dangerous pathogens and disease go unchecked, leading to a major, major food safety hazard. We have come close in numerous threats, and we have to keep our food supply safe. At the forefront of that are our veterinarians.

Earlier this year, the House passed H.R. 3519, Veterinarian Services Investment Act. This bill creates grants to develop, deploy, and sustain veterinarian services and provides our Nation's current and future animal physicians with the resources they desperately need. While Senate prospects for this bill are uncertain, unfortunately, as the remaining legislative year dwindles, I am hopeful that the Senate will act soon. It is imperative that we address this dire shortage of veterinarians by supporting the training of new vets and by helping those already in the field by equipping them with the tools they need to maintain successful practices.

So I welcome this resolution, and I commend Mr. SCHRADER for offering it, and any chance we have to mention the crucial work of our veterinarians and highlight the need to train and employ more of them is a chance we must take to do just that.

Once again, Madam Speaker, I offer my wholehearted approval for this resolution for the veterinarians it seeks to honor.

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

Mr. CLAY. Madam Speaker, again let me thank the gentleman from Oregon (Dr. SCHRADER) for introducing this important piece of legislation. And in closing, I ask my colleagues to join me in supporting House Resolution 1531 supporting the goals and ideals of World Veterinary Year.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1531.

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. CLAY. Madam 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 2500TH ANNIVERSARY OF BATTLE OF MARATHON

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1704) honoring the 2500th anniversary of the Battle of Marathon, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1704

Whereas in 490 BC, Athenian warriors defeated foreign invaders and won against overwhelming odds in one of the most significant battles in human history;

Whereas the Athenian victory helped continue the development of a new form of government called ''democracy'';

Whereas according to legend, a messenger named Phidippides ran from the battlefield of Marathon, Greece, to Athens 26 miles away to carry news of the victory and it is said, that upon delivering the news to the citizens of Athens, Phidippides died from exhaustion;

Whereas Phidippides' run inspired the spiritual origin of what has become the sport of marathoning;

Whereas the first official marathon race was introduced in the first modern Olympics in 1896 held in Athens, Greece;

Whereas officials from the Boston Athletic Association brought the long distance Olympic running event to Boston, Massachusetts, where it has been run annually since 1897;

Whereas a ceremony took place in Marathon, Greece, in 2007 at the Tomb of the Athenians, the burial cite of the Greek warriors who gave their lives defending their country;

Whereas this ceremony created the symbolic Flame of Marathon that embodies the strength of the human spirit, fair competition, and peace;

Whereas Hopkinton, Massachusetts, and Marathon, Greece, have a twin-city relationship, the Flame of Marathon traveled from Marathon, Greece, and was presented to the Town of Hopkinton in 2008;

Whereas the Flame of Marathon has burned continuously in Hopkinton, Massachusetts, since its arrival in the United States;

Whereas the Flame of Marathon reminds us of the sacrifice of the United States Armed Forces and their families, the defenders of democracy;

Whereas the 35th Marine Corps Marathon received the Flame of Marathon as part of its celebration of the 2500th anniversary of the Battle of Marathon; and

Whereas the Flame of Marathon was displayed at events leading to and including the Marine Corps Marathon in view of 30,000 runners who embodied the marathon spirit as they ran through Washington, DC: Now, therefore, be it

Resolved, That the House of Representatives joins with the Greek Embassy in Washington, DC, the people of Hopkinton, Massachusetts, the people of Marathon, Greece, and the hundreds of thousands of runners participating in marathons throughout the United States, in celebrating the 2500th anniversary of the Battle of Marathon, Greece, one of the most significant battles in human history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

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

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

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, H. Res. 1704 honors the anniversary of the Battle of Marathon, a watershed event in the protection of the then-fledgling form of government we continue to practice to this day and we know as democracy.

As the story goes, a messenger ran 26 miles from Marathon to Athens to deliver news of the Greek victory over the Persians, a feat commemorated today by millions of athletes around the world through the running of marathons.

In this anniversary year, the town of Hopkinton, Massachusetts, the sister city to Marathon, Greece, created ''Marathon 2010'' to encourage a global celebration of the victory at Marathon and to connect marathoners throughout the world in the shared experience of running.

The commemorative Flame of Marathon was brought from Marathon to Hopkinton nearly 2 years ago as a symbol of the twin cities common heritage as caretakers of the sport of the marathon.

As part of the celebration of the 2500th anniversary, the Marine Corps Marathon in Washington, D.C., celebrated the military roots of long distance running by receiving the flame in October.

We commend the hundreds of thousands of marathon runners throughout the world who exemplify the words of the philosopher Confucius, a contemporary of the battle who said: ''I hear and I forget. I see and I remember. I do and I understand.''

We join together with marathoners around the world in celebrating the 2500th anniversary of the Battle of Marathon.

Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for introducing this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of the resolution honoring the 2500th anniversary of the Battle of Marathon in ancient Greece. This resolution celebrates the victory in the battle—against all odds—by Greek citizens opposing the overwhelming Persian force in the year 450 B.C.

The Battle of Marathon has been cited by historians as one of the pivotal events in ancient European history. The victory at Marathon marked the end of the Persian invasion of Greece. The following years of peace allowed the Greek city-states and the Greek nation to create the philosophy of democratic rule and establish the arts and sciences for which classical Greece is renowned to this day.

The commitment of the Greek warriors to protect their homeland from Persian invasion summoned within them the strength to withstand the attack through 5 long days of battle, and to finally overcome the invading force.

It was that same commitment to victory, Madam Speaker, that propelled a Greek messenger to run over 26 miles without a break in order to deliver the good news of the victory to the people of Athens. That incredible feat has inspired many in the modern age to emulate that runner's achievement—and I have run one marathon, Madam Speaker—with the first marathon races begun in 1896 and following that runner's course from Marathon to Athens.

I want to thank Mr. MCGOVERN for sponsoring this very timely resolution.

I reserve the balance of my time.

□ 1510

Mr. KLEIN of Florida. Madam Speaker, I yield 5 minutes to the author of the bill, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to begin by thanking the gentleman from Florida for not only yielding me the time but for his service here in Congress. He has been an incredible Member, and I look forward to his return.

As well, I thank my friend, my colleague from New Jersey, for his comments.

I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership and support of this bill.

I also appreciate the support of Speaker PELOSI, Majority Leader HOYER and the bipartisan cochairs of the Congressional Caucus on Hellenic Issues, Representatives MALONEY and BILIRAKIS.

Madam Speaker, I was very proud to introduce H. Res. 1704, along with my good friend and colleague, JOHN SARBANES of Maryland, to honor the 2,500th anniversary of the Greek Battle of Marathon.

Every time someone runs a marathon race, he is commemorating one of the most momentous events in Western history, the Battle of Marathon, fought in 490 B.C. A few thousand Athenian and other Greek soldiers destroyed a huge force of invading Persians on the plain of Marathon, a victory widely believed to have ensured the democratic legacy of Western culture. A soldier charged with carrying the important news of victory back to Athens literally ran his heart out to deliver that message—and so the spirit of the marathon was born.

There is a deep connection between the nation of Greece, the city of Marathon, Greece, the Massachusetts town of Hopkinton, and the city of Boston. Hopkinton, Massachusetts, which I am proud to represent, is where each year the Boston Marathon begins. In 2008, in preparation for the 2,500th anniversary, the city of Marathon asked Hopkinton to be the guardian of the Marathon Flame, and brought it to Hopkinton, its sister city, in order to embody the spirit of Marathon all over the United States.

This year, as part of the 2010 Marine Corps Marathon, the Flame of Marathon was brought by Hopkinton to Washington, D.C., to honor the 35th anniversary of the Marine Corps Marathon and its race director, Mr. Rick Nealis. I recently had the privilege of honoring Mr. Nealis at a dinner in Hopkinton, Massachusetts, celebrating the partnership between the town of Hopkinton, the Boston Marathon, and the Marine Corps Marathon.

The Boston Marathon, the Marine Corps Marathon, and the New York City Marathon are among the three stellar marathon races organized each year in the United States, but over 500 marathon races take place every year around the world, including scores of races in the United States involving hundreds of thousands of American and foreign athletes, all seeking to emulate the spirit of that first marathon run 2,500 years ago this year.

Madam Speaker, I want to thank Timothy Kilduff and Michael Neece with the Hopkinton Athletic Association for all the support they have given to this resolution. I also want to thank the Board of Selectmen of the town of Hopkinton for their steadfast support of Hopkinton's proud tradition as the starting place for the Boston Marathon each year, and for their support of this bill.

I also want to express a special ''thank you'' to the Embassy of Greece, most notably to Ambassador Vassilis Kaskarelis, Minister Counselor for Cultural Affairs Zoe Kosmidou, and Constantinos Orphanides, the Consul General for Greece at the consulate in Boston.

I have been a longtime spectator but never a participant of the Boston Marathon or of the Marine Corps Marathon, and I am honored to support this resolution that honors these two events that are such a source of pride to the people who live and work in Massachusetts and the Nation's Capital. I honor the people of Greece, the city of Marathon, and the memory of the Battle of Marathon.

I ask all of my colleagues to support this resolution, and I can't wait until we honor the 5,000th anniversary of the Battle of Marathon and the establishment of Western democracy.

REMARKS BY H.E. AMBASSADOR OF GREECE MR. VASSILIS KASKARELIS AT THE MARINE CORPS MARATHON PRESS CONFERENCE, WASHINGTON, DC, FRIDAY, OCT. 29, 2010

Honored Guests,Ladies and Gentlemen, It is a great honor for Greece and even more so for myself to be participating in these inspiring events that mark, on the one hand, 2,500 years from the Battle of Marathon and on the other, the 35th anniversary of the annual Marine Corps Marathon.

We read and hear of Greece's contributions to Western civilization, of having invented democracy, having given us great works of philosophy and literature, but we often forget Greece's holistic approach to life and living, that is ''νους υγιης εν δωματι υγιει'', that is ''healthy body mind in a healthy body''.

Today at the Walter Washington Convention Center, as we are surrounded by the spirit of a healthier approach to our daily living, we ought to consider whether we would be living in a different world, had it not been for the victory at Marathon 2,500 years ago.

One might wonder, and rightly so, as to why a Battle that was fought thousands of years ago, might still be important today, and why commemorate it 2,500 years later.

The answer is simple. The Battle of Marathon, won by a handful of Athenians, was decisive not only for the future of Greece, but also the future of Western civilization.The Athenian victory at the Battle of Marathon allowed for the establishment of democracy. It allowed for the flourishing of the classical period of Greek culture, establishing the foundation of the Western civilization.

One wonders whether Aeschylus, Sophocles, Euripides and Aristophanes might have written their definitive works had the Battle of Marathon had a different result. Would Socrates, perhaps even Plato and Aristotle have laid the foundation of western philosophy? Would the democratic principles, which, unfortunately, we take for granted today, have developed as they have?

Most of you know that the Marathon run, as we know it today, was instituted in the 1896 Olympics, and was won, if I may say so, by a Greek peasant, Spyros Louis.

Today, there are more than 500 marathons throughout the world each year. They are inspirational gatherings, which bring together thousands of athletes of different cultures, ethnicities and races, an accomplishment in and of itself. Many are also run to raise awareness for good causes.

Phidippides, the first so-called Marathon runner, the man who ran to tell his fellow citizens of their glorious victory in the city of Marathon, is the stuff of legends around the world. His story, as the story of many current Marathon runners, who dedicate themselves to the pursuit of athletic excellence, continue to inspire us. And as the Olympic Games, so do marathon runs offer a moment in time when differences are forgotten and participants are unified in the pursuit of an ideal.

Greece is grateful to Marathon Committees around the United States for organizing the 2500th anniversary celebrations in conjunction with Marathon runs throughout the country. We thank all of them for their participation in these commemorative events.

We are also grateful to the Boston Marathon and the city of Hopkinton, the guardian of the Marathon Flame, which carries the spirit of Marathon all over the U.S. The cities of Hopkinton and Marathon are sister-cities and share similar cultural and athletic values.

Most of all, we thank the United States Marines for bringing the Marathon flame from Hopkinton to Washington, under the auspices of the 35th Marine Corps Marathon and Race Director, Mr. Rick Nealis.

We are privileged to continue this tradition and honored to be celebrating it with the Marine Corps Marathon, also known as ''The People's Marathon''. It is on occasions such as this that we realize our common past and hopefully realize that we ought to work for a common future.

Thank you.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I certainly would like to acknowledge the gentleman from New Jersey (Mr. SMITH) for his cosponsorship of the bill as well. I am looking forward to Mr. SMITH, Mr. MCGOVERN, and me all planning for next year's marathon and getting ready for the big race.

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 Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1704, 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. KLEIN of Florida. Madam 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 50TH ANNIVERSARY OF NATIONAL COUNCIL FOR INTERNATIONAL VISITORS

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1402) recognizing the 50th anniversary of the

National Council for International Visitors, and expressing support for designation of February 16, 2011, as ''Citizen Diplomacy Day,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1402

Whereas 2011 marks the 50th anniversary of the National Council for International Visitors (NCIV), originally founded as the National Council for Community Services to International Visitors (COSERV) in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy, the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations ''one handshake at a time'';

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program (IVLP), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the ''Fulbright-Hays Act'');

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, the NCIV network of citizen diplomats was nominated to receive the Nobel Peace Prize for its work to promote fraternity between nations;

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged $6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for two national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities;

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities, welcoming strangers and sending home friends; and

Whereas, February 16, 2011, would be an appropriate date to designate as ''Citizen Diplomacy Day'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, the United States, and the world; and

(4) supports the designation of ''Citizen Diplomacy Day''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Madam 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 the resolution under consideration.

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

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

For 50 years, the National Council for International Visitors has operated on the conviction that every day American citizens can be some of our country's greatest diplomats. Through its facilitation of the State Department's International Visitor Leadership Program and other exchange programs, the NCIV has been an essential part of American diplomacy.

In order to welcome international visitors across the country, the NCIV requires the energy and commitment of more than 80,000 volunteers every year. These volunteers create and implement professional and cultural programs for the visitors, and they also open their homes.

Over 190,000 foreign leaders, including 286 current and former heads of state, have come to the United States through the International Visitor Leadership Program and have benefited from this hospitality. The experiences they have had and relationships they have built in the United States have left a lasting impression of the values and strength of the American people.

In an increasingly interconnected world, technology can unite us, but face-to-face interaction can bond us. Our citizen diplomats help to dispel myths about the United States and can convey potent messages of American goodwill. They also help to increase understanding within the United States about the world.

The service that our citizen diplomats have provided for over half a century has been invaluable to our country, and I urge my colleagues to support this resolution, which designates February 16, 2011, as ''Citizen Diplomacy Day.''

Of course, I would like to thank the author of the resolution, Congressman MORAN.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

First, I want to thank the gentleman from Virginia (Mr. MORAN) and the gentleman from Illinois (Mr. MANZULLO) for providing us with this opportunity to recognize the contributions of the National Council for International Visitors, particularly on its 50th anniversary, and the importance of the citizen diplomacy of the United States.

Madam Speaker, the person-to-person contacts that occur when international visitors have the opportunity to live and work alongside ordinary Americans are often more than opinion-changing; they can be life-changing. To experience up-close the diversity, generosity, and industry of our people can shatter stereotypes and prejudices far more effectively than press statements and media campaigns. For these reasons, citizen diplomacy is an important tool for increasing the global understanding of American values.

One significant component of our public diplomacy activities has been the International Visitor Leadership Program, a State Department program that brings thousands of current and emerging professional leaders to the U.S. every year for carefully designed short-term visits. Having met with many of those who have come in from abroad, they are very, very useful visits, and they get to see a broad array of America and Americans when they do visit. Numerous International Visitor alumni have gone on to become heads of state, key officials, and industry leaders in their home countries.

For the past 50 years, the National Council for International Visitors has been a critical partner in the success of that program. As a nonprofit professional association, the NCIV helps to coordinate the exchange-related activities of community-based groups throughout the country, drawing on the energy of nearly 80,000 American volunteers every year.

□ 1520

During its first 50 years, NCIV has organized professional programs, cultural activities and home visits for more than 190,000 foreign visitors. To that we say thank you.

Madam Speaker, I reserve the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia, the author of the resolution, Mr. MORAN.

Mr. MORAN of Virginia. I want to thank my friends and colleagues, Mr. KLEIN from Florida and Mr. SMITH from New Jersey. I appreciate their support of this.

This is an important resolution. What the National Council of International Visitors sponsors day in and day out has a long-term impact that cannot be overstated within our country or around the globe.

The National Council of International Visitors, Madam Speaker, is a nonprofit membership association currently marking 50 years of leadership in citizen diplomacy. It embodies the concept that individual citizens have the right and the responsibility to help shape U.S. foreign relations, in their words, ''one handshake at a time.''

NCIV's nationwide network consists of 92 community organizations as well as program agencies, associate members and individuals. Each year, the aggregate efforts of NCIV members involve more than 80,000 volunteers across the country.

With leadership and training provided by NCIV, its member organizations design and implement professional programs, provide cultural activities, and offer the actual experience of living within an American family and an American community for foreign leaders and specialists participating in the U.S. Department of State's International Visitor Leadership Program and other exchange programs.

For the last 50 years, NCIV has built a network of citizen diplomats committed to bridging international culture gaps and building mutually beneficial relationships through international exchanges. More than 285—although Mr. KLEIN said 286, so apparently in the last few days another person who was involved with this program has been elected around the world as a world leader, but regardless of the number, we know it is very substantial, the number of people who lead other countries but have an understanding of who we are as a Nation, our values and beliefs as a result of NCIV's efforts.

More than 1,700 cabinet-level ministers—and so many other distinguished world leaders that you can't even count them—have benefited from firsthand exposure to the United States through the International Visitor Leadership Program and the NCIV network.

With its commitment to building long-term personal relationships, NCIV will continue to be an asset for American public diplomacy and indeed for national security efforts as it moves into its second half century.

Some examples that I think bear citing: Tony Blair, former Prime Minister of the United Kingdom, participated in this program. Anwar Sadat, who was so instrumental in bringing peace between Israel and Egypt, participated in this program; Felipe Calderon, President of Mexico; Nicolas Sarkozy, President of France; Kim Dae-Jung, who was the former President of South Korea; Manmohan Singh, Prime Minister of India; Abdullah Gul, President of Turkey; Morgan Tsvangirai, Prime Minister of Zimbabwe.

It is also worth noting that nearly the entire international visitor leadership program in the State Department spends its budget here in communities throughout the United States, and that by implanting its programs in those communities, the IVLP is also important for generating economic development and cultivating a globally literate workforce in our U.S. communities. Nothing is more instructive than having a foreign visitor actually live in an American home to understand our culture, our values, and our beliefs.

Lastly, Madam Speaker, it is clear that in contributing to the quality of our international engagement, the International Visitor Leadership Program is an investment in our national security. It is imperative to continue rebuilding the image of the United States abroad and to build stronger long-term personal relationships between foreign leaders and U.S. decision makers, by connecting them with people who simply represent what America is all about day in and day out. In fact, the Organization of American Ambassadors ranks the International Visitor Leadership Program as the most important among all 63 U.S. diplomacy programs.

In closing, as well as Mr. SMITH and his staff, I want to thank Chairman HOWARD BERMAN and his staff, Katherine Brown for their efforts in highlighting the important work of citizen diplomats, and the NCIV, and obviously Mr. KLEIN and his staff. I also want to give a shout out to the National Council of International Visitors, especially Sherry Mueller and her staff, Chris Bassett and Ed Thompson, who worked so hard with my staff on this resolution; Tom Gittens, the former head of Sister Cities International, for his leadership in promoting the National Council of International Visitors. Shai Tamara and Tom Garofalo of my staff, who is here as well and has steered this through the Congress.

I hope and trust we will get unanimous support for this and let the International Council of International Visitors know that we do appreciate all their efforts on behalf of our country.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, again I thank the gentleman who brought this forward to us, Mr. MANZULLO as well, and Mr. SMITH.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1402, 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. KLEIN of Florida. Madam 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.

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1717) congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1717

Whereas Liu Xiaobo played a leading role in the 1989 Tiananmen Square demonstration for democratic reform, insisting on peaceful means and democratic process;

Whereas since 1989, Liu Xiaobo has been a leading figure promoting democratic reform and respect for human rights, including by writing hundreds of notable essays on these subjects;

Whereas between June 6, 1989, and October 1999, Chinese officials detained Liu Xiaobo 3 times, totaling over 4 years confinement for his role in Tiananmen Square and continued promotion of political reform;

Whereas in 2008, Liu Xiaobo was one of the principal drafters and organizers as well as one of the first signers of Charter 08, a manifesto that proposed democratic reform in China;

Whereas, on December 8, 2008, Chinese officials detained Liu Xiaobo for his role in Charter 08, and found him guilty of ''inciting subversion of state power'' in 2009 and sentenced him to 11 years imprisonment;

Whereas since December 2008, thousands of Chinese citizens from all walks of life have signed Charter 08, and Chinese officials have detained, placed under house arrest, or harassed many of them;

Whereas in 2010, many persons from around the world nominated Liu Xiaobo for the Nobel Peace Prize, including the 14th Dalai Lama, Bishop Desmond Tutu, Vaclav Havel, and 7 members of the United States House of Representatives;

Whereas, on October 8, 2010, the Norwegian Nobel Committee announced its award of the 2010 Nobel Peace Prize to Liu Xiaobo for his

''long and non-violent struggle for fundamental human rights in China'';

Whereas the Norwegian Nobel Committee noted that, ''the campaign to establish universal human rights also in China is being waged by many Chinese . . . through the severe punishment meted out to him, Liu has become the foremost symbol of this wide-ranging struggle for human rights in China'';

Whereas when on October 9, 2010, Liu Xia, Liu Xiaobo's wife, notified her husband that he had been awarded the Nobel Peace Prize, he responded by dedicating the prize to ''the Tiananmen martyrs'';

Whereas Chinese officials responded to the award by placing Liu Xia under house arrest, harassing and detaining Liu Xiaobo's friends and supporters, censoring Internet Web sites and blacking out television broadcasts that reported the award, and defaming Liu Xiaobo by describing him as a ''criminal'', a ''political tool of the West'', and a ''traitorous operative'';

Whereas Chinese officials have claimed that the imprisonment of Liu Xiaobo is an internal matter and that the award constitutes meddling in China's internal affairs; and

Whereas President Barack Obama, the recipient of the 2009 Nobel Peace Prize, has congratulated Liu Xiaobo on the award and called on Chinese officials to release him from prison: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Liu Xiaobo on the award of the 2010 Nobel Peace Prize;

(2) honors Liu Xiaobo's promotion of democratic reform in China, and the courage with which he has bore repeated imprisonment by Chinese officials;

(3) states that in honoring Liu Xiaobo, it also honors all those who have promoted democratic reform in China, including all those who participated in the 1989 Tiananmen Square demonstration for democratic reform;

(4) asserts that Liu Xiaobo is a political prisoner, and that Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 who have been detained, placed under house arrest, or harassed, are the victims of political persecution;

(5) calls on Chinese officials to release Liu Xiaobo from prison, and to release Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 from detention, house arrest, and harassment;

(6) calls on Chinese officials to cease censoring media and Internet reporting of the award of the Nobel Peace Prize to Liu Xiaobo and to cease their campaign of defamation against Liu Xiaobo;

(7) urges President Barack Obama to continue to work for the release of Liu Xiaobo from prison, as well as the release of Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 from detention, house arrest, and harassment; and

(8) emphasizes that violations of human rights in general, and the persecution of Liu Xiaobo, Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 specifically, are matters of legitimate concern to other governments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. 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 resolution under consideration.

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

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, this resolution congratulates Chinese democracy activist Liu Xiaobo on being awarded this year's Nobel Peace Prize and calls for his immediate release from imprisonment by the Chinese Government.

I would like to thank the gentleman from New Jersey (Mr. SMITH) for sponsoring this resolution and bringing it forward to discuss with many of us, as well as the other six Members of Congress who originally nominated Mr. Liu for the Nobel Peace Prize.

Mr. Liu was a leader during the 1989 pro-democracy Tiananmen Square protests and one of the drafters last year of Charter 08, a document signed by more than 300 Chinese intellectuals and rights advocates that called for political reform and improvement in China's human rights policies. As a result of his activism, the Chinese Government charged Mr. Liu with the phony offense of ''inciting subversion of state power.'' He was convicted on Christmas day of last year and subsequently sentenced to 11 years in prison, a sentence that has been widely regarded as unusually harsh.

This past October, Mr. Liu became the first Chinese citizen residing in China to win the Nobel Peace Prize and one of three laureates to have received it while in prison. The Nobel Committee awarded the prize to Mr. Liu ''for his long and non-violent struggle for fundamental human rights in China.''

□ 1530

Mr. Liu's wife visited him in prison shortly after he learned of winning the prize, and during their visit Mr. Liu reportedly was moved to tears and said that the prize was ''for the lost souls of June 4.''

Mr. Liu remains locked away in a Chinese cell and thus is not able to receive the prize in person. The Chinese Government has also placed his wife under house arrest and is preventing her and Mr. Liu's other family, friends and supporters from leaving China to attend the awards ceremony in Norway.

The Chinese Government has denounced the prize as a ''political tool'' of the West, blocking all media reporting of the news in China and trying to bully foreign governments from sending representatives to the awards ceremony later this week. China's boorish and arrogant behavior over Mr. Liu's award won't produce the global respect and clout that Chinese authorities so desperately crave, and its tactics only underscore China's failure to uphold the very principles to which Mr. Liu has dedicated his life and work and for which he is being recognized by the Nobel committee.

Today, the United States House of Representatives stands in solidarity with Mr. Liu and all those who have risked their lives to promote democratic reform in China. We call on China to immediately release Mr. Liu from prison and to cease its harassment and detention of Mr. Liu's wife and supporters.

Madam Speaker, I urge all my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I thank my good friend and colleague from Florida for his eloquent statement. I thank the Speaker and the majority leader for bringing this resolution to the floor, and of course to HOWARD BERMAN the chairman and IIEANA ROS-LEHTINEN for their strong support for it as well.

Madam Speaker, for far too long the Chinese Government has evaded virtually all serious scrutiny of its horrific human rights record—usually by employing bullying tactics, including threats to nations, multilateral organizations like the U.N., and to individuals. Today the Chinese Government brutalizes women and children through forced abortion and coerced sterilization as part of its barbaric one-child-per-couple policy, which makes brothers and sisters illegal. Today China crushes all political opposition. It tortures and incarcerates Falun Gong practitioners, Uyghurs, Tibetan Buddhists and Christians. Today China violently crushes independent labor unions and has transformed the Internet into a tool for surveillance and censorship.

I note parenthetically, Madam Speaker, that immediately prior to the Olympics, the gentleman from Virginia (Mr. WOLF) and I visited Beijing, one of many human rights trips to China. While we were there, we sought to meet with some of the house church leaders who wanted to meet with us and pray with us. All but one were arrested and detained, and after we left that particular pastor was arrested and detained and interrogated as well.

Madam Speaker, the naming of Liu Xiaobo as the 2011 Nobel Peace Prize laureate and the Chinese Government's outrageous response to that naming, including the way they have mistreated his wife but now it's even worse, and friends can't even travel to Oslo to be a part of the ceremony, that reaction, of course is the underlying problem. The actual abuses that are committed, oblige us to sustained scrutiny and meaningful action. News reports suggest that over one-and-a-half dozen countries have been so intimidated by Beijing that they won't even send a delegation to Oslo. I think that's outrageous.

So today I urge my colleagues to adopt H. Res. 1717, expressing Congress'

profound respect for and solidarity with Liu Xiaobo and all those who peacefully advocate for human rights and democracy in the PRC.

Madam Speaker, the resolution honors Liu Xiaobo, who in the 1980s had a brilliant academic career in front of him in China. When the Tiananmen Square demonstrations began in 1989, he was actually a visiting professor in New York City. He effectively gave all of that up when he flew back to China to join the students demonstrating for democracy on the square, and even there he insisted that the students themselves adhere to a democratic process. Liu has been working and sacrificing for democratic reform ever since—through hundreds of remarkable essays that he has written and the courage with which he has borne imprisonment, no less than four times.

My resolution highlights Charter 08, the democracy proclamation that Liu played a leading role in organizing, drafting, and of which he was one of the first signers. It is an astonishing document, a worthy heir of the great models that it is based upon, the U.S. Bill of Rights, the Universal Declaration of Human Rights, and Charter 77, the Czech human rights declaration that in the late 1970s contributed so much to the rebirth of conscience and respect for the rule of just law in eastern European captive nations, and ultimately to their peaceful democratization.

But the Chinese Government saw in this magnificent document only a crime, as my friend and colleague pointed out earlier, ''inciting subversion of state power''—whatever that is. The government arrested Mr. Liu in December of 2008 and in December 2009 sentenced him to 11 years in prison.

Madam Speaker, in February of this year, I led a group of some six Members in petitioning the peace prize committee to name Mr. Liu and two other Chinese dissidents for the Nobel Peace Prize. Our nomination described him as ''a visionary leader,'' remarkable for his patriotism and civic courage and the generous tone of his work. This man is absolutely nonviolent.

Though we didn't know it at the time, many other people had the exact same idea. Mr. Liu was nominated by two Nobel Peace Prize laureates—the 14th Dalai Lama and Bishop Desmond Tutu—as well as by former Czech President Vaclav Havel and many members of the Czech and Slovak parliaments, the Norwegian parliamentarian, and a number of human rights defenders from around the world and leaders in the fields of philosophy, literature, philanthropy and finance.

Madam Speaker, H. Res. 1717 underscores and points up the words of the Norwegian Nobel Committee that said, and I quote: ''The campaign to establish human rights in China is being waged by many Chinese. Through the severe punishment meted out to him, Liu has become the foremost symbol of this wide-ranging struggle for human rights in China.'' The resolution explicitly states that in honoring Liu Xiaobo, it honors all those who have promoted democratic reform in China, including all those who participated in the 1989 Tiananmen Square demonstration. After Liu's wife told him of the award, he wept and dedicated the prize to ''the Tiananmen martyrs.''

Madam Speaker, the resolution makes it very clear that Mr. Liu Xiaobo is a political prisoner, emphasizes that ''violations of human rights,'' including his persecution, ''are matters of legitimate concern to other governments,'' because we are hearing the tired old refrain from the government in Beijing that this is purely an internal matter.

Similarly, the resolution calls on the Chinese Government to cease censoring media and Internet reporting of the award and cease defaming Mr. Liu as a ''political tool of the West'' and as a ''traitorous operative.'' These are ridiculous charges, but they go to the heart of the issue that Mr. Liu himself analyzed in his 2005 essay called ''The CPC's Dictatorial Patriotism,'' the dictatorial government's fallacious equation of itself with the Chinese nation, so that whoever opposes the dictatorship is treated as an enemy of the state.

Finally, I will conclude with Liu Xiaobo's closing statement in his 2009 trial, only a small part of it. It is very rich and I hope all will read it. I will put it in the RECORD. This shows his gentleness of soul. He said:

''But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed in my June 2 Hunger Strike Declaration 20 years ago—I have no enemies and no hatred. None of the police who monitored, arrested and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. Hatred can rot away at a person's intelligence and conscience.

Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society's tolerance and humanity, and hinder a nation's progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation's development and social change, to counter the regime's hostility with utmost goodwill, and to dispel hatred with love.''

To his wife, he said:

''My dear, with your love I can calmly face my impending trial, having no regrets about the choices I've made and am optimistically awaiting tomorrow. I look toward to the day when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well.''

□ 1540

This man is a moral giant, absolutely worthy of the Nobel Peace Prize, and he is the future of China.

I HAVE NO ENEMIES: MY FINAL STATEMENT

(By Liu Xiaobo)

CLOSING STATEMENT IN COURT. TRANSLATION BY HRIC, BASED ON A TRANSLATION BY J. LATOURELLE, DECEMBER 23, 2009

In the course of my life, for more than half a century, June 1989 was the major turning point. Up to that point, I was a member of the first class to enter university when college entrance examinations were reinstated following the Cultural Revolution (Class of '77). From BA to MA and on to PhD, my academic career was all smooth sailing. Upon receiving my degrees, I stayed on to teach at Beijing Normal University. As a teacher, I was well received by the students. At the same time, I was a public intellectual, writing articles and books that created quite a stir during the 1980s, frequently receiving invitations to give talks around the country, and going abroad as a visiting scholar upon invitation from Europe and America. What I demanded of myself was this: whether as a person or as a writer, I would lead a life of honesty, responsibility, and dignity. After that, because I had returned from the U.S. to take part in the 1989 Movement, I was thrown into prison for ''the crime of counter-revolutionary propaganda and incitement.'' I also lost my beloved lectern and could no longer publish essays or give talks in China. Merely for publishing different political views and taking part in a peaceful democracy movement, a teacher lost his lectern, a writer lost his right to publish, and a public intellectual lost the opportunity to give talks publicly. This is a tragedy, both for me personally and for a China that has already seen thirty years of Reform and Opening Up.

When I think about it, my most dramatic experiences after June Fourth have been, surprisingly, associated with courts: My two opportunities to address the public have both been provided by trial sessions at the Beijing Municipal Intermediate People's Court, once in January 1991, and again today. Although the crimes I have been charged with on the two occasions are different in name, their real substance is basically the same—both are speech crimes.

Twenty years have passed, but the ghosts of June Fourth have not yet been laid to rest. Upon release from Qincheng Prison in 1991, I, who had been led onto the path of political dissent by the psychological chains of June Fourth, lost the right to speak publicly in my own country and could only speak through the foreign media. Because of this, I was subjected to year-round monitoring, kept under residential surveillance (May 1995 to January 1996) and sent to Reeducation-Through-Labor (October 1996 to October 1999). And now I have been once again shoved into the dock by the enemy mentality of the regime. But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed in my ''June Second Hunger Strike Declaration'' twenty years ago—I have no enemies and no hatred. None of the police who monitored, arrested, and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. Although there is no way I can accept your monitoring, arrests, indictments, and verdicts, I respect your professions and your integrity, including those of the two prosecutors, Zhang Rongge and Pan Xueqing, who are now bringing charges against me on behalf of the prosecution. During interrogation on December 3, I could sense your respect and your good faith.

Hatred can rot away at a person's intelligence and conscience. Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society's tolerance and humanity, and hinder a nation's

progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation's development and social change, to counter the regime's hostility with utmost good will, and to dispel hatred with love.

Everyone knows that it was Reform and Opening Up that brought about our country's development and social change. In my view, Reform and Opening Up began with the abandonment of the ''using class struggle as guiding principle'' government policy of the Mao era and, in its place, a commitment to economic development and social harmony. The process of abandoning the ''philosophy of struggle'' was also a process of gradual weakening of the enemy mentality and elimination of the psychology of hatred, and a process of squeezing out the ''wolf's milk'' that had seeped into human nature.[1] It was this process that provided a relaxed climate, at home and abroad, for Reform and Opening Up, gentle and humane grounds for restoring mutual affection among people and peaceful coexistence among those with different interests and values, thereby providing encouragement in keeping with humanity for the bursting forth of creativity and the restoration of compassion among our countrymen. One could say that relinquishing the ''anti-imperialist and anti-revisionist'' stance in foreign relations and ''class struggle'' at home has been the basic premise that has enabled Reform and Opening Up to continue to this very day. The market trend in the economy, the diversification of culture, and the gradual shift in social order toward the rule of law have all benefitted from the weakening of the ''enemy mentality.'' Even in the political arena, where progress is slowest, the weakening of the enemy mentality has led to an ever-growing tolerance for social pluralism on the part of the regime and substantial decrease in the force of persecution of political dissidents, and the official designation of the 1989 Movement has also been changed from ''turmoil and riot'' to ''political disturbance.'' The weakening of the enemy mentality has paved the way for the regime to gradually accept the universality of human rights. In [1997 and] 1998 the Chinese government made a commitment to sign two major United Nations international human rights covenants,[2] signaling China's acceptance of universal human rights standards. In 2004, the National People's Congress (NPC) amended the Constitution, writing into the Constitution for the first time that ''the state respects and guarantees human rights,'' signaling that human rights have already become one of the fundamental principles of China's rule of law. At the same time, the current regime puts forth the ideas of ''putting people first'' and ''creating a harmonious society,'' signaling progress in the CPC's concept of rule.

I have also been able to feel this progress on the macro level through my own personal experience since my arrest.

Although I continue to maintain that I am innocent and that the charges against me are unconstitutional, during the one plus year since I have lost my freedom, I have been locked up at two different locations and gone through four pretrial police interrogators, three prosecutors, and two judges, but in handling my case, they have not been disrespectful, overstepped time limitations, or tried to force a confession. Their manner has been moderate and reasonable; moreover, they have often shown goodwill. On June 23, I was moved from a location where I was kept under residential surveillance to the Beijing Municipal Public Security Bureau's No. 1 Detention Center, known as ''Beikan.'' During my six months at Beikan, I saw improvements in prison management.

In 1996, I spent time at the old Beikan (located at Banbuqiao). Compared to the old Beikan of more than a decade ago, the present Beikan is a huge improvement, both in terms of the ''hardware''—the facilities—and the ''software''—the management. In particular, the humane management pioneered by the new Beikan, based on respect for the rights and integrity of detainees, has brought flexible management to bear on every aspect of the behavior of the correctional staff, and has found expression in the ''comforting broadcasts,'' Repentance magazine, and music before meals, on waking and at bedtime. This style of management allows detainees to experience a sense of dignity and warmth, and stirs their consciousness in maintaining prison order and opposing the bullies among inmates. Not only has it provided a humane living environment for detainees, it has also greatly improved the environment for their litigation to take place and their state of mind. I've had close contact with correctional officer Liu Zheng, who has been in charge of me in my cell, and his respect and care for detainees could be seen in every detail of his work, permeating his every word and deed, and giving one a warm feeling. It was perhaps my good fortune to have gotten to know this sincere, honest, conscientious, and kind correctional officer during my time at Beikan.

It is precisely because of such convictions and personal experience that I firmly believe that China's political progress will not stop, and I, filled with optimism, look forward to the advent of a future free China. For there is no force that can put an end to the human quest for freedom, and China will in the end become a nation ruled by law, where human rights reign supreme. I also hope that this sort of progress can be reflected in this trial as I await the impartial ruling of the collegial bench—a ruling that will withstand the test of history.

If I may be permitted to say so, the most fortunate experience of these past twenty years has been the selfless love I have received from my wife, Liu Xia. She could not be present as an observer in court today, but I still want to say to you, my dear, that I firmly believe your love for me will remain the same as it has always been. Throughout all these years that I have lived without freedom, our love was full of bitterness imposed by outside circumstances, but as I savor its aftertaste, it remains boundless. I am serving my sentence in a tangible prison, while you wait in the intangible prison of the heart. Your love is the sunlight that leaps over high walls and penetrates the iron bars of my prison window, stroking every inch of my skin, warming every cell of my body, allowing me to always keep peace, openness, and brightness in my heart, and filling every minute of my time in prison with meaning. My love for you, on the other hand, is so full of remorse and regret that it at times makes me stagger under its weight. I am an insensate stone in the wilderness, whipped by fierce wind and torrential rain, so cold that no one dares touch me. But my love is solid and sharp, capable of piercing through any obstacle. Even if I were crushed into powder, I would still use my ashes to embrace you.

My dear, with your love I can calmly face my impending trial, having no regrets about the choices I've made and optimistically awaiting tomorrow. I look forward to [the day] when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well; where different values, ideas, beliefs, and political views . . . can both compete with each other and peacefully coexist; where both majority and minority views will be equally guaranteed, and where the political views that differ from those currently in power, in particular, will be fully respected and protected; where all political views will spread out under the sun for people to choose from, where every citizen can state political views without fear, and where no one can under any circumstances suffer political persecution for voicing divergent political views. I hope that I will be the last victim of China's endless literary inquisitions and that from now on no one will be incriminated because of speech.

Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.

In order to exercise the right to freedom of speech conferred by the Constitution, one should fulfill the social responsibility of a Chinese citizen. There is nothing criminal in anything I have done. [But] if charges are brought against me because of this, I have no complaints.

Thank you, everyone.

TRANSLATOR'S NOTES

1. Writers in China today often refer to indoctrination with the ideology of class struggle as ''drinking wolf's milk,'' and the ideology of the Cultural Revolution era as the ''wolf's milk culture,'' which had turned humans into wolf-like predatory beasts.

2. China signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997, and ratified it in 2001. It signed the International Covenant on Civil and Political Rights (ICCPR) in 1998, but has not yet ratified the covenant.

I reserve the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Speaker, I rise today to support House Resolution 1717, congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize. I thank my colleague and good friend Congressman CHRIS SMITH for introducing this resolution.

China is an appropriately proud nation, with more than 5,000 years of recorded history, a history filled with great achievements. Chinese is perhaps the world's oldest, continuously used written language. More recently, the nation has achieved near universal literacy and has fed its 1.3 billion people most adequately. And most recently, China has achieved human space flight, joining the international community of space-faring nations.

And on this Friday, another first, the first Nobel Peace Prize. But inexplicably, this achievement has been met by this Chinese Government with opposition and outright hostility. This is an incomprehensible failure of national pride and patriotism. I call upon this Chinese Government to be on the right side of history. I know that Chinese history will some day vindicate Liu Xiaobo, as it has done with other great figures in Chinese history.

In the city of Hangzhou, which is near Suzhou, my ancestral home where my family has lived for 500 to 600 years, Hangzhou was the capital of the Southern Song Dynasty and the scene of conflict between the Song Dynasty and northern tribes. In that city is a memorial park to honor a general of the Song Dynasty, Yue Fei, who is now

considered a national hero. He was executed by a jealous emperor. And today, his statue, he stands upon that jealous emperor's neck tall and proud.

History has a way of setting things right. By failing to honor the fundamental rights guaranteed by its own constitution, the current Chinese Government not only fails the Chinese people, but it is also failing to live up to China's 5,000-year history as one of the great civilizations on this planet. People like Liu Xiaobo are the future of China. Let us honor him today and every day as this struggle continues.

Why is Liu Xiaobo, a prolific writer and a longstanding advocate for peaceful democratic reform in China, in prison today, unable to attend the ceremony in Oslo? This year, the world's spotlight will be on the Nobel Peace Prize ceremony, and that spotlight will shine upon an empty chair. I and others from this body will be there, and we hope to underscore both the universality of the struggle for freedom and the singularity not only of the great achievement but also of the Chinese Government's unpatriotic, incomprehensible reactions to Mr. Liu's historic recognition.

Madam Speaker, it is time for change. With proper recognition and proper action, China can take another important step and evolve peacefully toward its future. The alternative will be a harsh judgment of history.

Mr. SMITH of New Jersey. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF), who is cochair of the Tom Lantos Congressional Human Rights Commission and a great advocate of human rights all over the world, including and especially in China.

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

Mr. WOLF. I want to thank my good friend and distinguished colleague Congressman CHRIS SMITH of New Jersey for introducing this important resolution which congratulates Chinese democracy advocate Liu Xiaobo on the award.

Congressman SMITH—and I think all the colleagues in this House on both sides should know—is one of the greatest human rights advocates in the Congress, and his leadership on this issue and on human rights and religious freedom is really, I think, one of the finest that I have ever served with since I have been here in Congress. I also want to say parenthetically, why hasn't the Church in the West and in the United States also spoken out on some of these more profound issues of human rights and religious freedoms? The silence of the Church in the West is quite disturbing.

On Friday, the award ceremony will be held with an empty chair, as my colleague Mr. WU said, as a solemn reminder that this year's Nobel laureate remains languishing in prison. Chinese authorities have placed his wife under house arrest to ensure that she will not be able to accept the prize on his behalf.

Since 1901, only three other Nobel Prize winners have been prevented from attending the ceremony to accept the prize. In 1935, Carl von Ossietzy, a German peace activist, was prevented from receiving the prize by the Nazi government. In 1975, Andrei Sakharov, a Russian nuclear scientist, was barred from leaving the Soviet Union to accept the prize. And in 1991, Aung San Suu Kyi, the leader of Burma's democracy movement, was not allowed to leave the country by the brutal ruling military junta.

China should be ashamed and embarrassed to be in the company of Nazi Germany, the Soviet Union, and Burma. Instead, the Chinese Government has launched a diplomatic campaign to encourage other nations to boycott Friday's ceremony. In a public statement, China's vice foreign minister threatened that ''if they make the wrong choice, they have to bear the consequences.'' The 18 countries that have sided with China and will not attend Friday's ceremonies are Afghanistan, Colombia, Egypt, Russia, Kazakhstan, Cuba, Morocco, Iraq, Iran, Pakistan, the Philippines, Saudi Arabia, Serbia, Sudan—the genocide Government of Sudan—Tunisia, Ukraine, Venezuela, and Vietnam.

And when their lobbyists come up here next year begging for help, remember, they were not willing to go to Oslo even to stand up for human rights. Here we are giving the Moroccan Government $697 million in the Millennium Challenge grant, and they won't even go to Oslo. These countries, which are among the world's worst human rights abusers, will join China in its shameful boycott.

This year's Nobel Prize winner is representative not just of Dr. Liu, but of the thousands of Chinese prisoners that remain languishing in prisons and labor camps due to their political and religious beliefs. Chinese authorities continue to crack down on the Protestant house church Christians, Catholics, Tibetan Buddhists, Muslim Uyghurs, and members of the Falun Gong.

In passing this resolution, the U.S. Congress sends an important message to the dissidents of China and all those who are being persecuted around the world. The people of the United States stand with those who sit in their jail cells day after day, week after week, year after year in their quest for freedom.

Robert F. Kennedy once said: ''Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope'' and ''those ripples build a current which can sweep down the mightiest walls of oppression and resistance.''

The awarding of the Nobel Peace Prize to Dr. Liu has sent out that ripple of hope that cannot be stopped. And I believe that in my lifetime—and remember, the Berlin Wall fell like that—in my lifetime, the Chinese people will know the true freedom, and I will look forward to celebrating that day.

I thank Mr. SMITH again for his leadership on this and so many other issues.

Mr. KLEIN of Florida. Madam Speaker, as we've been discussing, this is a travesty of great magnitude. The Chinese Government has shown over and over again its lack of respect and dignity for human life. And, certainly, for someone who has such great respect in the academic community and worldwide as a leader in the views of nonviolence to be locked up and put away when the rest of the world recognizes the importance of his respect and his leadership in this important endeavor is obviously more than disgusting.

□ 1550

But we have an opportunity, obviously, today to create a resolution and speak on behalf of the United States and our people about what we believe are human rights and the respect that should be given someone who has been given the Nobel Peace Prize.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), ranking member of the Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight. He too has been outspoken on behalf of the dissidents in China.

Mr. ROHRABACHER. Madam Speaker, let me first suggest that I am honored to be here in the presence of CHRIS SMITH, who has done so much, and Speaker PELOSI, who over the years, over these last two decades while I have been in Congress, have proven to me over and over again that they are the type of moral and honest people that I emulate and would seek to strive to meet your standards. So thank you very much for the leadership both of you have shown, and nowhere is that more evident than when it comes to our relations with China.

I rise in strong support of H. Res. 1717, which urges President Obama to work for the release of Nobel Peace Prize Laureate Liu Xiaobo, as well as the release of all the heroic signers of Charter 08. They are now in detention and house arrest for being so courageous to put their name on a democratic document.

There is nothing so low in the arena of global politics as officials of a regime who order the arrest and imprisonment of a Nobel Prize winner. Such oppressors deserve a prize of their own, a prize for arrogance and brutality. This year's prize would then go again to the Chinese leadership, who have awarded themselves this prize of infamy.

More perplexing than gangsters acting like gangsters are American Government officials who insist on treating the communist dictatorship as if it

is morally equivalent to democratic government, thus worthy of respect, of trust and cooperation. For 30 years, our State Department has pushed a policy of open doors, of trade and commerce with Communist China. And we have, of course, shared our technology with Communist China, invested in Communist China. We have closed factories here and opened them up in China. We have trained their young people and equipped them. And we were told that if we so outreached, that our goodwill would then civilize the brutal thugs in the Communist Chinese Party.

Now that all of our jobs and factories have been sent to Communist China, they still repress their people, even Nobel Prize winners. Yet we must watch out how heavily we criticize. They might turn down our requests for loan extensions, or our CEOs might feel threatened that their factories that they put over there might be expropriated.

Madam Speaker, we need to raise our voices for freedom in China and the imprisoned Nobel Prize winner. But more importantly, we need to identify the Chinese regime as a militaristic dictatorship that threatens everything we hold dear, threatens the peace of the world, and threatens all freedom-loving people in the world, and then act accordingly. Therefore, I rise in support of this resolution, joining with Speaker PELOSI and Congressman SMITH and my other colleagues who know if we do not stand for these truths that our country supposedly believes in, it will come back and hurt us later.

Therefore, I rise in support and urge my colleagues and the American people to wake up and stop treating China like as if we treat them well and ignore their crimes against humanity that they will change. That may be what you do when you are complaining to a democratic government and you suggest that they made a mistake, they are doing something wrong, yes, and then follow through with goodwill gestures. That is seen as weakness on the part of dictatorships. And it is about time that America stands strong and be seen as a courageous voice throughout the world for freedom, democracy, and peace, and especially as we send that message to the people of China.

Mr. KLEIN of Florida. Madam Speaker, I would like to acknowledge and thank the Speaker of the House for her leadership in the fight for human rights throughout the world, and I yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentleman from Florida for yielding and thank him for giving us this opportunity to talk about Liu Xiaobo on the floor of the House today. I especially want to thank CHRIS SMITH, the gentleman from New Jersey, FRANK WOLF, DANA ROHRABACHER, three Members whom I heard speak on the subject, and I know many others have, DAVID WU, who is with us on this side, for their commitment to democratic freedoms in China.

Madam Speaker, Mr. SMITH, Mr. ROHRABACHER, and Mr. WOLF and I have been working on this issue for decades. Even before Tiananmen Square, many of us met with our former colleague, now gone from us, Tom Lantos, to meet with His Holiness the Dalai Lama. I think that was in 1987. A couple years later, we saw what happened in Tiananmen Square. And at that time, as advocates for human rights throughout the world, we were advocating for human rights in China as well. For a long time, we had that debate.

We were joined then by our colleague DAVID WU and others in this important statement that said, if we are advocating for human rights throughout the world, which this Congress has done over and over again, we lose all moral authority to talk about human rights in the rest of the world if we do not talk about human rights in China, despite the commercial interests we have in China, despite a number of other issues that had been called to our attention. And so the news that the Nobel Committee had awarded the Nobel Peace Prize to Liu Xiaobo came as good news to those of us who had been calling attention to this issue for a very long time.

Congressman SMITH was instrumental in nominating Liu Xiaobo for the Nobel Prize. He has been a fighter. He and FRANK WOLF, how many times did you go to China, visit the prisons and the rest? On this score, Mr. ROHRABACHER has been relentless. And so for us, this is a very important occasion, not only that he is receiving the Nobel Prize, but that this Congress is recognizing that prize as well.

The Nobel Prize has been called the most prestigious prize in the world. It is appropriate that in 2010, Chinese democracy advocate Liu Xiaobo joins the illustrious group of former recipients.

On Christmas Day 2009, Chinese authorities sentenced Liu Xiaobo to 11 years in prison for inciting subversion of state power. It was a harsh sentence that disrespects the rule of law and the freedom of Chinese citizens to express their opinions, which is even guaranteed in the Chinese constitution. Liu Xiaobo is still in prison today, and his wife has been put under house arrest.

Liu Xiaobo was one of the original signers of Charter 08, an online petition calling for new policies to improve human rights and democracy in China. Mr. Liu wrote, ''The most fundamental principles of democracy are that people are sovereign, and that the people select their own government.''

Charter 08 now has over 10,000 signatories, many of whom have been harassed and intimidated by the Chinese authorities. The courageous efforts by the signatories of Charter 08 to express themselves in the face of arrest and detention are truly an inspiration around the world.

One of the things that we have done in the past decades is to make sure that those who have been arrested for expressing their views, whether they be religious or political, are not forgotten. One of the techniques of imprisonment is to tell those who have been arrested that on the outside nobody even remembers you, nobody cares that you are here; they have forgotten you and all that you have done. And, of course, with the awarding of the Nobel Peace Prize, what greater spotlight could there be placed on freedom of expression in China?

□ 1600

The awarding of the Nobel Peace Prize for the first time to a Chinese citizen is a momentous occasion for the Tiananmen democracy movement.

Liu Xiaobo was arrested in Tiananmen Square in 1989. At the time, he was on a hunger strike to protest martial law and support peaceful negotiations with Chinese students. He spent many years in Chinese prison camps for only expressing his right to free expression.

The Nobel Peace Prize is not only a testament to Liu Xiaobo, but Chinese dissidents, many, many Chinese dissidents, who have sacrificed so much in pursuant of freedom and democracy in China.

Today, the House of Representatives is congratulating Liu Xiaobo on the Nobel Peace Prize and sending a clear message of support for human rights and democracy in China. We do this in recognition of the importance of the relationship between China and the United States, that we have many issues where we have common ground or where we should seek common ground, but all of that is better served by the candor in our friendship and not ignoring sore spots.

We continue to call for Liu Xiaobo's immediate and unconditional release and for the Chinese Government to listen to the many Chinese citizens who are calling for human rights and freedom in China.

Once again, I thank Congressman SMITH for his leadership over the many years and for nominating Liu Xiaobo and helping to bring this resolution to the floor, and I thank Mr. KLEIN for his leadership as well.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 30 seconds.

First of all, I want to thank our distinguished Speaker of the House, NANCY PELOSI, for her very eloquent defense of the human rights defenders in China, especially for Liu Xiaobo. I also wish to thank her for these many decades, in which we have worked side by side, along with FRANK WOLF and others, and I thank her for that and for scheduling this resolution to come to the floor today.

I yield 2 minutes to my good friend and colleague, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Thank you, Congressman SMITH, for your leadership on this issue.

Madam Speaker, here is a picture of Liu Xiaobo, a modern-day human

rights hero who is suffering and languishing in prison as we speak.

This resolution celebrates the fact that the Chinese dissident Liu Xiaobo has been awarded the Nobel Peace Prize and notes with sadness the fact that he remains in prison because of his commitment to freedom and human rights. He has been a true hero, defending those who cannot defend themselves and lending a voice to those who have no voice.

He has worked tirelessly to protect human rights but has been repeatedly detained, sent to reeducation through labor camps, placed under house arrest, harassed, and monitored by the Chinese Government. For years, he has withstood the brutal intimidation tactics of the Chinese Government and has continued to fight for freedom.

In 2008 he helped draft Charter 08, calling for greater freedom of expression, respect for human rights, and free elections. Because of his role in drafting and circulating the charter, he was arrested and sentenced to 11 years in prison, a term he continues to serve.

Liu's long, arduous, and peaceful struggle for human rights has made him most deserving of this award, and we act today to recognize and honor his life's work. But we also take this opportunity to call on the Chinese Government to respect the basic human rights of its people and to release Liu from prison.

Unfortunately, the Chinese Government's response to the Nobel Prize Committee's decision was shameful. News about the award was censured, and the Foreign Ministry issued a statement calling Liu a criminal. His wife was placed under house arrest, and events commemorating the award were raided.

In addition, China has declined to attend the Nobel Peace Prize ceremony for the award, and now it's being boycotted.

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

Mr. SMITH of New Jersey. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 30 seconds remaining, and the gentleman from Florida has 11 minutes remaining.

Mr. SMITH of New Jersey. I yield the gentleman from Pennsylvania an additional 30 seconds.

Mr. PITTS. The countries of Kazakhstan, Morocco, Egypt, and Iraq are boycotting. That's shameful. It's my hope that, as the resolution says, the Government of China will release him from prison and the President, when the President of China comes next month, will raise this issue vigorously and urge him to be released.

Mr. KLEIN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH) to close.

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

Mr. Speaker, just let me close with a statement of Liu Xiaobo himself. Remember, this was stated at his trial in 2009. He said, in pertinent part: I hope that I will be the last victim of China's endless literary inquisitions and that from now on no one will be incriminated because of speech.

He went on to say: Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.

He went on to say: There is nothing criminal in anything I have done. If charges are brought against me because of this, I have no complaints.

Liu Xiaobo had bogus charges leveled against him, and today he endures 11 years in prison. Today, the Congress stands with the oppressed, all of the oppressed in China, but including and especially Liu Xiaobo.

We stand with him and we stand against the oppressor. We are united Democrats, Republicans, liberals, moderates, and conservatives in saying that human rights matter, and we thank the Nobel Peace Prize Committee for naming this outstanding moral leader one of the greatest moral leaders of our time as the 2011 laureate.

Mr. KLEIN of Florida. I would like to thank the gentleman from New Jersey for his very eloquent presentation, and all the speakers today, including the Speaker of the House. This is a statement of the American people, a statement of all of us from whatever background we come, about the importance of human rights and the recognition that all of us fight for human rights, no matter what the situation, politically or otherwise.

Mr. HOLT. Mr. Speaker, I rise as a cosponsor and strong supporter of House Resolution 1717. For over two decades, Liu Xiaobo has been a tireless advocate for human rights and democratic self-government for the people of China. In 1989, he left a temporary appointment in the United States to participate in the Tiananmen Square pro-democracy protests. After the army crackdown, he was instrumental in negotiating a non-violent resolution to the standoff. Liu continued to promote reforms in China during periods of imprisonment that followed Tiananmen Square. He was one of the primary authors of Charter 08, a declaration of human and civil rights for the Chinese people that was published on December 10, 2008. In 2009, the Chinese government sentenced Liu to eleven years in prison for "inciting subversion of state power."

I applaud the Norwegian Nobel Committee for recognizing Liu Xiaobo with the 2010 Nobel Prize for Peace. Liu is a brave spokesman for the billions of Chinese citizens who are denied their individual liberties in favor of "state power." His nonviolent struggle and sacrifice follows in the venerable tradition of Mahatma Gandhi and Martin Luther King Jr., and he richly deserves this honor. Liu is the first Chinese citizen to receive a Nobel Prize. Sadly, however, his continued imprisonment by the Chinese government will prevent him from accepting his prize in person. I hope that the Government of China soon will realize that Liu Xiaobo and others who engage in non-violent activism on behalf of universal human rights are not dissidents to be swept under the rug. They are noble and constructive members of society whose goal is a more just world. I join with my colleagues in congratulating Liu Xiaobo and calling for his immediate release, along with all political prisoners and prisoners of conscience in China and around the globe.

Mr. MCGOVERN. Mr. Speaker, this morning I was proud to participate in a press conference in honor of Mr. Liu Xiaobo, the 2010 Laureate of the Nobel Peace Prize. I was joined by my fellow co-Chair of the Tom Lantos Human Rights Commission, Congressman FRANK WOLF, as well as Representatives JOSEPH PITTS, CHRIS SMITH (NJ), ILEANA ROS-LEHTINEN, DAVID WU and ROBERT ADERHOLT. Representatives from human rights organizations also made statements in support of Mr. Liu, including Sophie Richard with Human Rights Watch; T. Kumar with Amnesty International; Paula Schriefer with Freedom House; Todd Stein with the International Campaign for Tibet; Clothilde de Le Coz with Reporters Without Borders; and Harry Wu, well-known Chinese human rights activist.

I would like to submit the statement that I made this morning in support of Liu Xiaobo's non-violent advocacy on behalf of democratic and human rights in China and his having been awarded this well-deserved honor.

Good morning, ladies and gentlemen:

Today I proudly stand shoulder to shoulder with my colleagues in Congress and so many distinguished human rights defenders and congratulate Liu Xiaobo on being awarded the 2010 Nobel Peace Prize.

When the Norwegian Nobel Committee announced its decision on October 8th, it renewed its past proud history of awarding this prestigious award to outstanding individuals and groups who embody incredible courage and humanity in the face of severe suppression, to bravely stand up for their fellow citizens, for truth, democracy and human rights—despite the likely consequences.

The Nobel Committee in its announcement specifically cited that it awarded the Peace Prize to Mr. Liu because of "his long and non-violent struggle for fundamental human rights in China."

When the award ceremony takes place this Friday in Oslo, Norway, on December 10th, International Human Rights Day, Mr. Liu will be serving yet another day of the 11-year sentence he received last December for alleged 'subversion of State power.'

If the Chinese government had to explain what exactly is the alleged 'subversion,' it would of course be hard pressed. Mr. Liu's entire life has been dedicated to the peaceful reform of his country, a country that yearns for greater space for democracy and human rights. That is exactly why the People's Republic of China does not explain its blatant abuse of judicial power, or allow judicial review or meaningful court proceedings in the first place.

Instead, China immediately embarked on a massive international campaign to pressure the Nobel Committee not to award the Prize to Mr. Liu as the first Chinese recipient of the Nobel Peace Prize, and pressed foreign governments not to attend the ceremonies in Oslo. We remember how China responded in a similar fashion when His Holiness, the Dalai Lama, won the award, and when Uyghur human rights and democracy leader Rebiya Kadeer was nominated for the Peace Prize.

China's arm reaches far, and the PRC, unfortunately, has been able to exert pressure on a handful of countries. The United States, however, must be a beacon of hope. I call on President Obama—as a Peace Prize recipient

himself—to send a high level delegation to Oslo as a very clear signal to the world that the U.S. stands full square for human rights and democracy, and that we stand with Liu Xiaobo and the Chinese human rights and democracy movement.

China also cracked down harshly on any attempts to celebrate Mr. Liu's achievements in his country, and has so far prevented Mr. Liu's wife, Liu Xia, from traveling to Oslo, as well as most of China's democracy activists and scholars who were invited by Mr. Liu's family.

The speeches in Oslo will no doubt highlight Mr. Liu's incredible courage and peaceful convictions. We will hear about his leadership as a writer, literary critic, professor and human rights activist; his role during the 1989 pro-democracy protest in Tiananmen Square, where he negotiated on behalf of student demonstrators, that he served as President of the Independent Chinese PEN Center since 2003, and the prominent leadership role he played in the drafting of one of the most important Chinese reform documents, Charter 08.

This Friday, Mr. Liu will take his rightful place among those human rights giants who were also imprisoned when they were awarded the Nobel Peace Prize—Germany's Carl von Ossietzky in 1935 and Burma's Aung San Suu Kyi in 1991.

But what Mr. Liu needs most is not the ornate medal, or even the cash prize which goes with the award, but our ongoing commitment to stand with him and the goals and aspirations he represents. That is our job as law makers, NGOs, the public, and the international community—today, tomorrow, in Oslo, and most importantly, beyond December 10th.

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

The SPEAKER pro tempore (Mr. LANGEVIN). The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1717, 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. KLEIN of Florida. 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.

EXTENDING CONDOLENCES TO VICTIMS OF FIRE IN ISRAEL

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1751) mourning the loss of life and expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1751

Whereas, on December 2, 2010, a forest fire began in the Carmel region of Israel;

Whereas the fire quickly spread and became the worst fire in Israel's history;

Whereas over 40 people have been killed by the blaze;

Whereas more than 17,000 people have been displaced by the fire;

Whereas more than 4,000,000 trees have already burned in the fire;

Whereas Israeli Prime Minister Benjamin Netanyahu declared December 2, 2010, a national day of mourning in Israel;

Whereas Israel has exhausted its supplies and equipment necessary to sustain the firefighting effort;

Whereas United States Ambassador to Israel James Cunningham rapidly issued a disaster declaration, prompting significant coordination within the United States Government to identify and provide Israel with firefighting assistance;

Whereas President Barack Obama and Secretary of State Hillary Rodham Clinton have pledged significant United States assistance to address this disaster;

Whereas the United States has already provided Israel with technical assistance, over 110 metric tons of fire suppressant, 3,800 gallons of fire retardant concentrate, and other needed assistance to fight this fire;

Whereas State and local governments in the United States have mobilized to send firefighting supplies to Israel; and

Whereas Australia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, Cyprus, Egypt, France, Germany, Greece, Italy, Jordan, the Netherlands, Norway, Romania, Russia, Spain, Switzerland, Turkey, the United Kingdom, and the Ukraine are among the other nations that have provided assistance or offered assistance to Israel to fight this fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life and extends condolences to the families affected by the fire in northern Israel that began on December 2, 2010;

(2) supports the Obama Administration's offer of, and rapid efforts to provide, United States firefighting assistance to Israel in response to this disaster;

(3) recognizes the efforts of foreign governments that have provided assistance or offered assistance to Israel;

(4) commends State and local governments in the United States that have offered and provided assistance to Israel; and

(5) reaffirms United States support for the people and State of Israel in their time of need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. 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 the resolution under consideration.

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

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

As my colleagues are aware, last week the State of Israel faced the worst natural disaster in its history. A forest fire ravaged the Carmel Forest, killing over 40 people, displacing over 17,000 Israelis, and burning 4 million trees. People from all over the world have planted trees in forests throughout Israel to make it greener and make the desert bloom.

This is a tragedy, because of the loss of these forests, that really is something that has to be recognized. But, more importantly, this is a moment that we, as Americans, want to send a message of condolence to the Israeli people for the loss of life, loss of property, and to make an important statement of support and solidarity with our ally and friend, the State of Israel.

Thankfully, over the last day or so, the fire has now been successfully contained, and hopefully it will soon be fully extinguished. With the help of the international community, Israel will now be able to rebuild, and that's why it's important that at this moment in time we recognize the importance of this international effort from countries around the world who offered or provided assistance to fight the fire.

□ 1610

Those countries include Australia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, Cyprus, Egypt, France, Germany, Greece, Italy, Jordan, Norway, the Netherlands, the Palestinian Authority, Russia, Spain, Switzerland, Turkey, Ukraine, and the United Kingdom.

We're also proud of our State and local governments in the United States who selflessly mobilized to send firefighting supplies and firefighting experts to Israel. I would like to especially acknowledge the round-the-clock efforts by USAID, Department of Defense, National Security Council, U.S. Fire Services Professionals, as well as our embassy personnel in Tel Aviv, who were in constant contact with their Israeli counterparts offering assistance and support at every juncture.

We must note that time and again Israel sends its supplies and its experts to disasters around the world. It was one of the first countries that provided support to the people of Haiti after the earthquake. And certainly we know in the aftermath of floods, earthquakes, terrorist attacks, and other natural and manmade disasters, Israel offers its expertise. Now Israel knows that it can rely on others as well.

Restoration will be a long-term effort after this fire and will require cooperation on many fronts. I would like to commend the important efforts of the Jewish National Fund which is taking a leading role in the replanting effort as it has operated for decades.

I would like to thank my partner in this bipartisan legislation, Congressman PETER KING, the chairman of the Fire Services Caucus, and many others who have cosponsored this piece of legislation. And I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for quickly bringing this resolution to the floor.

Our expeditious consideration allows us to send a message to the people of

Israel: we stand with you in your time of need. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, as my good friend and colleague pointed out, the worst fire in Israel's history erupted in the forests in the northern region of the country. The fire spread quickly, killing over 40 Israelis, displacing over more than 17,000 and destroying more than 250 homes. The fire also burned over 4 million trees and over 12,000 acres of forest, resulting in damages totaling almost $55 million.

After Israel had exhausted its resources to fight the fire, it appealed to the United States and other nations to help, and help we did. U.S. C-130 aircraft from the Department of Defense flying from the U.S. European command at Ramstein Air Force Base in Germany delivered 20 tons of fire retardant and 38,000 gallons of fire retardant concentrate.

Furthermore, The U.S. Agency for International Development has provided extensive firefighting supplies, including 27 metric tons of fire retardant and 42 metric tons of firefighting foam.

USAID also dispatched its 10-member disaster assistance response team to Israel, where it's provided technical assistance and discussed lessons learned. And countless individual Americans provided charitable donations to help Israel fight and recover from the fire.

Mr. Speaker, the American people and their government have once again stood with our great friend and ally, Israel, in their time of need, as they have done with us on countless occasions. This is one more example of the rock-solid friendship and alliance between the U.S. and the State of Israel.

Thanks to the hard work and perseverance of the people and the Government of Israel, and thanks to the contributions of the U.S., our State and local governments, and over two dozen other countries, Israel was able to fully contain the fires on December 5. Unfortunately, it will be likely many years for Israel to rehabilitate its damaged forests, which have long been a symbol of Israel and the rebirth of the Jewish State in the ancestral homeland of the Jewish people.

Again, I want to thank my good friend and colleague, Mr. KLEIN, for this very important resolution for authoring it, and for Mr. KING and others for cosponsoring it. It's an excellent resolution. I urge its passage.

I yield back the balance of my time.

Mr. KLEIN of Florida. I thank the gentleman for his support of this resolution. I think we all understand when it comes to disasters, that we're all in this together—whether it's people of the State of Israel, people in the United States and other countries around the world. And I think certainly after watching Israel over the years come to the aid of other countries in their time of need, it's obviously important on a humanitarian level, logistical level, and a respect level that we can all help the State of Israel in its time of need as well as in this time of this natural disaster. I ask the Members of the House to support this resolution.

Mr. KING of New York. Mr. Speaker, I rise today in support of H. Res. 1751, a resolution expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2nd, 2010.

This was the worst fire in Israel's history–42 people were killed, more than 17,000 have been displaced and over 4 million trees have been destroyed. As we mourn this tragic loss of life, I would like to extend my condolences to the families affected by these fires.

The United States has provided Israel with technical assistance, including 110 metric tons of fire suppressant, 3,800 gallons of fire retardant concentrate and other supplies. An additional 23 nationals provided or offered assistance to Israel as well. It is important to commend the United States and these other nations for providing timely aid to Israel when it was most necessary.

We are grateful that global coordination and rapid response resulted in the speedy extermination of the fire. I would like to once again applaud the response of the United States and others as well as reaffirm the United States' support for the people and State of Israel.

I urge adoption of the resolution.

Mr. HOLT. Mr. Speaker, I rise to offer my deepest condolences to all those who lost loved ones to the Carmel wildfires in Israel. Over 40 people died in these devastating fires and approximately 17,000 Israelis were driven from their homes. In addition to the human tragedy, over 12,000 acres of forestland were scorched and nearly 5 million trees were burned in the last six days. I am grateful that the forest fires are now under control and the immediate danger has passed.

I appreciate the Obama Administration's swift response to our ally's call for firefighting assistance. After U.S. Ambassador James Cunningham declared a disaster, the U.S. Agency for International Development and the Department of Defense mobilized over 40 metric tons of fire retardant and 3,800 gallons of concentrated fire retardant for immediate transport to the affected areas. To date, the U.S. has contributed more than $1.3 million to the relief efforts in Israel, and I am committed to ensuring that our friend and ally has the necessary resources to recover over the days and weeks ahead. I also want to commend the generous contributions of personnel and firefighting resources from so many of Israel's neighbors, including Egypt, Jordan, and Turkey. It is heartening to know that even in a region fraught with conflict and tension, the human desire to assist one another in times of great need transcends political differences.

The celebration of perseverance and hope during this Hanukkah season is a comforting reminder of our ability to overcome great hardship and to look toward the future. I am pleased to cosponsor this resolution of solidarity with the Israeli people, who are foremost in my thoughts and prayers at this very difficult time.

Mr. KLEIN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1751.

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

A motion to reconsider was laid on the table.

HONORING 20TH ANNIVERSARY OF BALTIC STATES INDEPENDENCE

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 267) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 267

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were occupied in June 1940 by Soviet forces through the Molotov-Ribbentrop Pact and illegally incorporated into the Soviet Union in August 1940;

Whereas between June and August 1941, the Baltic nations were invaded by Nazi Germany, subject to brutal repression, and occupied as part of the Third Reich before being re-occupied by Soviet forces in late 1944 until they regained their independence in August 1991;

Whereas their forcible and illegal incorporation into the Soviet Union and Third Reich was never recognized by the United States;

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression and Sovietization in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of ''glasnost'' and ''perestroika'' in the Soviet Union, the Baltic people played a leading role in the struggle for democratic reform and national independence; and

Whereas in the years following the declaration and subsequent restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union and commends the significant progress that they have since made, including their membership in the North Atlantic Treaty Organization (NATO) and the European Union (EU); and

(2) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with

Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

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

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

There was no objection.

Mr. KLEIN of Florida. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution that congratulates Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

Mr. Speaker, I wish to thank Representative SHIMKUS, the gentleman from Illinois, and a good friend of the Baltic people, for introducing this measure today.

In June 1940, Soviet troops occupied the Baltic states under the auspices of the Molotov-Ribbentrop Pact and then forcibly incorporated them into the Soviet Union. The following year, Nazi Germany invaded the Baltic states and illegally incorporated them into the Third Reich.

The Soviet Union re-occupied the Baltic states in 1945 until they regained their independence in 1991. During this period of foreign domination, thousands of Estonians, Latvians, and Lithuanians were subject to brutal repression, exiled, imprisoned and even executed. The United States never recognized the incorporation of the Baltic states into the Soviet Union.

I had a chance a few years ago to visit the states with a number of other Members, and we heard directly from the people, the government leaders about their level of appreciation to the United States for taking that position that they were never recognized as Baltic states under the Soviet Union.

This policy gave rise to the principle of legal continuity, which held that they remained de jure independent during the period of illegal occupation.

Furthermore, the people of Estonia, Latvia, and Lithuania never relinquished their hope for freedom and democracy. In August of 1989, the world watched as an estimated 2 million Balts—over one-quarter of the total population—formed a 370-mile human chain that spanned the three capitals in a peaceful act of solidarity and defiance of Soviet rule.

Just over 6 months later, in March of 1990, Lithuania became the first of the Soviet republics to declare independence. Estonia and Latvia followed suit within weeks. All three regained their full independence in late August 1991, which was recognized by the Soviet Union on September 6.

In the intervening 20 years, these states have made remarkable progress in reforming their political and economic systems. They have joined the family of European democracies, become members of NATO and the European Union. Indeed, all three Baltic states are valued participants in the ISAF mission in Afghanistan and have worked to build stability and prosperity throughout eastern Europe.

Mr. Speaker, I strongly support this resolution that celebrates an important anniversary of our Baltic allies. I urge my colleagues to join me in recognizing the close relations that our nations have continued to enjoy.

I reserve the balance of my time.

□ 1620

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 267, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

It is hard to believe that two decades have passed since the world witnessed the tremendous events that took place in Eastern Europe and the former Soviet Union. We saw countries in that region emerge from decades of communist brutality to bravely shake off the shackles of Soviet oppression. Those events forever changed the world.

Along with the memories of the fall of the Berlin Wall and the victory of the trade union Solidarity in the historic election in Poland, of course we recall the inspirational act by 2 million people living in Estonia, Latvia, and Lithuania who linked hands to form a human chain almost 400 miles long in a peaceful protest against Soviet rule.

After decades of oppressive Soviet occupation, the Baltic peoples remained committed to one day regaining independence and living in freedom. That dream, of course, became a reality in 1991 when the three Baltic nations gained full independence from the Soviet Union. But you know, in those final days leading up to independence, I will never forget being in Vilnius with STENY HOYER and other members of the Commission on Security and Cooperation in Europe. We were there to stand in solidarity with President Landsbergis who was under an ever-present threat that the Black Berets, the Soviet storm troopers, were poised to take over the Parliament building and to take over the executive branch. They killed people at a TV tower. There was actually a gun turret there. There was a tank.

We went up and visited and to pay our respects to the people who had been slain just days before. I will never forget as the gun turret moved in the direction of our delegation, and especially Don Ritter, who was a member of that delegation, who had the audacity to get too close to the tank. That is how much of a hair trigger the Soviet troops had in Vilnius in February 1991.

Again, I want to thank Mr. HOYER. He and I and others on that delegation—he was the head of that delegation. We were there like Freedom Riders, being there, physically present, to try to chill any attack on President Landsbergis' government.

But it was the people themselves in Estonia, Latvia, and Lithuania, the Baltic States, who took it upon themselves to stand up to the tyranny, and they prevailed, as did the others in Eastern Europe and the Soviet Union. So we rise to congratulate them and to pay our profound respect for their courage in bringing about democracy to those great nations. They are captive nations no more.

I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, again, I think that when we think back to Eastern Europe from decades ago, the type of place it was under Soviet dominance and occupation, it is a different place today. Those of us who have a chance as Americans to travel to these three countries have seen tremendous change.

We know that the fight that they have, and the respect they have for the United States is strong because we held and stood with them during the time of the Soviet occupation. We appreciate their belief in freedom and democracy. We share that with them.

One little side note: When I was in Lithuania, a number of us were interested in encouraging Lithuania to continue to move forward quickly with Holocaust restitution, which has been languishing for quite some time, and we encourage them to move quickly before many of these survivors perish by natural causes.

But we are here today to celebrate. This is a very big milestone. And of course we ask Members of this body to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 267, as amended.

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

The title was amended so as to read: ''Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.''.

A motion to reconsider was laid on the table.

RED FLAG PROGRAM CLARIFICATION ACT OF 2010

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3987) to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The Clerk read the title of the bill.

The text of the bill is 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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Idaho (Mr. SIMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material thereon.

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

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the Red Flag Program Clarification Act of 2010. This legislation, which I introduced in the House, will narrow the scope of the Fair and Accurate Credit Transaction Act of 2003.

The FACT Act directed the Federal Trade Commission to promulgate rules requiring creditors to implement programs to detect and respond to so-called red flags that could indicate identity theft. Clearly, we all agree that identity theft is a serious problem and we must respond with strong regulations to protect consumers. That was the intent of the Congress in 2003. This Congress shares that intent.

However, we need to be careful that the laws we pass address the problem and do so in a way that doesn't adversely and unfairly impact small businesses. America's small businesses are struggling in today's tough economy. Congress needs to work in a bipartisan manner to find commonsense solutions to help America's small businesses remain as competitive as possible so they can create good-paying jobs.

I am pleased the House is taking up my legislation that will reduce burdensome regulations on small businesses. The purpose of the Red Flag Program Clarification Act is to limit the type of creditor that must be covered by the FTC's Red Flags Rule.

When I think of the word ''creditor,'' dentists, accounting firms, and law firms do not come to mind. However, the FACT Act, as read by the FTC, states that these professions and others will be required to comply with Red Flag's regulations. It is clear when Congress wrote the law, they never contemplated including these types of businesses within the broad scope of that law. The FTC, to its great credit, has already delayed implementation of the Red Flags Rule numerous times because of this issue. And I want to thank FTC Chairman Jon Leibowitz for his understanding that Congress in no way intended back in 2003 to include these sorts of businesses in the broad scope of the FACT Act.

We must act by the end of this year to head off the potentially damaging impact of this rule, and I am pleased this bill, this bipartisan bill, will provide a permanent solution to this problem. The Senate passed this bill unanimously. The House passed similar legislation, which I co-wrote with Mr. BROUN and Mr. SIMPSON, last year by a narrow vote of 400–0.

I want to thank my colleagues, particularly Congressman BROUN and Congressman SIMPSON, along with Mr. MAFFEI and Mr. LEE, for their leadership on this issue. I also wish to thank, once again, Chairman FRANK and Ranking Member BACHUS for allowing this bill to come to the floor. We worked together on a bipartisan basis to solve a problem. Today we achieve a worthy balance the right way, a bipartisan solution to a nonpartisan problem.

Mr. Speaker, I urge passage of this legislation that is so important to our small businesses.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of S. 3987, the Red Flag Program Clarification Act of 2010. This bill, as was mentioned, is a bipartisan, commonsense approach to protecting our Nation's small businesses from needless, burdensome government regulations. This legislation clarifies the definition of ''creditor'' for the purposes of complying with the Red Flags Rule. Under this law, a creditor would include only those entities that regularly use consumer reports or furnish information to consumer reporting agencies.

Mr. Speaker, our doctors and dentists across the country are not financial institutions, do not present an identity theft risk, and should not be treated as such. Under the old rule, many of these medical and dental offices were considered creditors because they worked with patients to develop payment plans that they could afford. This rule actually discourages efforts to improve access to care for people who can't afford to pay. This goes against all of our efforts to improve our health care system. Congress never meant for small businesses such as doctors, dentists, accountants, and others to be included in this definition.

This legislation is a good compromise in addressing the concerns of impacted businesses and health care providers while still protecting individuals from the risk of identity theft.

I would like to thank my good friends, Congressman ADLER and Congressman BROUN. I have enjoyed working with you on this legislation. I would like to recognize the work of Chairman FRANK and Ranking Member BACHUS to craft a balanced bill that addresses everyone's concerns, as well as Senator BEGICH and Senator THUNE for their work on this issue. Finally, I would like to thank the FTC chairman, Chairman Leibowitz, for working with us so diligently on this issue throughout this rather long and arduous process.

I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, the gentleman from Idaho (Mr. SIMPSON) and I agree. We agree on lots of things. And we also agree, I think, that this Chamber should see more bills like this, more processes like this.

□ 1630

The House and Senate actually cooperated and got something good done that helps our small businesses, that helps Americans all across this country and that brings a little bit of common sense.

A few years ago, Congress tried to do a good thing and overreached just a little bit with good intent over each little bit. As Mr. SIMPSON acknowledged, we saw the problem. Chairman Leibowitz of the FTC also saw the problem, and we worked together. The bureaucracy was not inflexible. It showed some restraint and didn't impose an additional burden on small businesses—on the doctors and dentists and lawyers

around the country, who are clearly not creditors. So, for once, the process kind of worked.

This gives hope to the people who will be serving in the next Congress. They can work together on a bipartisan basis. This gives hope to people like me, who are leaving at the end of this term, that Congress will continue to function, in some way, in a bipartisan, commonsense manner.

I am satisfied we've done a good job here.

Mr. BROUN of Georgia. Mr. Speaker, I strongly support S. 3987, the Red Flag Program Clarification Act of 2010, which will remove a regulatory burden that our nation's small businesses are facing. I would like to thank Chairman FRANK and Ranking Member BACHUS for bringing this bill to the floor, and I thank the Committee staff for their hard work.

In November of 2007, the Federal Trade Commission issued a regulation, known as the "Red Flags" rule, as required by section 114 of the Fair and Accurate Credit Transaction Act of 2003. Red Flags required financial regulatory agencies, including the FTC, to craft rules requiring financial institutions and creditors to implement programs to detect and respond to patterns, practices, or specific activities—in other words, "Red Flags"—that could lead to potential identity theft.

The FTC broadly interpreted "creditors" to include any business that allows clients to establish a payment plan in exchange for their services rendered, sweeping in many businesses that do not operate as a creditor in the general understanding of the term, such as dentists, doctors, veterinarians, lawyers, accountants, and many other health care providers that offer their clients payment plans.

Congress did not intend to have the Red Flags rule cover these types of small businesses when it passed the Fair and Accurate Credit Transaction Act of 2003. Because of the uncertainty as to the definition of a creditor and subsequent law suits filed against the FTC, the FTC delayed enforcement of the Red Flags Rule multiple times since its original implementation date of January 1, 2008. The Rule is now scheduled to go into effect on January 1, 2011, and if it does, it could require small businesses to undertake costly and burdensome measures to prevent identity theft in industries that pose little threat. This legislation will eliminate the need to request another enforcement delay.

It also clarifies who must comply with the Red Flags Rule as those creditors that use consumer reports, furnish information to consumer reporting agencies, and other creditors that loan money. Should it become apparent that there are industries that present a reasonably foreseeable risk of identity theft, the FTC will have the authority to issue a rule open for public comment that shows the industry should comply with the Reds Flag rule.

This legislation has broad bipartisan support. It passed the Senate by unanimous consent last week, and similar legislation I cosponsored passed the House last fall on the Suspension calendar with a 400–0 vote. It is supported by over 30 medical associations and the U.S. Chamber of Commerce.

In its initial regulatory analysis, the FTC estimated that the proposed Red Flags regulation would cover approximately 11.1 million entities "across almost every industry," ninety percent of which were expected to qualify as small businesses. At a time when we are experiencing record high unemployment, Congress needs to provide our nation's job creators relief from unnecessary regulations. This legislation will do just that.

I urge my colleagues to support this bill, so that we can ease the regulatory burden on those industries that were not supposed to be covered by the Red Flags rule.

Mr. ADLER of New Jersey. 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. ADLER) that the House suspend the rules and pass the bill, S. 3987.

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.

SUPPORTING THE REMOVAL OF ILLICIT MARIJUANA ON FEDERAL LANDS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1540) supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1540

Whereas Mexican drug trafficking organizations and other criminal groups have established robust and dangerous marijuana plantations on Federal lands managed by the United States Forest Service and the Bureau of Land Management;

Whereas the Office of National Drug Control Policy reported that 1,800,000 marijuana plants were eradicated from Federal lands in 2006, 2,890,000 marijuana plants were eradicated in 2007, and 4,000,000 marijuana plants were eradicated in 2008;

Whereas former Director of National Drug Control Policy John P. Walters declared in 2007: "America's public lands are under attack. Instead of being appreciated as national treasures, they are being exploited and destroyed by foreign drug trafficking organizations and heavily armed Mexican marijuana cartels who have turned them into ground zero for drug cultivation. These violent drug traffickers are endangering America's outdoor enthusiasts and sportsmen, and the sensitive ecosystems of our wilderness.";

Whereas the illicit drug trade undermines the rule of law and has a detrimental impact in communities across our Nation;

Whereas Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico;

Whereas drug traffickers have committed acts of violence against United States citizens and have fired upon law enforcement officers to protect their marijuana crops;

Whereas on October 8, 2000, an 8-year-old boy and his father were shot by drug traffickers while hunting in El Dorado National Forest;

Whereas on June 16, 2009, law enforcement officers with the Lassen County Sheriff's Department were wounded by gunfire from drug traffickers during the investigation of a marijuana plantation on Bureau of Land Management property;

Whereas drug traffickers place booby traps that contain live shotgun shells on marijuana plantations;

Whereas the American people should not be subjected to violence while enjoying our Nation's recreation areas;

Whereas marijuana plantations pose a significant threat to the environmental health of Federal lands;

Whereas drug traffickers spray considerable quantities of unregulated chemicals, pesticides, and fertilizers;

Whereas drug traffickers divert streams and other waterways to construct complex irrigation systems;

Whereas it costs the Federal Government $11,000 to restore one acre of forest on which marijuana is being cultivated;

Whereas the Federal Government is fundamentally responsible for protecting our Nation's Federal lands and the citizens who recreate on them;

Whereas local law enforcement agencies currently play a vital role in eradicating marijuana cultivation and enforcing Federal drug laws on Federal lands;

Whereas coordination among Federal agencies and among Federal, State, and local law enforcement agencies is essential to curtailing marijuana growth on Federal lands;

Whereas targeted joint law enforcement interdiction raids have brought forth significant but short-lived successes in combating marijuana production on Federal lands;

Whereas Federal law enforcement should develop and pursue a strategy that seeks to eradicate the illicit production of marijuana on Federal lands, and to investigate, detain, and bring drug traffickers to justice; and

Whereas the creation of a long-term, Federal-led strategy is essential to eliminating illicit marijuana cultivation on Federal lands: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that drug trafficking organizations cultivating illicit marijuana on Federal lands in the United States pose an unacceptable threat to the safety of law enforcement and the public;

(2) affirms that it is the responsibility of the Federal Government to confront the threat of illicit marijuana cultivation on Federal lands; and

(3) calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 the resolution under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1540 supports the goal of eliminating illegal marijuana cultivation on Federal lands, and calls on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to defeat Mexican drug trafficking organizations and other criminal groups.

Marijuana growers have begun to use public lands because of their remoteness and difficulty in seizing or tracing the drugs to any specific owner. These large-scale plantations are being operated by well-armed and well-financed Mexican drug trafficking organizations and other criminal groups. Law enforcement officials report that the criminal groups that grow marijuana on Federal forest lands will shoot at police or at any other unwelcome visitors in order to protect their crops.

The National Drug Intelligence Center in the Department of Justice issued a national drug threat assessment in February in which it reported that the number of marijuana plants removed from public lands had increased by more than 300 percent from just 2004 to 2008. This increase was spurred primarily by marijuana crops overseen by Mexican drug cartels.

In 2008, a separate National Drug Intelligence Center report on cartel-related drug trafficking organizations found that the federation and other undetermined cartels were active in Oregon. In addition, a recent Drug Enforcement Agency investigation uncovered evidence of growers cultivating marijuana on public lands in Oregon and California.

The goal of this resolution is to bring attention to this illicit cartel activity and to encourage officials to develop an interagency strategy to stop drug cartels from using Federal lands for large-scale illegal drug crop operations.

I urge my colleagues to support the resolution.

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

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, as one of its cosponsors, I rise in support of House Resolution 1540. This draws much needed attention to a problem as suggested by my friend, the gentleman from Virginia, which is the cultivation of marijuana on our Federal lands.

There is no doubt that, oh, 15 years ago, when I was Attorney General of California, we saw that Mexican cartels had basically taken over this trade in our State and that they were largely operating on Federal lands, on non-private lands. Of course, in the State of California, I believe the Federal Government owns about 49 percent of our State—a lot of that forest lands and wilderness areas. These are the areas that these cartels are converting into farms for illegal marijuana crops. They are damaging our protected ecosystems there, and they are threatening the safety of visitors and employees. In fact, the DEA calls marijuana the ''cash crop'' that finances drug cartels' drug trafficking operations.

Marijuana is grown in remote areas of public lands, where there is a limited law enforcement presence. The two primary regions for these marijuana sites are the Western Region, comprised of California, Hawaii, Oregon, and Washington; and the Appalachian Region, including Kentucky, Tennessee and West Virginia.

This year, when I was visiting one of my counties, the smallest population county in the State of California, Alpine County, which has parts of several U.S. forests and a couple of wilderness areas, the under sheriff told me of some of the largest finds that they had made in those areas. They were finds that were unexpected and finds that were difficult to discover precisely because there are so few people who live in these areas. Of course, we designate them as wilderness areas and as forest lands. In many cases, they are not that often visited by citizens of the United States. The people who recreate these areas do so, enjoying the environment. These pristine lands of our National Forest system are therefore particularly enticing to these drug trafficking organizations as the dense, expansive forests that we find in these areas provide optimum marijuana-growing conditions with very little risk of detection.

America's National Forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites, but we only have a little under 200 sworn officers and detectives who patrol this vast, expansive land, including 36 million acres of wilderness area.

The members of these cartels hike deep into the forests, fell trees, and clear away brush to plant their marijuana crops. They construct rudimentary irrigation systems, and divert water from local creeks or streams. They use these to water the plants. They use Miracle-Gro or other fertilizers, and they even lace the area with animal-killing chemicals. It's obvious they don't file for EPA permits or anything like that.

They are destroying much of the beautiful natural resources that we have in these areas. We have discovered that the cartel members set up camp nearby and patrol the areas for intruders; and sometimes, when innocent American citizens are traveling through these areas, they are encountered by these individuals. More and more, we see that these members of the cartels have lethal weapons with them, even automatic weapons.

The Justice Department reports that these cartels, particularly in the States of Washington and California, are becoming increasingly aggressive in protecting the marijuana fields. We have found assault rifles, and we have found them engaging in standoffs with law enforcement officers. I would say, in my most rural counties, we do not have the largest law enforcement departments. That, combined with the very few people we have from the Federal Government's law enforcement, make it a prime area for these drug cartels to take over and make it dangerous, as I say, for law-abiding citizens, who want nothing but to recreate in these areas, to utilize these facilities.

I will say, late this summer/early this fall, we got tremendous support from the Forest Service and from other elements of the Federal Government in support of our effort to try and clean out these areas and also to protect our local law enforcement officers as they were working on it. In 2010, more than 3 million marijuana plants were seized from Forest Service lands in practically every region of the country. Now, this is a dramatic increase from 2004 when fewer than 750,000 plants were seized.

Once their illegal crops are harvested, the growers then abandon the sites, and they leave their garbage and their destruction behind. These fields are easy to plant, easy to harvest, but difficult to eradicate. Law enforcement officers must patrol the thick forest canopy from the sky, hoping to glimpse a marijuana grow site.

□ 1640

They must then fly or hike into the site, hoping that they won't be confronted by armed guards or boobytraps. These marijuana sites not only pose a danger to law enforcement officials, park employees, and visitors, but as I say, to the very natural resources the forest designation is intended to protect.

Marijuana fields utilized by these illegal cartels cause extensive long-term damage to the forest ecosystems and deplete the drinking water supplies for neighboring communities. Just last month, the Forest Service removed more than 10 cubic yards of garbage from six abandoned marijuana grow sites in northern California. The Forest Service reports that it cost approximately $30,000 to remove the marijuana and restore the ecosystem of each of the 622 marijuana sites discovered in the national forest system for fiscal year 2010. That is a cost of over $18 million in taxpayer dollars to rid our forests of these illegal marijuana grows.

It is imperative that Congress and the administration make a commitment to put an end to the marijuana sites on Federal land and protect our precious natural resources from any further destruction.

I commend my colleague from California (Mr. HERGER) for his tireless efforts to address this growing problem and as I say, I was proud to join him in

this case as an original cosponsor of H. Res. 1540. I urge my colleagues to support this resolution.

Mr. Speaker, I yield 5 minutes to the author of the bill, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend from California for yielding me the time.

Mr. Speaker, I rise to urge my colleagues to support House Resolution 1540, which I introduced to expose a growing crisis on public lands in my northern California congressional district and across the Nation. Mexican drug cartels are operating large-scale marijuana plantations on these lands, and the problem is getting worse by the day.

I recently joined law enforcement in a marijuana eradication raid in the forests of Shasta County, California, and saw firsthand the flourishing productivity of these foreign drug traffickers. Unfortunately, the Federal Government has not taken sufficient action to dismantle them, and a comprehensive strategy is long overdue.

These foreign drug cartels pose a severe threat to public safety. They are heavily armed and have repeatedly fired at law enforcement officers to protect their illegal crops. They endanger the lives of outdoorsmen who too frequently have been confronted by violent criminals while simply trying to enjoy their public lands. They use the drug profits to fund a multitude of violent crimes and provoke the political unrest in Mexico that could threaten our national security. They cause grave and costly damage to our environment, leaving behind tons of trash and dangerous chemicals and costing taxpayers an estimated $11,000 to restore each acre of forest damaged by marijuana cultivation.

Mr. Speaker, our national forests should be a safe haven for families and recreation enthusiasts, not Mexican drug cartels. The American people should not have to fear for their safety while on a family camping trip. Taxpayers in our Nation should not have to bear the financial burden of the damage caused by drug traffickers. And the United States should never allow foreign cartels to reign free on the sovereign territory of our Nation. Let me say emphatically that these drug trafficking organizations must be pursued relentlessly, shut down permanently, and brought to justice unconditionally.

House Resolution 1540 spells out the crisis occurring on our public lands and affirms that the Federal Government must do more to confront this threat. It calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle the foreign drug trafficking organizations that have found a sanctuary on these lands. It is an important first step designed to both shine the light on this unacceptable menace and to demand that Federal law enforcement agencies take more aggressive, more persistent, and more effective action to shut them down for good.

I want to thank Chairman CONYERS and Ranking Member SMITH for their commitment to addressing this serious threat to public safety and to our national sovereignty. I urge my colleagues to vote for this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, this resolution is seemingly innocuous, for who in this body would be against illicit agriculture on our Federal lands, and yet it gives you reason to wonder why we're not facing a crisis of illicit corn production, illicit potato production, illicit tobacco production on our Federal lands of the magnitude of the crisis of marijuana production involved with criminal enterprises on our Federal lands. This resolution only serves to perpetuate this failed policy of prohibition, which has led to the rise of the criminal production of marijuana on Federal lands.

The gentleman from California said that the Federal Government must do more to confront this threat. I would submit that the Federal Government can do more by doing less. My home State of Colorado, the gentleman's home State of California, many other States have legalized and allowed for the medical use of marijuana, the production of marijuana, in a regulated capacity. The American public is split and a number of States continue to consider legalization for other uses as well. But as long as it remains illegal and as long as there is a market demand, the production will be driven underground. No matter how much we throw at enforcement, it will continue to be a threat not only to our Federal lands, but to our border security and to our safety within our country.

The resolution states that, Whereas, Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico. It is estimated that about half of the money that the Mexico cartels obtain is through the marijuana trade. Yes, by eliminating the failed policy of prohibition with regard to marijuana and replacing it with regulation we can cut the money to the criminal gangs by half—half the human trafficking, half the illicit weapons trafficking, half the casualties of the drug war—by focusing on the hard narcotic substances that are addictive and have enslaved a generation of youth.

I have no doubt that marijuana plantations, as the resolution states, pose a threat to the environmental health of Federal lands, that drug traffickers spray unregulated chemicals, pesticides, and fertilizers, but I submit that the best way to address that is to incorporate this into a meaningful and enforceable agricultural policy for the country with regard to the regulatory structure for the production of marijuana.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume just to say that I support this resolution.

The concern is a considerable one. These cartels are in fact violent and vicious, and their violence has gone up over the last number of years, and it is affecting our districts very directly.

I might say to the gentleman who just spoke that we happen to be one of the States that allows for medicinal marijuana, and it is not very difficult to get a medicinal purpose for marijuana. But we also had before the voters in the State of California an opportunity to decide whether or not they wanted to make it legal, and it was voted down by a substantial margin. That being the case, I think this resolution needs to go forward, and I would urge my colleagues to support it.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

□ 1650

I would like to thank my colleagues from California, Mr. HERGER and Mr. LUNGREN, for their advocacy on this issue. I urge my colleagues to support the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1540, 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. HERGER. 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.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3998) to extend the Child Safety Pilot Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3998

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 ''Criminal History Background Checks Pilot Extension Act of 2010''.

SEC. 2. EXTENSION.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking ''92-month'' and inserting ''104-month''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, S. 3998, the Criminal History Background Checks Pilot Extension Act of 2010, will extend the national child safety pilot program for an additional 12 months.

Many Americans across the country graciously give their time and energy to volunteer and mentor children. While most of these volunteers act with good intentions, it is important that we are able to identify those who may misuse these opportunities to harm children.

The national child safety pilot program was passed in 2003 as part of the PROTECT Act. This program assists organizations in checking the criminal records of volunteers before placing them as mentors with children.

Since 2003, the national child safety pilot project has enabled State governments to work with youth-serving organizations to access FBI's national fingerprint-based background checks system. The pilot program has helped prevent child predators and sex offenders from getting access to children through legitimate mentoring programs by providing access to the more comprehensive data in the FBI's database. We have authorized this noncontroversial fee-based program on three other occasions in anticipation of creating a permanent program. This pilot program has provided extremely important information to mentoring organizations—at no cost to taxpayers. We hope that this 12-month extension will give us more time to work with the Senate and the Department of Justice to permanently authorize this program.

I would like to thank the gentleman from California (Mr. SCHIFF) for his leadership in this legislation and his commitment to keeping children safe. I urge my colleagues to support this important legislation.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers S. 3998, the Criminal History Background Checks Pilot Extension Act of 2010. This bill was introduced by Senator SCHUMER of New York and recently passed the Senate by unanimous consent. I might just say parenthetically it makes me feel good that I finally found a bill sponsored by the gentleman from New York that I could support.

This bill extends the child safety pilot program, which provides background checks for volunteer organizations that work with children, for an additional year. Originally created, as the gentleman from Virginia said, in 2003 under the PROTECT Act, the child safety pilot program has proven itself to be an effective resource for protecting our children. Through the pilot project, nonprofit organizations that provide youth-based care may request criminal history background checks from the FBI on applicants for volunteer or employee positions that involve working with children.

A study by the National Center for Missing and Exploited Children provided data that underscores the importance of the pilot program. The National Center found that of almost 90,000 background checks performed through the pilot program, 6 percent of volunteer applicants were found to have a criminal history of concern. These included serious offenses such as sexual abuse of minors, assault, child cruelty, drug offenses and even murder. Further, over 42 percent of those with criminal histories had convictions in a State other than the State in which they then were applying to volunteer. If the volunteer group had performed a search only of the in-state records, many relevant criminal convictions would not have been identified. One youth-serving organization that received 1600 applications for volunteer positions found that over 50 percent of the applicants lied about having a criminal history, even though they knew it would be subjected to a background check. Of the applicants with criminal records, 23 percent had a different name reflected on their record than the one used to apply to volunteer. Without access to the national criminal database, many of these dangerous individuals may have slipped through the cracks.

Mr. Speaker, volunteer and other child-serving organizations across the country are working hard to provide safe learning and growing environments for our children. That means hiring professional and responsible employees. This bill will help and continues to help these groups to do just that, by extending the pilot program.

The child safety pilot program is supported by the Boys and Girls Clubs of America; the YMCA; the Salvation Army; Big Brothers, Big Sisters of America; and Volunteers of America as well as many other important organizations. Many Members of this body are parents first and Members of Congress second. This legislation is critical to keeping our children safe from criminals.

If just a single child does not become a victim of crime because of this program, then obviously it will have been successful. I urge my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the manager of this bill for his continuing leadership on issues of ensuring the safety of our children. To the manager for our friends on the other side of the aisle, I likewise thank him for his long record in law enforcement and for supporting this legislation, which I rise to support, S. 3998, the Criminal History Background Checks Pilot Extension Act.

Mr. Speaker, our children permeate our lives and our society. Not only are children engaged in what we call organized activities such as the Boys and Girls Clubs which permeate all of our communities and districts, or little league baseball, football, soccer and basketball, in schools and after-school clubs; but they also do ad hoc things such as doing their own volunteer work and working with organizations that ask for young people to volunteer. I rise enthusiastically to support the opportunity for nonprofits and others to be able to access these criminal background checks and applaud the National Center for Missing and Exploited Children that I've worked with over the years.

We are always saddened when we hear of a missing child, an abused child, or a child that has been murdered. Over the last couple of months and in the last year, we have seen children that have been dismembered, we have seen children that have been lost, we have seen children that have been brutally abused; certainly some at the hands of their relatives or parents. But if we can protect these children when they leave our home to ensure that they do have the safety of the adult leadership that is working with them, we will have made a giant step forward. Our children are our most precious resource. If we look at the crime statistics, we will see that they represent a sizable proportion of those children that have either been sexually abused or in fact suffered a violent act. So I think that this expansion is extremely important.

I would also commend to my colleagues my interest in seeing my legislation on the DNA data bank on sexual predators to be accessible all over the country to law enforcement and particularly isolated to those who are sexual predators as relates to children. I have spoken to many law enforcement officers who believe that this would be another expedited source of assistance to them. Obviously this would be a grim set of circumstances because it means that they would have in their possession a case that either a child was sexually molested and lived or a child was sexually molested and did not live. But anything that we can do

to ensure that law enforcement within the guidelines of our own Constitution and beliefs have all the resources that they need to protect our children I believe is extremely important.

I look forward to working with my colleagues to move this legislation, to hold hearings on this legislation, and to ensure that we give every tool to law enforcement to protect our children.

□ 1700

But in the instance of this legislation, this is, in fact, a very important statement about our commitment to protecting our children.

I congratulate Senator SCHUMER. And to all of the organizations that every day encounter adults that work with children, this gives you an added extra tool that I know that you will use to be able to ensure that our children have a full and complete quality of life, enjoy the activities that you provide for them, and, yes, have the opportunity to volunteer themselves and work with adults who they know are concerned about their best interests and not those who may have a record that would undermine the purpose and goals of the organization in which they work.

So, in conclusion, let me thank those who have supported this legislation and ask my colleagues to enthusiastically support S. 3998, the Criminal History Background Checks Pilot Extension Act.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reiterate my support for this piece of legislation and yield back the balance of my time.

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 3998.

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. SCOTT of Virginia. 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.

TREATING AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS AS SEPARATE STATES FOR CERTAIN CRIMINAL JUSTICE PROGRAMS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3353) to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3353

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

SECTION 1. TREATMENT AS A STATE FOR AMERICAN SAMOA AND CNMI.

Section 901(a)(2) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended by striking ''Islands:'' and all that follows through the period and inserting ''Islands;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 3353 will allow the Commonwealth of the Northern Mariana Islands and American Samoa to be treated as two separate entities for the purposes of the Edward Byrne Memorial Justice Assistance Grant Program. Currently, these two areas are treated as one State for the distribution of Federal Byrne grants.

The Byrne Justice Assistance grants are a leading source of Federal justice funding to State and local jurisdictions. The program provides States, tribes, and local governments with critical funding necessary to support a range of program areas, including law enforcement, prosecution, courts, prevention, education, corrections, and crime victim and witness initiatives.

Although this bill does not change the Byrne grant formula, particularly the statutory minimum amount of the 0.25 percent that each State or territory is entitled to, it does change how the Northern Mariana Islands and American Samoa will be given funding under the grant program. The statutory minimum is granted to a State regardless of its population or crime rates. However, the Byrne grant funding increases if States have larger populations and higher crime rates. The three other territories—Puerto Rico, Guam, and the United States Virgin Islands—are presently entitled to the minimum funding, as are all 50 States. The objective of this legislation is to provide the Northern Mariana Islands and American Samoa with the same statutory minimum to which every other State and territory is entitled.

I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, I rise in support of H.R. 3353, which does provide for American Samoa and the Commonwealth of the Northern Mariana Islands to be treated as States for certain criminal justice programs.

This is sponsored by Mr. SABLAN from the Northern Mariana Islands. We thank him for bringing this forward to us. As the gentleman from Virginia said, this will allow these two territories to be treated individually for the Byrne Grant Program. This will assist both of them in dealing with some of the law enforcement challenges that they have.

This increase in formula grant funding will provide additional resources to territorial law enforcement officials to help them combat crime. For example, this additional funding will help officials cover the costs of purchasing and maintaining police vehicles and other equipment which have to be shipped to the island.

H.R. 3353 will also help the territorial governments to provide much-needed services to the victims of crime. Because of the remoteness of the Northern Mariana Islands and American Samoa, these costs are quite high and services are very limited. For instance, there are three main inhabited islands in the Northern Mariana Islands but only one shelter that provides services for victims of domestic violence.

The increase in Byrne JAG grants will also help to build capacity and sustain programs to serve crime victims. As there are a limited number of crime victim specialists and advocates in the territories, these funds can be used to hire and relocate additional staff from the U.S. mainland.

This is important legislation that will help law enforcement officials in the Northern Marianas and American Samoa to accomplish their mission. So I support this bill, and I ask my colleagues to vote in favor of its adoption.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 3353, the bill I introduced to improve the effectiveness of the Byrne Justice Assistance Grant Program in the Northern Mariana Islands and in American Samoa.

I want to thank Chairman JOHN CONYERS, Chairman BOBBY SCOTT, and their staff for their help in bringing this bill to the House floor. I also want to thank my colleagues on the other side of the aisle for their support for my bill under a suspension of the rules.

Approval of H.R. 3353 would further our national policy to support a broad range of activities carried out by State and territorial governments to prevent and control crime, as well as to improve their criminal justice systems. Program funds are allocated using a formula that provides a minimum amount for each jurisdiction to accomplish these goals. The sole exceptions

are the Northern Marianas and American Samoa, which are funded as the equivalent of a single jurisdiction despite that these two are two separate jurisdictions with entirely separate local governments, and each of those governments has responsibility for the same basic criminal justice system as any other State or territory.

In the Northern Mariana Islands, this includes a system of district, superior, and supreme courts, a probation system, a prison for long-term incarceration, a juvenile detention facility, and programs to assist the victims of crimes. This is the same range of activities as is found in any other jurisdiction in America. Yet, as currently structured, the Byrne JAG Program only provides one-third of the base level of support for these activities that is provided everywhere else in our country. H.R. 3353 rectifies that difference.

The result will be a more robust criminal justice system. For example, law enforcement officers have described to me the lack of resources or outdated equipment they possess for many years. In particular, one Captain explained that, "[p]atrol vehicles are breaking down faster than we can get them out of the auto shops." It is my hope that law enforcement officers in Saipan, Tinian and Rota can have the necessary resources to carry out their duties without having to worry about what they do not have when they respond to a shooting, a robbery, or a domestic violence dispute. Adequately providing for our law enforcement officers is one example of improving our criminal justice system.

Since its inception in 1988, the Byrne JAG Program has supported law enforcement officers, corrections and community corrections programs, crime victim initiatives, and prosecution and court programs in all States and Territories, but not to the same degree. H.R. 3353 will finally bridge that gap for the Northern Marianas and for American Samoa, helping to create safer and more just communities for all.

I ask my colleagues to support H.R. 3353.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as representative of a district with 28,000 Samoan Americans, the largest Samoan population in this country, I rise today in support of H.R. 3353, which will provide for American Samoa and the Northern Mariana Islands to be treated as States for criminal justice funding.

This legislation will protect the people of these islands by securing the resources necessary to employ criminal justice programs that are most capable of addressing the specific needs in their area. It's kind of like asking why I wouldn't think that the city of Long Beach and the city of Los Angeles wouldn't garner equal funding appropriately.

I thank Chairman CONYERS and Chairman SCOTT, as well, for their leadership in bringing forth this bill. I also applaud Congressman SABLAN, the sponsor of this legislation, for his dedicated leadership on this issue and many others that have been promoting the interests and safety of the people of the Northern Marianas and American Samoa, which is represented by ENI FALEOMAVAEGA.

□ 1710

When we amend the Omnibus Crime Control and Safe Streets Act of 1968 to treat American Samoa and the Northern Mariana Islands as separate States, we will allow the appropriation of funding for vital criminal justice programs that will keep these communities safe. And they deserve them.

There are over 66,000 people living in American Samoa, and there are over 48,000 people living in the Northern Marianas. Each of these islands has their own unique culture, history, and their own way of dealing with things, including their challenges. The people of these islands deserve separate funding under this legislation that will allow them to appropriately and innovatively address their specific criminal justice issues. Protecting communities and fighting crime requires not just a fair share of funding, but it also requires flexibility to apply for the funding in a way that suits that specific community.

I have traveled to American Samoa. I had an opportunity to go there this year. And we worked on the earthquake and the subsequent tsunami. And many people in my district helped to bring tons and tons of items, over 90,000 tons to be specific, to help the people in the communities. Having learned about their culture, government, and their unique identity, I am certain that passing this bill is the right thing and the fair thing to do. Again, as Representative of this district, I stand in full support of the efforts today. It's imperative that we pass this legislation now, without delay.

I urge my colleagues to join me in supporting H.R. 3353.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3353, legislation to provide for American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) to be treated as States in the Edward Byrne Memorial Justice Grant program, also known as JAG.

First I want to commend the gentleman from the CNMI, Mr. GREGORIO KILILI SABLAN, for his authorship of this important legislation, and I also want to commend the gentleman from Puerto Rico, Mr. PEDRO PIERLUISI, for his work and assistance. I want to also thank Mrs. DONNA CHRISTENSEN and Mrs. MADELEINE BORDALLO and all my colleagues for their support.

The proposed legislation, H.R. 3353, will fix an inconsistency in the method used to allocate funding through the JAG program. The current proposal provides that American Samoa and the CNMI be treated the same as other States, each will receive a 100 percent allocation.

Historically, the JAG program memorializes Officer Edward R. Byrne of the 103rd precinct of the New York City police, who was gunned down in the line of duty in the early morning of February 26, 1988. Officer Byrne was shot five times in the head. He was only 22 years old.

Since its existence, the JAG program has provided critical funding to States and Territories to aid several justice programs including: law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment, planning, evaluation, and technology improvement, crime victims and witness protections.

But while the Territories are treated as States, not all receive the same share. In particular, while the rest of the Territories and States are funded at 100 percent each, only American Samoa at 67 percent and the CNMI at 33 percent are treated as less than one whole. American Samoa and the CNMI combined is equivalent to the share of one State.

Fixing this inconsistency is important to us because, as part of the American family, we all serve the U.S. Constitution. It is the same constitution that provides equality for all Americans in as far away and isolated insular areas as in American Samoa and the CNMI. Therefore, despite population sizes and other statistical indices that serve as basis for allocation, constitutionally, the degree of need in American Samoa and the CNMI is no less critical than elsewhere in the United States.

Earlier this year, Lt. Detective Lusila Brown, a veteran of the American Samoa police force, was gunned down in the line of duty. In broad daylight with many watching unexpectedly, he was shot and killed in front of our High Court building. Gruesome images of the gunman with gun in hand standing over the fallen officer serve as a brutal reminder to all that even in a remote and isolated place, a place known mainly for its vast natural resources and peaceful surroundings, we are no less vulnerable to the most heinous and violent crimes known to society.

Mr. Speaker, I urge my colleagues to support H.R. 3353 and give American Samoa and CNMI their fair share of this important program.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, again I reiterate my support for H.R. 3353.

I yield back the balance of my time

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3353.

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. SCOTT of Virginia. 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.

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6412

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 ''Access to Criminal History Records for State Sentencing Commissions Act of 2010''.

SEC. 2. ATTORNEY GENERAL TO SHARE CRIMINAL RECORDS WITH STATE SENTENCING COMMISSIONS.

Section 534(a) of title 28, United States Code, is amended by inserting after '', the States'' the following: '', including State sentencing commissions''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6412 is a short, but very important, piece of legislation. The bill will allow State sentencing commissions to obtain direct national criminal history record information maintained by the Department of Justice. These commissions, the State commissions, perform critical functions. They shape State policies that promote fairer, more consistent sentencing practices. They help protect public safety and address the impacts of crime on victims and the community. They develop tools to assess the seriousness and risk of offenders so that high-risk, dangerous offenders can be handled appropriately, and low-risk low-level offenders can be placed in appropriate evidence-based programs.

They project the impacts of State legislation, regulations, and policies on correctional populations, personnel needs, and fiscal requirements. They evaluate the effectiveness of sentencing and corrections programs, particularly in terms of outcomes, offender recidivism, and cost-benefit analysis.

Currently, State sentencing commissions are only able to receive out-of-State and Federal criminal history information through third parties, if at all. The effectiveness of the work of these commissions is consequently undermined by missing or incomplete information, particularly with respect to research relating to recidivism in jurisdictions with large populations near their State borders. Allowing State sentencing commissions to access complete and accurate criminal history information will improve the administration of justice by enhancing the effectiveness of sentencing decisions and program placements. Access to this information will also improve research concerning sentencing outcomes and recidivism.

This bill will simply put State commissions in the same position as the Federal Sentencing Commission in terms of access to this information. The United States Sentencing Commission is already afforded access to this information, subject to a transfer agreement with the Department of Justice, which protects the confidentiality of these records. I would expect the Department of Justice to treat State commissions the same way once the legislation is enacted.

I appreciate the assistance of Chairman CONYERS and Ranking Member SMITH for their bipartisan support of this important legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6412, the Access to Criminal History Records for State Sentencing Commissions Act of 2010. This amends the Federal law to direct the Attorney General to share criminal history records with State sentencing commissions.

I am proud to say that although it's not as rare as the chances I have to agree with the Senator from New York, I do agree with my friend from Virginia more often than that, and it is good to be able to be here and support the legislation which he brings to the floor.

Over a dozen States operate sentencing commissions that, similar to the U.S. Sentencing Commission, promulgate guidelines to provide uniform sentences for criminal offenses. Many State sentencing commissions also collect and report statistics on the types of crimes, the lengths of sentences, the rates of recidivism, and other important public safety data.

Federal law has required the Attorney General to collect criminal history records and share such records with State and local governments, Indian tribes, penal institutions, and the U.S. Sentencing Commission. However, interestingly enough, State sentencing commissions are not currently eligible to participate in this exchange. H.R. 6412 corrects this omission by amending the Federal law to add State sentencing commissions to the list of entities authorized to obtain criminal history records.

There is an old adage that all crime is local. And in many respects, that is still true today. But while crime still may be local, oftentimes the criminal is not. Today, more than ever, criminals move from one State to the next, or across the country, leaving a trail of criminal records behind them. Public safety officials rely upon shared criminal history records to apprehend fugitives and to identify dangerous criminals.

Prosecutors and the courts depend on these records to assess penalties. And sentencing commissions need this data to accurately report sentencing data and to ensure that their sentencing guidelines provide fair and appropriate punishment. So I urge my colleagues to support this bill brought to us by Mr. SCOTT of Virginia.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from California for supporting bills introduced by this side of the aisle. In light of the change in leadership next year, I hope he continues in that great tradition.

Mr. Speaker, I urge my colleagues to support the bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6412.

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. SCOTT of Virginia. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–674) on the resolution (H. Res. 1752) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, 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, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6400, House Resolution 1642, and House Resolution 1264, in each case by the yeas and nays.

Remaining postponed proceedings will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EARL WILSON, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office,'' on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 608]

YEAS—382

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
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
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
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
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, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
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
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—51

Arcuri
Baca
Bean
Berry
Blunt
Boehner
Brady (PA)
Bright
Carney
Carter
Cohen
Costa
Culberson
Davis (AL)
Davis (IL)
Delahunt
Diaz-Balart, M.
Edwards (TX)
Ellsworth
Fallin
Garamendi
Granger
Graves (MO)
Griffith
Gutierrez
Harman
Hoekstra
Langevin
Lewis (CA)
Linder
Marchant
McMahon
McMorris Rodgers
Moran (KS)
Murphy (NY)
Murphy, Patrick
Oberstar
Paul
Poe (TX)
Putnam
Radanovich
Salazar
Shea-Porter
Sires
Speier
Stark
Sutton
Terry
Tiahrt
Tiberi
Yarmuth

□ 1830

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CENTENNIAL OF LILBURN, GEORGIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1642) recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 609]

YEAS—379

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn

Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
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)
Graves (GA)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
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 (GA)
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
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
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
Rush
Ryan (OH)
Ryan (WI)
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
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—54

Arcuri
Baca
Bean
Berry
Blunt
Boehner
Brady (PA)
Bright
Cantor
Carney
Chu
Cohen
Costa
Culberson
Davis (AL)
Davis (IL)
Davis (TN)
Delahunt
Diaz-Balart, M.
Edwards (TX)
Ellsworth
Fallin
Granger
Graves (MO)
Griffith
Gutierrez
Harman
Hoekstra
Lewis (CA)
Linder
Marchant
McMahon
McMorris Rodgers
Miller, George
Moran (KS)
Murphy, Patrick
Oberstar
Paul
Poe (TX)
Putnam
Radanovich
Reyes
Salazar
Simpson
Sires
Speier
Stark
Terry
Tiahrt
Tiberi
Velázquez
Walden
Yarmuth
Young (AK)

□ 1838

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.

SUPPORTING NATIONAL ESSENTIAL TREMOR AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1264) expressing support for the designation of March as National Essential Tremor Awareness Month, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 1, not voting 45, as follows:

[Roll No. 610]

YEAS—387

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
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)
Graves (GA)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
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
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Lamborn
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Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
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
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, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
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)
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
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
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Thornberry
Tierney
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Tonko
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Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NAYS—1

Young (AK)

NOT VOTING—45

Arcuri
Baca
Bean
Berry
Blunt
Boehner
Brady (PA)
Bright
Carney
Cohen
Costa
Culberson
Davis (AL)
Davis (IL)
Delahunt
Diaz-Balart, M.
Edwards (TX)
Ellsworth
Fallin
Granger
Graves (MO)
Griffith
Harman
Hoekstra
Lewis (CA)
Linder
Marchant
McMahon
McMorris Rodgers
Moran (KS)
Murphy, Patrick
Oberstar
Paul
Poe (TX)
Putnam
Radanovich
Rush
Salazar
Sires
Speier
Stark
Terry
Tiahrt
Tiberi
Yarmuth

□ 1847

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCMORRIS RODGERS. Mr. Speaker, on rollcall No. 608 on H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office", I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 609 on H. Res. 1642, Recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 610 on H. Res. 1264, Expressing support for the designation of March as National Essential Tremor Awareness, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Authorizing and directing the Speaker to appoint a bipartisan task force to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave, and for other purposes.

Whereas the Constitution of the United States authorizes the House of Representatives to "determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member";

Whereas in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas the ethics procedures in effect during the 111th Congress were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, the Committee on Standards of Official Conduct adopted rules for the 111th Congress;

Whereas rule 6(a) of the Rules of the Committee on Standards of Official Conduct states "the staff is to be assembled and retained as professional, nonpartisan staff";

Whereas rule 6(c) of the Rules of the Committee on Standards of Official Conduct states "the staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner";

Whereas rule 6(f) of the Rules of the Committee on Standards of Official Conduct states "All staff members shall be appointed by an affirmative vote of the majority of the members of the Committee. Such a vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress";

Whereas, on November 19, 2010 two members of the professional staff of the Committee on Standards of Official Conduct were placed on indefinite administrative leave;

Whereas, on November 19, 2010 the Committee on Standards of Official Conduct canceled and has not rescheduled the adjudicatory hearing for a Member of Congress, previously scheduled for November 29, 2010;

Whereas all of these actions have subjected the Committee to public ridicule and weakened the ability of the Committee to properly conduct its investigative duties, all of which has brought discredit to the House; now, therefore, be it

Resolved, That—

(1) the Speaker shall appoint a bipartisan task force with equal representation of the majority and minority parties to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave and to make recommendations to restore public confidence in the ethics process, including disciplinary measures for both staff and Members where needed; and

(2) the task force report its findings and recommendations to the House of Representatives during the second session of this Congress.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

HONORING CHAIRMAN SKELTON

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

Mr. NYE. Mr. Speaker, I rise today to honor my good friend and distinguished colleague Chairman IKE SKELTON. For nearly three and a half decades, IKE has dedicated his life to serving the citizens of Missouri. During his tenure, IKE has been a steady, moderate voice during some of the greatest challenges this hallowed body has ever faced.

I have been humbled to serve with Chairman SKELTON on the Armed Services Committee. In my time on the HASC, I have been deeply impressed by IKE's ability to keep partisan hyperbole—so prevalent in today's discourse—out of committee proceedings. For IKE, the sacred commitment to our servicemembers, their families, and our national security always supersedes petty politics.

As chairman, IKE shepherded some of Congress' most important legislation through a minefield of disparate interests and motives while maintaining an even hand, fair disposition, and unwavering dedication to his craft.

Mr. Speaker, it has been a great honor to serve alongside such a principled chairman, consummate statesman, and dedicated public servant as IKE SKELTON.

REMEMBERING RON SANTO

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

Mr. QUIGLEY. Mr. Speaker, I rise today to remember Ron Santo, a Cubs legend and legendary Cubs fan. Ron passed away last week after a courageous fight against bladder cancer. He was 70 years old.

For 14 years, he patrolled the hot corner at Wrigley Field. He was a nine-time All-Star, won five Gold Gloves, and hit 342 home runs. But Ron was never a numbers guy. On the field and for 20 years in the broadcast booth, his joy, devotion, and eternal optimism embodied the best of the Cubs.

Whether he was clicking his heels behind third base or leading the fight against juvenile diabetes, he wore his heart on his sleeve and a smile on his face.

Ron will be missed by everyone who ever watched him play, heard his voice on the radio, or was touched by his philanthropy and kind heart.

Let us hope that one day soon he will take his rightful place alongside baseball's immortals in Cooperstown, because Ron Santo belongs in the Hall of Fame.

DREAM ACT

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

Ms. CHU. Opponents of the DREAM Act claim the bill is amnesty. The

DREAM Act is not amnesty. The DREAM Act is justice.

''Amnesty'' is defined as a government pardon. But how can you be pardoned if you have done nothing wrong? These children followed their parents to a land of greater opportunity, having no choice and no say in how they arrived. They grew up here, went to school here, and now want to serve the United States.

But make no mistake, these students will not have it easy. They will have to work hard, wait an entire decade, and continue to prove they meet all of the criteria for a green card, much less citizenship. They must pay back taxes, be able to read, write, and speak English, and show knowledge of the United States.

And when they have done all of that, they will finally be allowed to pursue their dreams. That is justice—the American way.

PASS DREAM ACT

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

Ms. JACKSON LEE of Texas. Mr. Speaker, before I start, I would like to express my deepest sympathy to the family of Elizabeth Edwards, who passed today, a woman who I got to know and who I admire greatly. I wish for her family loving memories, and I offer publicly my deepest sympathies.

Mr. Speaker, I rise today to remind Members of what opportunity means in this country. Opportunity is focused in many ways: equality and justice, First Amendment rights, that you can find in the Constitution in some way. But education is also an opportunity and a right in this country.

I rise today to support the DREAM Act so that millions of children who've lived in this country, speak the language, many of them served in the United States military, who are seeking a simple education can do so and then, in turn, invest some $1 trillion in contributions to America.

I speak today in tribute to Ms. Martinez, who is on a 28-day hunger strike, from San Antonio, Texas. Ms. Martinez, I hope, in your name, that we will pass the DREAM Act, because you have been willing to sacrifice. We should pass the DREAM Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that Members should address their remarks to the Chair and not to the television audience.

□ 1900

A SETBACK FOR A PALESTINIAN STATE

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

Mr. ENGEL. Mr. Speaker, I rise today to condemn the actions of the Governments of Brazil, Argentina and Uruguay for recognizing Palestine as an independent state before there are conclusive negotiations between the Israelis and Palestinians.

The Prime Minister of Israel gave a 10-month moratorium on any kind of building of additional settlements or houses or anything like that in exchange for talking with the Palestinians. The Palestinians waited 9 months and didn't talk. In the 10th month, they talked, and now it ran out, and the Palestinians are again placing preconditions and are refusing to talk. The Palestinians must know that a peace agreement with Israel is the only way they can have their Palestinian state. It can't be done unilaterally.

What Brazil, Argentina and Uruguay did, I think, has set back rather than enhanced the negotiations for a two-state solution, which I support. This is something that was wrong and that should be condemned. It gives the Palestinians no incentive to sit down and talk with Israel and bargain in good faith.

A GDP SPENDING CAP

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

Mr. KINGSTON. Mr. Speaker, most Americans are looking at the events in Ireland, Spain and Greece with interest and horror when we look at how they are grappling with the problem of their national debts. Yet, at the same time, the United States of America has a debt which is 96 percent of GDP. Our spending level is about 24 percent of GDP.

Now, most States around the country have balanced budget amendments which keep them from going in the red. What a different picture it would be if our national government had a balanced budget amendment. There is another thing we could do, though, and that would be to modernize the Gramm-Rudman-Hollings Act, which calls for deficit reduction targets.

I think, however, it would be better to have a spending cap tied into GDP at approximately 18 percent, which would, year after year, give Congress a target. If we were to fail to meet that target, then it would have an automatic trigger of across-the-board cuts so that we could get to the right level of spending. We do not want to have the same problems as Greece, Ireland and Spain.

MAKE THE DREAM ACT A REALITY

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

Mr. HONDA. Mr. Speaker, as chair of the Congressional Asian Pacific American Caucus, I urge my colleagues to support the DREAM Act this week.

Failure to pass the DREAM Act would disproportionately impact the 1.5 million Asian students in our country. Hardworking and high-achieving students like Soo Ji Lim and Steve ''Shing Ma'' Li have overcome numerous barriers in their lives and are now on track to finish college.

These students already contribute to our country, and we owe them a chance at the American Dream. We must act, and we must make the DREAM Act a reality for students like them. It is a good investment. Let's get a return on the investment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ, AFGHANISTAN AND NO DEFINITION OF ''VICTORY''

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. Mr. Speaker, I have to my side the faces of marines who have given their lives for this country. They are from Camp Lejeune, which is in the district I represent. These are the faces of those young men and women who gave their lives for this country.

I come to the floor today because I join the American people. I am very concerned about committing our troops to 4 more years in Afghanistan. Afghanistan is a vast country. It has never been a nation. It doesn't have a government, and we are trying to build a government in Afghanistan. I want to share just a couple of comments. This is from The Washington Examiner.

It reads: ''Catch-and-Release of Taliban fighters in Afghanistan angers troops.''

''More than 500 suspected Taliban fighters detained by United States forces have been released from custody at the urging of Afghan Government officials, angering both American troops and some Afghans who oppose the policy on the grounds that many of those released return to the battlefield to kill NATO soldiers and Afghan civilians.''

Recently, on November 28 of this year, there was a ''60 Minutes'' segment by Anderson Cooper. It was called ''Good Cop, Bad Cop: Afghanistan's National Police.'' I want to read just a couple of excerpts from this:

''While the Afghan Army has made some strides in recent years, the national police force has developed a reputation for drug abuse, illiteracy and desertion.''

''Earlier this month, The New York Times reported that up to 19 Afghan police officers from southwest of Kabul defected to the Taliban en masse, taking their guns with them and burning down their own station house.''

Just another part from that ''60 Minutes'':

''What is certain is that the United States has spent 9 years and more than $7 billion building and training the Afghan police force. ''60 Minutes'' wanted to find out what has become of that investment.''

I am going to paraphrase very quickly:

There has been very little success. The Afghan police are still 9 years behind in training, and we have already spent 9 years training them. I don't know how that adds up to anything positive.

I am going to save some of the other comments from the ''60 Minutes'' segment to use later on this week and to use, certainly, next year when we come back.

Mr. Speaker, I have signed over 9,747 letters to families and extended families who have lost loved ones in the wars in Iraq and Afghanistan. I do that every weekend so I can be reminded of my mistake of voting to give President Bush the authority to go into Iraq—a war we never had to fight. It was manipulated by those within the administration, and it never had to be; and, yes, we lost young men and women in that battle.

On Afghanistan, I have joined my colleagues on both the Democratic side and the Republican side to ask: What is the end point? What is the definition of ''victory''? What are we trying to achieve? You can never get a straight answer. I don't care who gives you an answer; you don't know what the end point is.

So there we are, spending $6 billion, $7 billion a month in Afghanistan, but we can't fix the streets in America. We can't build schools in America; yet we have borrowed that $6 billion, $7 billion from our Chinese friends. We owe them the money while we spend it in a foreign country, and we can't even take care of our own people.

□ 1910

So, Mr. Speaker, again, the faces of these young marines—and they could be soldiers, they could be airmen, they could be Navy, but these young marines who died at 20 and 21, the only thing their parents can do in the years ahead, or their loved ones, is to show the face of a 21-year-old marine that died at 21 and will always be seen as a young man who gave his life for this country.

It's time for this Congress to come together and say to President Obama, We don't need 4 more years of spending money—and more important than money is the blood of the American soldier and marine and serviceman that is dying for this country.

So with that, Mr. Speaker, I will, as I always do, I will ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, to bless the families who have given a child dying for freedom in Afghanistan and Iraq, and I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God. And I will ask God to please give wisdom, strength and courage to President Obama, that he will do what is right in the eyes of God for today and tomorrow's generation.

NEWBOLD-BUY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, the more I learn about the Department of Defense's procurement policies and the procurement policies of other agencies, the more angry I get, the more angry this Congress should get, and the more angry the American citizenry should get.

In my home State of Connecticut, we pioneered America's shipbuilding and aerospace industries. However, today, as more and more of U.S. taxpayer dollars go overseas to buy equipment and parts and machinery for the U.S. military, those shops, once bustling with workers, are now silent.

We have example after example of how our procurement policy has gone wrong. You have the big-ticket, high-profile examples, like the Air Force KC-x Tanker which went to Airbus rather than to an American-based bid. You have the 21 helicopters that we are supplying to the Afghan military today that we are buying—not from an American manufacturer but from a Russian manufacturer. And then you have the thousands and thousands of smaller examples on seemingly a daily basis in which American companies come up short. When we buy Chinese-made doorknobs for the renovations at Camp Pendleton when there is an American company that can do the same work, when we buy our copper and nickel tubing for our subs from a German manufacturer, when there is an American firm that can do the same work, we are wasting billions and billions of American dollars sending our jobs overseas.

I am here today, Mr. Speaker, to talk about the latest affront on this issue. The Army, last month, offered a solicitation for 96 machines that will make dog tags for our service men and women. These iconic placards are not only a symbol of the life and death faced by our American soldiers, but they serve a crucial function in the field. Frankly, there is little else that embodies the American military tradition than those little plates that hang off of a soldier's neck.

An American company, NewBold, which manufactures its dog tag machines in Virginia, lost its bid to a company that manufactures those machines in Italy. Now while the NewBold machine was marginally—only about 4 percent—more expensive, they offered around-the-clock technical support for our soldiers in the field. Even after they filed a protest, the Army still awarded the bid to workers in Italy.

Unfortunately, due to the loss of this contract, NewBold is going to have to lay off some people, and the 4.7 percent that we saved is going to be completely offset by all of the lost income taxes to the Federal Government due to the layoffs, the lost payroll taxes, and all of the increased social costs like unemployment compensation. This is insanity. Not only are we now relying on an Italian-made machine to make one of the most iconic pieces of our military uniform—all to save just a few thousand dollars on the contract—but it is now going to cost the U.S. economy jobs, and it is going to cost the U.S. taxpayers additional expense. We can't allow this to continue, Mr. Speaker and my colleagues.

For the last year, I have been working with a bipartisan group of Members, including the previous speaker, Congressman JONES from North Carolina, so that we can shore up the loopholes in our ''Buy American'' policies, so that we can make sure that more of our U.S. taxpayer dollars stay here at home. I have introduced legislation that will do just that, that will begin to reorient our money here to American-made products for our U.S. military.

I've had enough. This country has had enough. As we bleed manufacturing jobs out of this country, the U.S. Government cannot continue to exacerbate that problem by sending U.S. taxpayer dollars overseas. It's time for this Congress to deem this practice unacceptable, to strengthen the ''Buy American'' provisions, and to bring our taxpayer dollars back home.

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.)

WESTERN SAHARA

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. Mr. Speaker, in recent weeks, we have seen the issue of the Western Sahara receive a great deal of coverage in the world press. Unfortunately, the press coverage has often been biased; in

fact, I've seen cynical attempts at purposeful disinformation.

I think it's important that we remember history. Let's not forget that while the Sahara was under Spanish colonial rule, only Morocco laid claim to that territory as its own. The Kingdom of Morocco repeatedly claimed the Western Sahara and demanded the end of Spanish colonial rule. It was only when Morocco's efforts at recovering the Sahara from Spanish colonialism under the leadership of King Hassan II began to be seen as making serious progress in the 1970s that the so-called Polisario Front came into being. Then, as now, the so-called Polisario group is financed by Algeria and is propped up by Castro's Communist dictatorship in Cuba.

Why is it important to understand this? Because in Morocco, our ally in North Africa in the struggle against international terrorism, the issue of the Sahara is the decisive issue. The reality of Moroccan sovereignty over the Sahara enjoys the support of the entire population of Morocco, including the Sahara itself. In other words, the issue of the Sahara is the sine qua non, the necessary ingredient for stability and peace in that country of strategic importance in North Africa, our friend and ally, Morocco.

King Mohammed VI and his negotiating team have demonstrated great courage and patience in dealing with this critical issue so closely tied to the security of the entire region. Let us never forget that a make-believe, an illusory, a fake microstate in Northern Africa would be led by a Castro-Cuban-formed political class which would constitute a minority of the population even within the fake microstate, but would control it through Castro-style repression. Let us never forget that such a microstate would serve as a focal point of regional instability and destabilization, as well as an exporter of terrorism.

For over a decade, Mr. Speaker, Morocco has agreed to grant a genuine and profound autonomy to the Sahara under Moroccan sovereignty in order to reach a realistic and definitive solution to this problem, but Algeria and the so-called Polisario continue to insist on the creation of a fake microstate.

Majorities in this Congress comprising both Republicans and Democrats have spoken clearly in support of our ally Morocco's position on this critical issue in letters we have sent, first to President Bush, and then to President Obama. The United States, during both administrations and with the strong leadership of Secretary of State Rice and Secretary of State Clinton, has agreed with the position expressed by the overwhelming majority of this Congress.

The future of America's struggle against international terrorism and the stability of Northern Africa require that the Government and the Congress of the United States continue to stand firmly and clearly with our friend and ally, the Kingdom of Morocco.

□ 1920

U.S.-KOREA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, please allow me to explain what happens when flawed free trade agreements are implemented and outsource more U.S. jobs.

Our Nation has not had balanced trade accounts for over 25 years. In fact, every time we sign one of these so-called free trade agreements, we lose more and more jobs in our country. In its attempt to move forward the George W. Bush-negotiated U.S.-Korea Free Trade Agreement, it appears the Obama negotiators may have forgotten the real costs of so-called free trade.

With Korea, it has been more than a dozen years already since the United States held a trade surplus with Korea. We're already in the red. In 1997, America actually held a small trade surplus with Korea of a little over $1 billion. Since then, we've accumulated $161 billion worth of trade debt, and that is in the red. That translates into lost jobs, lost opportunity in our country. Using the Department of Commerce's estimate that each billion dollars of trade deficit costs us 14,000 jobs, our trade deficit already accumulated with Korea has cost us over 2 million American jobs. And everybody knows we're short over 20 million jobs in our country.

The proposed new Korea Free Trade Agreement will make our markets more open to Korean industries but does not do enough to open Korean markets to our products. Every time the United States imports more than we export, it leaves us with higher trade deficits and more lost jobs. This NAFTA-inspired Korean free trade agreement will lead to just that, even higher trade deficits and lost jobs here with Korea.

Since NAFTA passed in 1994, more than 3 million American manufacturing jobs have been lost to Mexico and Canada. In fact, the Economic Policy Institute estimates that a trade deficit between NAFTA countries alone could have led to 1 million additional manufacturing jobs here in our country. Why would a NAFTA-inspired free trade agreement like the Korean deal yield different results? It won't. The Economic Policy Institute projects 159,000 more jobs will be lost if this deal is put forward, and the International Trade Commission projects increases to our trade deficit with Korea. How can this be a pathway to economic growth in our country?

Just in the automotive sector in 2009, Korea sold 700,000 of their cars in the American market, compared to sales of U.S. cars there of 7,000. Just a smidgeon. Acknowledging that Korea's population is about one-sixth of the population of the United States, a proportional fair trade equivalent would be a total of 113,000 cars from our country sold in Korea—not 7,000, 113,000. That would require a 1,514 percent increase in the number of American vehicles sold in Korea. Why wouldn't we wait for them to open their market to our goods before we give away the store again? Instead, the proposed solution in the auto sector—and this is written in the agreement—says, our three auto companies can expect to export 25,000 vehicles each, so it's 75,000 total, into their market—which is certainly better than the current 7,000—but it accepts no limits on the amount of Korean cars that can be sold into our market. But there are limits imposed on U.S. vehicle sales to Korea. How is that balanced? How is that fair?

This is neither fair trade, nor is it reciprocal. It is a managed trade arrangement that accepts an inferior position for U.S. producers. And why do we do that when our economy is hurting so very much? And it's not just in autos. It's in beef. It's in electronics and every single category.

In order for the United States to have a square deal with Korea, this is what should be in the agreement: We should eliminate tariffs in both countries. We should make certain that discriminatory nontariff barriers are immediately eliminated by both nations, not gradually implemented over time. We should include provisions to redress Korea's discriminatory value-added tax. We should contain mechanisms that will prevent an offset currency manipulation and, as well, eliminate provisions that weaken trade remedy laws. This deal does none of that.

The United States can ill afford to continue job-killing trade policies. We should embrace the old adage that, in fact, George Bush once used, ''Fool me once, shame on you. Fool me twice, shame on me.'' Well, Congress cannot allow the American people to be fooled again by the false promise of the so-called free trade agreements. When have we heard that before?

The U.S.-Korea free trade agreement should not be ratified until changes are made to make it truly free, truly fair, and truly reciprocal based on results, not dreams. Then we would hold promise to create jobs again in our Nation as well as in South Korea and Asia in general. But why should the United States keep coming up with these agreements that make us second class and that hollows out our middle class?

Let me say in closing this evening, as did Congresswoman SHEILA JACKSON LEE, the people of our region in northern Ohio—in fact, our whole Buckeye State—wish to offer deepest condolences in the death of Elizabeth Edwards. Her passing truly takes from the horizon one of the bright stars in our country. I met many people in my political life. And I can tell you, her intelligence, her humility, her kindness are values that I know her children and her family will long cherish. And we send our deepest sympathy to them, to

the people of her State, and all those who had the great privilege of knowing her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATION IS READY FOR IT: REPEAL ''DON'T ASK, DON'T TELL'' NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 69 years ago today, the U.S. naval base at Pearl Harbor was attacked. In the epic 4-year war that followed, millions of Americans served with honor and courage, and more than 400,000 lost their lives. I can assure you, Mr. Speaker, that many of them were gay.

Nearly seven decades later, it appears we are finally prepared to acknowledge publicly what we have known for so long: That gay and lesbian Americans have been part of the military, making invaluable contributions to our Nation's security, for as long as there has been a Nation to secure. We appear to be finally on the cusp of repealing the Don't Ask, Don't Tell policy that has asked those who wear the uniform to lie about their very identities as a precondition of their service. As if we don't ask enough of them already.

Those who have continued to back this dreadful policy said earlier this year that they wanted to see the results of the Pentagon review before reconsidering their position. Well, that sober and empirical review was released last week, and it quite clearly concluded that repealing the policy would have minimal impact on military readiness or cohesion. But guess what, Mr. Speaker, that wasn't enough for the small minority of Don't Ask, Don't Tell supporters. Clinging to a fringe, reactionary, extremist position, they are unmoved by the Pentagon's findings. They say repeal would be premature, that to do anything but maintain the discriminatory status quo would be an irresponsible rush to judgment.

A rush to judgment? Gay soldiers have been forced into the closet for the entirety of American history. How much longer do we need to wait for fundamental fairness and equal treatment? How much longer must we endure a policy damaging our national security and hostile to American values?

Repeal of Don't Ask, Don't Tell is anything but premature. It's long overdue. Repealing Don't Ask, Don't Tell is also overwhelmingly popular. The President of the United States, the chairman of the Joint Chiefs of Staff, a bipartisan congressional majority, veterans groups, not to mention most of the American people all support repeal. And now we know from the Pentagon report that 92 percent of servicemembers say the presence of a gay person would not affect their unit's ability to work together. And that last fact really shouldn't be surprising. I don't imagine that every single member of our Armed Forces is unambiguously enthusiastic about changing the policy, but I don't think every single member of our armed services is unambiguously enthusiastic about the meal they were served last night or this morning.

□ 1930

My point is these men and women are dedicated professionals. They are sworn to protect the Nation. They follow orders and do their jobs as they did during the desegregation of the military. And they do this without regard to their personal values.

We can do this. We must do it. It will be far less daunting than President Truman's desegregation of the military. The Nation was far more racist in 1946 than it is homophobic in the year 2010.

It's time to repeal, Mr. Speaker, Don't Ask, Don't Tell. The Nation is ready for it. The military can handle it. Justice demands it.

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 gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOP DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, thank you for your patience as we tried to get our act together here this evening, not realizing of course that here it is almost Christmastime, that our pages have all gone home. It reminds me of what a great, great job these young men and women do for the Members in so many ways, not the least of which is of course helping during these Special Order hours. But, Mr. Speaker, thank you for your patience.

I want to of course thank my leadership on the Republican side for allowing me and my colleagues in the House GOP Doctors Caucus to lead this Special Order for the next hour. And we are going to do that, Mr. Speaker, on health care and on the recently passed—I say ''recently''; 10 months ago, March of this year—the passage of ObamaCare, now, I know, formally referred to as the Patient Protection and Affordable Care Act.

But this is a piece of legislation, Mr. Speaker, that the American people, at the 60 percent plurality level, opposed and have remained here 10 months later, as certainly was seen in the results of the election on November 2. The American people felt that this was something that was forced upon them against their wishes, although they had a 2-year period of time to let not just our Democratic majority and President Obama, but every Member of Congress in both the House and the Senate understand not only that they were opposed to this bill but why they were opposed to it.

And, in fact, during this campaign, our Republican Party made a pledge to America on many things, not the least of which, of course, was to repeal this bill, this 2,400-page monstrosity that has done hardly any of the things that President Obama had hoped, wished, promised that it would effect. So we said to the American people, you give us an opportunity, you give us an opportunity to elect, to choose, to have John Boehner as the next Speaker of the House and give the Republicans an opportunity to lead, that we will repeal this bill.

So, Mr. Speaker, this evening I am very proud, as the cochairman with my colleague from Pennsylvania, Dr. TIM MURPHY, to chair the House GOP Doctors Caucus. There are about 11 current active members. That includes medical doctors, psychologists, dentists, people that were involved in health care before they came to this body as a profession. And I am telling you, I think most of our colleagues know, Mr. Speaker, that the number of years of clinical experience among this group is something like 350 years. Several of us have got a little gray hair around the temples.

But I think we have served a great purpose for our colleagues on both sides of the aisle to make sure that everyone understands from a health care perspective what this bill has done, the

harmful effect that it's had—harmful effect on individuals, harmful effect on the practice and profession of medicine, harmful effect on companies across this country. We will talk about that tonight, the burden that is placed on small business men and women trying to abide by these provisions of ObamaCare. Last but not least, of course, Mr. Speaker, the harmful effects that it's had on the entire Nation in regard to our economy, the lack of recovery, the joblessness rate.

The unemployment numbers came out just this past November, 9.8 percent, creeping a little higher, not getting better, despite a trillion dollar stimulus package, which hasn't saved jobs. But this bill, and the reason we were so opposed to its passage even 2 years ago when it was first introduced in the Energy and Commerce Committee in the House, was Members on our side of the aisle understood very clearly that the number one priority for this country was to put people back to work, to jump-start this economy. And yet we spent literally 2 years, these first 2 years of President Obama's administration, on passing—trying to pass an energy bill. Thank God, Mr. Speaker, in my perspective, it did not pass, the so-called ominous cap-and-trade, which would have increased the energy costs for every family in this country approximately $3,000 a year. Thank goodness this bill, after passing in the House, became bogged down in the Senate. And hopefully, it will remain there quietly dying.

But unfortunately, ObamaCare did pass, and the economy is no better. We just got our priorities a little bit backwards. But I am pleased to say that a couple of our colleagues in the GOP Doctors Caucus, House GOP Doctors Caucus are with me tonight to discuss this issue: Congressman JOHN FLEMING, a family doctor from Shreveport, Louisiana, and Congressman PAUL BROUN, my colleague from Georgia, also a family practice doctor. I will call on them. I am going to defer to them as much time as they want to take, Mr. Speaker.

We will basically have a colloquy and talk about some of these issues tonight in regard to ObamaCare and what we Republicans, the new Republican majority in the next Congress, the 112th Congress, have pledged to the American people that we will do. Our pledge was to repeal this bill. And first and foremost, we are going to make every effort to be faithful to our pledge and to try to repeal this bill. Understanding, of course, and I think the American people do understand this, that President Obama is the President, and he will be President for the next 2 years. The Democrats do have a continuing majority in the United States Senate, and they will have for the next 2 years.

So while we feel very confident that we can lead the charge, the House GOP Doctors Caucus lead the effort of repeal in this body, the House of Representatives, we will succeed in doing that and fulfill our pledge to America and make every effort to do the same thing in the Senate, although we know that we don't have the votes. But maybe we can persuade some of our Democratic colleagues, especially some of those that are up for reelection in 2012, Mr. Speaker, to understand finally, at long last, what the American people said on November 2.

□ 1940

Then, of course, the hurdle of getting a bill passed, a repeal bill passed, by President Obama. He has the veto pen, there is no question about that.

But, you know, hope springs eternal. I think the negotiations with the Republican leaders a couple of days ago in regard to keeping the tax rates the same for every American taxpayer for the next 2 years sheds a little light on maybe the President's attitude of working with the heretofore minority and soon-to-be majority in the House and kind of moderate his stance on some of these things. Because, as the President himself said, Mr. Speaker, elections have consequences. And this election on November 2 certainly would tell President Obama that people do not like this bill and they want it repealed.

So maybe he won't veto. But in the likely event that either we are not able to get the bill of repeal passed through the Senate, or if we do, that President Obama, indeed, would use his veto pen, then, of course, the options that we have are a couple that I want to talk about. I know my colleagues will get into that as well.

But there are so many provisions in this bill that we will have the opportunity in this House to defund, to absolutely pull the plug on some of this spending so that this bill will not go forward. And, again, in the meantime, there are a number of parts of the bill that we will have individual pieces of legislation that will strip that away. And these are the things, Mr. Speaker, that we will be talking about tonight.

I would like, at this time, to call on my colleague from Louisiana, Representative JOHN FLEMING.

Mr. FLEMING. Well, I thank the gentleman, Dr. GINGREY, and, of course, Dr. PAULX BROUN, my other colleague who is here tonight, both gentlemen from Georgia. I want to thank you both and state my appreciation for your leadership and for holding these Special Orders.

You know, we did a ton of these Special Orders back here in the health care debate, and I've got a feeling we are going to be doing a bunch more. Because, in my opinion, my humble opinion—I am just ending my first term up here—but I have a feeling that the health care debate has just begun, that this thing is far from over.

As a preface to my discussion about health care, I want to point out and remind everyone, certainly, Mr. Speaker, the fact that we are in desperate need of reviving our economy, 9.8 percent unemployment.

And as I travel around the country, and particularly in my district, there are three main reasons for that given to me by employers. ''Why aren't you hiring people?'' and this is what they tell me.

Number one, our tax situation is so uncertain, we don't know what to expect, and hopefully soon we are going to put certainty back into our tax policy by not raising taxes a single dime on any individual in this country.

Number two, they tell me that banks are just not lending money. There are many reasons for that. We are not going to get into that tonight, but the bottom line is credit is not available to businesses.

Then, finally, and I think most importantly, is the ObamaCare. ObamaCare has thrown such a monkey wrench into the machinery of the economy of this country, creating such uncertainty and difficulty of planning, that employers are just frozen with fear. We know that as soon as it was passed, immediately, companies began to come out and talk about how it was going to immediately eat into their earnings. We get continuous reports of how the premiums are going to go up for the employees as well as the employers, all things that were guaranteed to us by the President would not happen.

But I will just give you a quick story. I spoke to a gentleman who owns a small company in my district. The name of it is Explo, and they have a very unique kind of business. What they do is they have the responsibility to take that explosive charge that's normally used in a cannon that has, for some reason, grown too old and no longer useable, they actually recycle that. They tear it down and they take the various parts. And, of course, it is an explosive, so they do have some risk in all of this. They have a 5-year contract to dismantle thousands, tens of thousands, hundreds of thousands of these explosive charges that actually propel the shell from the cannon to go to its destination.

And he said, you know, I have got a good contract. I don't have a big margin, but I do have a margin that I can make profit. But he said, You know what? With ObamaCare, that margin is totally wiped out. If I stay in business, I am likely to go out of the business and go bankrupt.

So just that uncertainty, just that one little factor can make the difference in a company from maybe $100,000, $200,000 a year profit to losing $200,000 or $300,000, which a small business owner can do maybe 1 year, maybe 2 years. Maybe he can borrow money to get by.

But this is the reality that faces Americans around the country, 700,000 small businesses, when you enter this unknown about ObamaCare, and it just simply freezes the businessman. So I can say FDR, President Roosevelt, had

it right when talking about the Great Depression that the only thing we have to fear is fear itself.

Right now, small businesses, businesses across the land are in desperate fear. They are afraid to make those valuable investments because they just don't know what next week, next month, next year is going to be like. I would say that the largest cause of this is health care, the health care reform.

So just to kind of reiterate that again, Mr. Speaker, we have three things that businesses identify as roadblocks to success and to hiring. One is lack of credit, number 2 is uncertainty about taxation, and health care reform. We are about to tackle the taxes. I think the banks are going to be turning the credit around. So that one thing we have ahead of us is ObamaCare, which is, I think, a big stumbling block to recovery.

I join with my colleagues this evening calling for a repeal to ObamaCare and a return to commonsense reform methods, which we will do with piecemeal legislation one step at a time, incremental reform, testing and listening to the American people, to what they want, rather than forcing it down the throats of those who have to pay for this thing.

Mr. GINGREY of Georgia. Dr. FLEMING, thank you for being with us this evening.

Before I defer to my colleague from Georgia, Dr. PAUL BROUN, I just wanted to mention something, Mr. Speaker, that Congressman FLEMING just said in regard to the taxes, the tax situation that we have and hopefully the compromise, obviously, the compromise worked out between President Obama, his administration, and the Republican leadership in the House and the Senate. All of that has to be approved, Mr. Speaker, as you know, by the entire Senate and by this entire House before it becomes law. I hope that we will be able to do that before we leave here for any kind of a break, even a Christmas break.

But as part of that compromise, there is to be this cut in the payroll tax for a full year to literally cut the employee portion of the Social Security payroll tax from 6.2 percent down to 4.2 percent. I think, Mr. Speaker, that's a good thing, just as keeping the tax rates that currently exist, and have for almost the last 10 years, to keep them all in place, not to raise any, especially not on the job creators, the small business men and women, the so-called rich.

But the ironic thing about this, my colleagues, is in this bill, Patient Protection and Affordable Care Act, ObamaCare, it called for raising the payroll tax, for raising the payroll tax on Medicare for anybody that makes above a certain dollar amount of income, by 3.7 percent. That is going into effect right now, by 3.7 percent, to increase the payroll tax.

□ 1950

And that's why, Mr. Speaker, we're here on the floor tonight as representative of our leadership to try to point out some of these things and say, gosh, you know, that really makes no sense at all to say that we need to cut payroll taxes and we're going to do it on Social Security for the next year for everybody. No matter what their income might be, we're going to cut it by a third, in fact.

And then on this bill to raise the Medicare taxation 3.7 percent, it doesn't make a lot of sense—as a lot of things about this bill don't make a lot of sense.

Before I call on Dr. BROUN again, I want my colleagues to look at the easel to my left, to your right, on the number one priority, as I mentioned at the outset, our Republican priority and our Pledge to America is to repeal and replace ObamaCare.

Now, on this second slide, and I talked a little bit about that—and we'll get into that as the hour progresses—but priority number two, in the event that we're not able to repeal because we just don't have the votes or that President Obama uses bad judgment and vetoes our repeal bill, we're going to have the opportunity—and Dr. BROUN will talk about this—to defund certain provisions in this bill.

And with that, I'll yield to my colleague from Athens, Georgia, and my great friend, Dr. PAUL BROUN.

Mr. BROUN of Georgia. I greatly appreciate you yielding, and I appreciate you doing this tonight so that we can inform the American public about how bad this bill is and what the Republicans are going to try to do in this next Congress.

We heard all during the discussion on ObamaCare as well as through the last two Congresses since I've been here—I'm finishing up my second term—that Republicans are the party of ''no.'' We are the party of k-n-o-w because we know how to lower the costs of health care. And we can do it in a bipartisan manner.

And in fact, during the discussions about ObamaCare, I challenged individual Democrats to introduce a bill, that I would give them the legislative language, all they had to do was write their name in a blank, introduce it, and it would be a Democratic bill. They could call it ObamaCare. And I was told by Democrats over and over again that this makes a whole lot more sense, Paul, what you're proposing here than this ObamaCare bill that we dealt with here in the House, the Pelosi original bill, and the one we finally passed that came from the Senate.

And in fact, two colleagues on our side, Republicans JOHN SHADEGG from Arizona and Congressman CHARLIE DENT from Pennsylvania, and I wrote an op-ed that was published in The Washington Times newspaper challenging Democrats to introduce the bill. And it would do four things, commonsense solutions, that I told the Democrats individually if they would introduce the bill, it could be their bill, a Democratic bill; they could take credit for it. I'm concerned about policy, not whose name's on the bill. And they could take credit for it.

Mr. GINGREY of Georgia. If the gentleman will yield?

Mr. BROUN of Georgia. Yes, I will.

If you would call attention to that poster because I think that our colleagues need to focus in on that.

Mr. BROUN of Georgia. Absolutely. In fact, I was going to do that. I appreciate my colleague, Dr. GINGREY, for reminding me.

I have a poster here with these four commonsense solutions. And actually I introduced the bill when my Democratic colleagues wouldn't take up my offer to introduce it after ObamaCare was actually passed into law.

I introduced the bill that does actually five things. It repeals ObamaCare and puts in place these four commonsense solutions. It's not a comprehensive bill because it doesn't really deal with Medicare and the problems that we have with that or Medicaid, and we'll mention that in a minute or two.

But the four things are to allow all individuals to deduct 100 percent of their health care costs—including the cost of the insurance—off the income taxes. This in itself would change the dynamics of health care for everybody in this country. In fact, this eventually would take care of the problems that we as physicians have with managed care because it would put patients in control of their health care decisions but allow everybody to deduct all their health care costs.

Second thing it would do is it would strengthen and expand new avenues for affordable health care for sick Americans through high-risk pools that are set up on a Statewide basis. There are several States like Colorado that have already done this very successfully. Multiple States have already done so. We would stimulate that.

The third thing it would do, as the chart right here says, it would expand choice and competition by allowing consumers to shop for health care insurance across State lines. Now, I'm an original intent Constitutionalist. The Commerce Clause is one of the clauses that's been perverted so much to allow the great expansion of the size and scope of government. The Commerce Clause is actually supposed to expand commerce, not to control it. And it is to allow people to shop for all goods and services across State lines.

So by the original intent of the Commerce Clause, we're just doing exactly the opposite. And when States lock up the insurance pools just within their State borders, they're actually doing an unconstitutional control of commerce.

And the fourth thing: Just create association pools so anybody in this country could join a huge pool. And this would allow people to buy insurance at a much lower cost than they have today. And it would actually allow people who not only cannot afford to buy health insurance but those

people who have preexisting conditions to be in association pools so that they actually could buy health insurance at an affordable rate.

And these four commonsense solutions have been introduced—I introduced the bill—to repeal ObamaCare and to do these four things. And I'll be introducing this same bill in the next Congress.

The bottom line is the Republicans are the party of k-n-o-w. We know how to lower the costs of health care. We, as physicians, have been dealing with all of these problems like our patients—particularly us, like Dr. FLEMING and I in family medicine, we deal with the insurance company. We try to find our patients good, quality care at the lowest price, which includes trying to find them insurance, medicines, all health care products at the lowest prices—it's what we do as family doctors. And it's something I've been dealing with for almost four decades of practicing medicine. And it's something that the American people desperately need.

ObamaCare is going to—the experts tell us—is going to put 5½ million people out of work.

Dr. FLEMING talked about the uncertainty it creates in employers. I hear that all the time. I've got a small businessman that wants to do a $31 million expansion of his business in my district, but he's scared to and he's not going to because, Dr. FLEMING—he doesn't have the problem with the banks because he has $31 million in the bank right now, cash money. So he doesn't have to go to the bank to get the money. But he's scared of those taxes. He's scared of the energy tax, particularly. That scares the willies out of small businessmen and women in my district. He's very frightened about ObamaCare.

So we must repeal ObamaCare and replace it with some commonsense solutions.

Mr. GINGREY of Georgia. Reclaiming my time just for a second from Dr. BROUN.

Dr. BROUN, if you don't mind holding that poster up again because I wanted to enter, Mr. Speaker, into a colloquy with the gentleman, my colleague from Georgia.

In the four points on his poster, addressing that first one, allowing individuals to deduct 100 percent of health care expenses, including the expense to purchase health insurance—whether it's first dollar sickness coverage or long-term care, which people, when they get our age, need to start thinking about.

But under current law, and I want my colleagues to correct me if I'm wrong on this, but I think under current law, an individual in filing their tax return if they itemize their deductions, they can only deduct health care expenses that are more than 7.5 percent of their adjusted gross income. And hardly anybody reaches that threshold.

And I think what Dr. BROUN, Mr. Speaker, is suggesting in regard to this change in the IRS Code—of course this would have to come through the House Ways and Means Committee—but what a novel and a great idea that he and Mr. SHADEGG and Mr. DENT have proposed during this Congress.

□ 2000

I am refreshed to know that Dr. BROUN will introduce this bill in the 112th Congress, but the point he was making is not only that bullet point, Mr. Speaker, but on his poster, the three others with regard to purchasing health insurance across State lines for an individual, for a group of individuals sometimes referred to as an association, to be able to avoid, Mr. Speaker, the mandates that so many States have passed in regard to what a health insurance policy has to cover.

Every time you add a little mandate, a little test here, a little test there, then the cost of the cheapest health insurance in the individual State goes up. So that is why this idea of someone who needs a policy in Georgia being able to go online and see what is offered in Louisiana, as an example, is a great idea.

What Dr. BROUN was saying, we had some ideas. We are the party of K-N-O-W, he likes to say, not the party of N-O; and President Obama knows that. And the Democratic majority knew that, knows that. And they ignored it; and as a result, they are soon to become, at least in this body, the Democratic minority.

I yield to Dr. BROUN for other comments before I call on Dr. FLEMING.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY for yielding.

In fact, this first bullet about 100 percent deductibility will solve the problem with portability. Right now, 85 percent of America gets their health insurance through their employer. It is because employers can deduct the cost of their health insurance that they provide to their employees as a regular business expense, and the employee can get that money as a nontaxable benefit. But if we make it 100 percent deductible for everybody, then the employer can give that money in increased wages to the employee. It is still a deductible amount. It won't cost the employer any more money out of their bottom line, but they can give it to the employee, and then the employee can take those dollars and instead of having to be saddled with whatever insurance policy that the employer provides for them, the employee can go buy the insurance wherever they want with whatever kind of coverage that they want.

In fact, Dr. GINGREY brought up something about the mandates that the States have put on. My friend, Neal Boortz, who has a radio program that is syndicated all over this country, keeps talking about him and his wife, who are beyond the age of having any babies, have to buy maternity coverage. There are insurance policies that mandate that people have to pay for sex change operations or hair transplants and a whole lot of other things. Everybody in that pool has to pay, whether they want a sex change operation or hair transplant or maternity benefits, and that drives the cost up for everybody. The across-State-lines purchasing and the association pools will help stop that.

We have managed care today because the employers want to have some finite amount of money for their own budgeting process so they know what they are dealing with in their business so they go and buy managed care policies for their employees so they have some finite number, and it is not just a blank check.

That makes sense from a business perspective, but it doesn't make sense for a lot of the employees who want to be able to choose their doctor and they want to be able to go to the hospital that they desire. They don't want to be dictated to about what kind of coverage that they can have. And the first point where everybody has 100 percent deductibility of all expenses will take care of the portability problems. It will empower the patient and the doctor to be able to make the best decisions for their patient. Those things are just commonsense solutions.

Mr. GINGREY of Georgia. Dr. BROUN, thank you. Your four commonsense solutions are great. Keep that poster handy, we may want to refer back to that.

We are going to get into the subject of Republican priority No. 3, and that is on my poster to my left, attack key components of ObamaCare until the bill can be repealed. So in the next 15–20 minutes or so, we will be talking about some of these key components of ObamaCare that we can legislatively attack.

I am going to yield to the gentleman from Louisiana (Mr. FLEMING) to begin that discussion or any other comments that he wants to make before we get into that.

Mr. FLEMING. I did want to enter in a couple of ideas before we move right into that.

You know, Mr. Speaker, the other side of the aisle oftentimes says to us: well, now, you Republicans, you want to repeal ObamaCare. You mean to say you want to stop what is in it in terms of increasing insurance coverage up to age 26? Do you mean to say that you want to bring back preexisting conditions that would prevent some from getting health care coverage because of chronic disease? Do you mean that you don't want to see insurance expanded? Well, of course not. We don't want to see those things return. That is to say we don't want to see once again that kids up to age 26 for some reason can't get insurance covered by their parents. Of course we don't want to see that. And certainly we don't want to bring back preexisting illnesses to somehow block people from getting care. Those are all things that both sides of the aisle can agree on.

The problem is that the structure of ObamaCare that is so steeped in bureaucracy and so costly and so, I guess, handcuffing if you will of health care in general, health care decisions made by doctors, by the patients themselves, that is so difficult that what you are really getting is a situation where you are throwing the baby out with the bath water. The few benefits that are in ObamaCare are certainly way outweighed by all of the problems.

So of course we would love, after repealing ObamaCare, to bring back some of the things that we on this floor may have unanimous agreement on, and that is never again would we see preexisting conditions that would block people from getting health care coverage.

Mr. GINGREY of Georgia. With regard to the last comment that the gentleman made with regard to preexisting conditions, and Dr. BROUN referenced it on his four commonsense solutions, in regard to those high-risk pools that the States can create, can set up, can say to health insurance companies, whether it is the Blues or Aetna or Cigna or smaller companies, there are literally 3,000 health insurance companies across the country offering policies, not these big, huge mega-companies, but to say to the ones that are doing business in your State, to have to abide by a requirement of a State insurance commissioner or a Governor of a State, like our Governor-elect in Georgia, Nathan Deal, who spent 18 years in this body and left here as chairman of the Health Subcommittee on Energy and Commerce, these Governors know. We will get into a little bit of their concern about the Medicaid expansion in a few minutes, but they know.

Like Representative FLEMING was saying, these high-risk pools can be set up in States, and we won't spend $6 billion of the taxpayers' money doing it. And that won't even be enough with the Federal bureaucracy trying to run these high-risk pools.

I appreciate that, and I yield back to the gentleman. If you want to engage in a colloquy with Dr. BROUN, certainly he may want to ask you about that as well.

Mr. FLEMING. I thank the gentleman.

Yes, indeed, the bottom line, what we are saying here is that we can achieve all of these laudable goals without the complex bureaucracy of ObamaCare. We can expand health care to many more millions of people without creating an individual mandate and an employer mandate.

□ 2010

Certainly, there are far more efficient ways, as Congressman BROUN points out, that we can provide coverage to people who may have preexisting illnesses, ways that are already in place in many States—excellent programs. I would like to inject just two more possible solutions to this and then segue again into the dismantling of ObamaCare that you, the other gentleman from Georgia, referred to.

No. 1: Health Savings Accounts.

HSAs grew by 25 percent in 2009 to a total of 10 million Americans. Americans love health savings accounts. They are working. We implemented it in my own companies back home 6 years ago, and it has totally flattened out our premiums. The problem with it is that ObamaCare begins to tax it as much as 10 to 20 percent.

Believe it or not, today, of course, pre-ObamaCare, you can go and buy aspirin or any type of over-the-counter medication—cold medication—you want, and you can pay for it with your health savings account. However, beginning in January, in order to do that, you've got to get a prescription from a doctor for a nonprescription drug.

Now, how is that going to play in our offices back home when we have hundreds and maybe thousands of citizens and patients calling, saying, I need a prescription for Tylenol so I can get it on my health savings account? So you can see just how ridiculous that is going to be. People are not going to be willing to come in and certainly pay for a doctor's visit just to get a prescription for Tylenol. So that is No. 1.

I introduced H.R. 5126, the Helping Save Americans' Health Care Choices Act, which would restore flexible savings accounts and health savings accounts. I'd love to see us follow through on that.

The second point: the gentleman, Congressman GINGREY, Dr. GINGREY, and I worked on H.R. 5690—and the gentleman showed great leadership on that—which is the Meaningful End to Defensive Medicine and Aimless Lawsuits Act of 2010.

Once again, President Obama promised us that he would reform medical malpractice in ObamaCare; and, of course, that was left on the cutting room floor. Once again, real solutions are being ignored in favor of bureaucracy and mandates.

So, with that, I'll segue back.

Mr. GINGREY of Georgia. If the gentleman will segue back to me, I'll yield additional time to Dr. BROUN.

I just wanted to comment, Mr. Speaker, on Representative FLEMING's last remark in regard to the medical liability reform that he and I have worked very hard on. In fact, this is my fourth term; and every year that I've been here—even before Dr. FLEMING and Dr. BROUN joined us and joined the House GOP Doctors Caucus—I have introduced medical liability reform legislation, sometimes referred to as ''tort reform.''

I won't go into the details of it; but, basically, it is a fair and balanced approach for people who are hurt by practice below the standard of care, whether it's by the physician, the hospital or by anybody associated or affiliated with their care, who would certainly have to answer for that. These people would have an opportunity to have their redress of grievances. So, when we say ''tort reform,'' we don't mean taking away anybody's individual rights.

I will tell my colleague that the incoming chairman of the Judiciary Committee in the House, Representative LAMAR SMITH, has already informed me that he will be having hearings on our legislation, Representative FLEMING, and on other pieces of legislation regarding this type of reform that the CBO says very conservatively would save $54 billion over 10 years. The RAND Corporation says it would save more than that on an annual basis. So I did want to let my colleague know that hope is on the way, and we will continue to work hard on either our legislation or on anybody's legislation.

Maybe, Mr. Speaker, one of our colleagues who is on the Democratic side of the aisle would like to work with us in a bipartisan way. Maybe they've got an even better idea in regard to that.

I would like to yield back to the gentleman from Georgia (Dr. BROUN).

Mr. BROUN of Georgia. Thank you, Dr. GINGREY.

Let's go ahead and jump into some of the key components and some of the things that we can do. What I would like to focus on is your No. 3 bullet point on your chart there: Medicaid expansion.

The Medicaid expansion of ObamaCare is going to break the budgets of States, which are already suffering, because it is going to drastically increase the people in this country who are going to qualify for Medicaid.

Again, the Republican Party is the party of ''know,'' K-N-O-W, because we know how to deal with this in a better manner.

In fact, as the gentleman from Georgia, Dr. GINGREY, knows, I've been trying to get on the Energy and Commerce Committee. One thing that I will do—and I know that there are others who are on the committee today who will—is push for dealing with Medicaid in a block grant to the States. Let's just send the Medicaid money, with no strings attached, to the States. Let the States, which is what our Founding Fathers believed to be the best laboratory of public policy, figure out the best way to deal with people who desperately need Medicaid or State Child Health Insurance Programs. Let's send those back to the States, as they should be. Even under the Constitution, those functions should be dealt with by the States, not by the Federal Government. Let's let the States have the money so that they can deal with this and find the best solution instead of our generating all the policy, the regulations and all the things that drive up the cost. The Medicaid expansion that ObamaCare has put in place is literally going to break the bank in State, after State, after State.

Mr. GINGREY of Georgia. Mr. Speaker, I have put up an additional poster

that I want to call my colleagues' attention to in regard to this very important point that Dr. BROUN is discussing.

So far, 34 States and the District of Columbia have had to cut funding for K–12 education, which is 5 years old—kindergarten—through the 12th grade. Mr. Speaker, we all know that education has always been near and dear to the hearts of our Democratic colleagues. It is near and dear to the hearts of, hopefully, all of us on both sides of the aisle; but it has been a signature issue for the current majority Democratic Party. In doing something like this, in putting a Medicaid expansion mandate on the States, all of which have a constitutional requirement to balance their budgets, they can't just print money. Treasury Secretary Geithner and chairman of the Federal Reserve Bernanke want us to come up with another $600 billion worth of money. They can't do that. They have to balance their budgets.

So, if they have to expand Medicaid because of this requirement that Dr. BROUN and Dr. FLEMING are talking about, what do they do? They cut money for public defenders, first responders or education. It's just so counterproductive and counterintuitive. Thirty-four States already, plus the District of Columbia, have had to cut that funding.

I yield back to my colleague.

Mr. BROUN of Georgia. Well, you're exactly right, Dr. GINGREY. Thanks for bringing that up.

With ObamaCare, the States are going to have to cut more. In fact, we already see first responders—fire departments, police departments—being cut in their funding. In State after State, there are educational funding cuts across the board. In our own home State of Georgia, they have had to markedly cut the educational budget because of all of these mandates that are put on them by the Federal Government and because of the requirement by the State constitutionally to have a balanced budget.

I introduced a balanced budget amendment to the Constitution here in Congress; and, hopefully, we are going to do that, too. It has been part of our pledge to America, and I will continue to fight for a balanced budget. I think the Federal Government also needs to live within its own means.

Just on the Medicaid expansion, we should just do block grants back to the States and let them be the laboratory of public policy, as our Founding Fathers talked about and believed in very firmly—and I believe in those same things—for Medicaid as well as for SCHIP. In Georgia, we call it PeachCare. If we send those dollars back to the States, don't tie any strings to them and let the States utilize those funds in whatever way best suits their State budgets and their State needs, we will be a whole lot better off. The States will be better off. The Federal Government will be better off. The taxpayers will be better off. The Medicaid recipients will be better off. We will actually be able to cover more patients.

So, back again, the Republican Party is the party of K-N-O-W.

□ 2020

We know how to solve these problems and we're going to try to do that the next time.

I yield back.

Mr. GINGREY of Georgia. I thank my colleague.

Mr. Speaker, reclaiming my time—in fact, I will yield back to Dr. FLEMING because I would, on this poster, again, that's here for my colleagues to peruse, this first item, the individual mandate—Mr. Speaker, there are probably 12 different line items, bullet points on these next two posters. We may not have time to get to all of them tonight, but we will continue this in another hour. But I want to hear what my colleagues have to say about individual mandate, employer mandate. Dr. BROUN has already talked about the Medicaid expansion, but the cuts in Medicare? So I will yield to my colleague from Louisiana.

Mr. FLEMING. Thank you. I appreciate you throwing number four to me, because that's the one that I think gets my gall the most, quite frankly.

Mr. Speaker, you realize that in ObamaCare half a trillion dollars is taken from Medicare. And this is not just window dressing; this is real cuts that are occurring actually as we speak, are actually being scheduled, starting with psychiatric care, including care for assisted living, home health care. Virtually nothing is being touched.

And that so-called half a trillion of savings that's being taken out of Medicare is being used to do two things: Number one, to tack on the end of Medicare because it's running out of money in 6 years, to extend the life. And I still, after a year, cannot get an explanation on how you take the money out of something and add it back in and make it last longer. I know I could try that budget at home and it would never work. Secondly, the same money is being counted again in this bookkeeping scam that will subsidize the middle class, lower-income class in terms of their private health care. So this is just more gimmicks, more Washington gimmicks that is going to hurt a lot of people.

Mr. GINGREY of Georgia. If the gentleman will yield to me just for a second.

Mr. FLEMING. Yes, sir.

Mr. GINGREY of Georgia. Mr. Speaker, I just wanted to—and I know the gentleman from Louisiana and the gentleman from Georgia know this—to remind my colleagues, that cut to Medicare that Dr. FLEMING is talking about, Mr. Speaker, is $528 billion over 10 years. It's about a 10 to 12 percent a year cut annualized, and it includes cutting Medicare Advantage $160 billion. It includes hospital cuts, cuts to hospice—that organization that takes care of people that are dying of cancer—cuts to nursing homes, home health cuts.

But again, it's kind of embarrassing almost to see these television ads, Mr. Speaker, about Medicare, or get some flier, some glossy flier in the mail—those of us who are on Medicare—touting the benefits that ObamaCare has brought to the program and how it's going to make it so much better, and yet it cuts $528 billion out of the program.

I agree with the gentleman from Louisiana, and I yield back to him.

Mr. FLEMING. I thank the gentleman.

But even before we get to those cuts, it's already steeply increasing the premiums of average, everyday citizens. There is no way that you can cover an additional 32 million Americans—I mean, this is an empirical fact: There is no way you can increase the coverage, add to the coverage of 32 million Americans, and raise, through special interests, all the additional bells and whistles into those plans and not see the costs go up. And why in the world the American people could ever get hoodwinked into believing that I don't know. And I don't think they did, which is, frankly, why they want, by a vote of 60 percent in the polls, they want us to crush ObamaCare and replace it with something that is common sense, free-market based, that leaves the decisionmaking up to the patient, and that is efficient rather than, again, some government-controlled program.

We know that, also, finally—just kind of a final comment because I know we're getting close to the end, but increased coverage does not mean increased access to care. We know this. There are countries around the world—our neighbor to the north, Canada, has 100 percent coverage but they do not have 100 percent access to care. They have to wait often well past the time frame in which it takes to actually adequately treat a condition; therefore, no access. So what good is coverage when you don't have access? And we're going in that direction.

So I suggest, Mr. Speaker, that we repeal ObamaCare and replace it with something that will properly match the efficiencies of the system, allow it to be patient driven, and that people get timely care at an affordable cost.

Mr. GINGREY of Georgia. Mr. Speaker, reclaiming my time, and I thank the gentleman from Louisiana.

And my colleague from Georgia may want some last few seconds of comments, and I yield to him.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY.

I just wanted to mention the employer mandate. An employer is mandated to provide coverage for their employees. They have a lot of mandates. And those employer mandates are going to mean that people are going to lose their jobs.

Dr. FLEMING and I talked a little bit ago about how employers are scared. I've got a lady who runs a small business. She has eight employees. She desperately needs to hire another one or two, but because of the employer mandates of ObamaCare, she's not going to hire anybody. She's just going to try to struggle along herself and is not going to expand her business. She could hire two new people, and the employer mandate is going to prevent these two people who need jobs today from going to work for this small business.

I already mentioned the guy who wants to do a $31 million expansion. He's not going to do that, not going to hire the 100 or so new employees that he would hire because he's afraid of ObamaCare and the employer mandates.

One other thing—and then I will yield back to Dr. GINGREY—is that, to kind of go along with these cuts to Medicare, in the stimulus bill a lot of Americans don't realize that they put in something called ''comparative effectiveness research.'' In medicine, we compare the effectiveness of one treatment versus another. Breast cancer, is it just taking a tumor out? Is it giving chemotherapy? Is it radiation therapy? Is it a combination of all this? That's not what this is all about. It's to compare the effectiveness of spending a dollar. And it's age related, which means that those people on Medicare, comparative effectiveness is just going to mean that they're just not going to get the care.

And I yield back.

Mr. GINGREY of Georgia. If the gentleman will yield back to me for maybe a concluding remark.

And yes, the gentleman, Mr. Speaker, has brought up the ''R'' word, ''rationing,'' and that's exactly what we're talking about with regard to all of these bureaus and boards and agencies, I don't know, something like 40—I wish I had brought that chart with me—but comparative effectiveness is research, is Medicare, payment board—this new board, IPAB. These things are going to lead to rationing. And the folks, Mr. Speaker, that we are most concerned about are our precious senior citizens, our parents, our grandparents, who are the ones that we fear, because of this legislation, are going to get pushed under the bus.

Mr. Speaker, thank you very much. And as I predicted, we wouldn't get to all the bullet points that we wanted to discuss, but this colloquy, this Special Order is to be continued.

And I yield back.

□ 2030

TAX CUTS

The SPEAKER pro tempore (Mr. TEAGUE). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, I thank you for the privilege of the floor and the opportunity to share some thoughts with my colleagues on the Democratic side.

I was going to go to the tax issue which is before the American public. The President has cut a deal with the Republicans. And I know that on our side, we have some concerns about this, but I really think we need to spend just maybe a couple of minutes about what we just heard. We just heard the gutting of the health care reform program. Have no doubt about this, general public and the people out there: The program that was put together last year on health care is an effort that will be successful to provide health insurance for the 40 million to 50 million Americans that don't have health insurance and for the thousands each and every day that lose their job and lose their health insurance.

The Republican Party is committed to gutting the health care program, and it's stage one. When they come into power in this House next January, they are going to begin a concerted effort of moving more and more wealth to the highest and the richest men and women in America that have already seen a quintupling of their wealth in the last 20 years.

So let's have a very clear understanding of this. By gutting the health reform program, you will see stage one of the Republican effort to shift money away from the working men and women to those who are already fabulously wealthy. Not in the last 70, 80 years has America seen such an accumulation of wealth among the very, very few and a disproportionate holding down of the great middle class in America. The health reform program was an effort to provide one of the most critical things that every person and every family needs, and that is access to health care. We'll put that aside. We'll come back to that.

But the issue of the day today on everybody's mind, the President doing his press conference, saying he's cut a great deal with Republicans. We don't think it is. Last week, this House passed a very, very important piece of legislation that laid out a significant tax cut for the working men and women in America, those people who get on a bus in the morning, get in their car, commute to work, spend their 8, 9, 10 hours working, come home and take care of their family. That tax package that this Democratic House passed last week is a good, solid tax package in it provides a reduction in taxes for the working men and women, the middle class of America, and it is simultaneously one of the most important stimuli that we can provide to get this economy up and moving. When coupled with the unemployment insurance, it is a very, very strong package.

What's been negotiated with Republicans is a real serious problem for America. If you care about the deficit, then you'd better be paying attention, because the proposal that's before us, as negotiated by the President and the Republicans, is going to significantly increase the deficit. The program that we put forward will stimulate the economy and, in the out-years, significantly reduce the deficit.

Let's just take a look at the difference. I put this one up last week when I was talking about this issue and we laid out the Obama tax proposal, which no longer is the case. Obama and the Bush tax cuts have come together. But on the Obama tax proposal, every working family in America that earns an after-adjustment—that is, the adjusted gross income—of less than $250,000 will receive a significant tax reduction in the range of some $6,000 for those at the top end and downward for those who are earning just $10,000, a very small tax cut, but nonetheless, a very significant one at 53.

So this is what we voted on last week, one that put the working men and women, the middle class, to an advantage. Now, what's been cut, the deal that's been cut is one that puts this one aside and instead substitutes the Bush tax cuts. In other words, the Republicans have won the day with their supporters. We're talking about the filthy rich in America. We're talking about the billionaires who are going to receive an enormous benefit for the next 2 years. Average, for those who have an adjusted gross income over $1 million, the average tax cut for them is over $100,000 a year. So what are they going to do with it? Well, I guess they can go out and buy a Mercedes-Benz E-Class, one each year under the proposal that's made.

But what is the cost to the economy? The cost to the economy is $150 billion, $150 billion that will have to be borrowed—probably from China—to finance a tax cut so the very, very wealthy in America can go out and buy two Mercedes-Benz in the next 2 years, or maybe they want a new villa in the South of France. Is this going to stimulate our economy? We think not. We think this proposal's a bad deal for America.

Now let me just show you one other piece of this, and that is that this tax cut also will cause America to go further in debt. The deficit is a very serious problem, but this tax cut proposal has already been proved to not work, and the proof is in the decade 2001 to 2010. During the Clinton period, with taxes higher—these cuts were not in effect—22.7 million jobs were created. The proposal to give to the wealthy $150 billion additional tax relief generated 1 million jobs in the decade 2000 to 2010. So right there is historic proof that these tax cuts don't necessarily create economic growth. And the only economists that will say they do are the Republicans, who happen to have used the money from these very same corporations and individuals to finance the most scurrilous, secretive campaigns ever in America's history. That was the Citizens United case that

opened the doors to secret money financing campaigns. What do you think they're going to do? Maybe they'll buy a Mercedes or maybe they'll use these tax cuts to come back to further undermine the working men and women of this Nation with the kind of proposal you just heard on repealing the health care reforms.

Okay, enough from me right now. We'll come back at this issue. But I'm joined today by two of my colleagues, Congressman PAUL TONKO, from the great State of New York, and Mr. MCDERMOTT, from the equally great State of Washington.

Mr. TONKO, would you please join us.

Mr. TONKO. Yes. Thank you, Representative GARAMENDI, for bringing us together this evening for an hour's worth of discussion.

Obviously, I think we need to stay extremely well focused, laser sharp in our focus on what's affordable and what return we get for the spending that is being called for for tax cuts. Now, I know that, as you pointed out, when we saw the Bush tax cuts for which we borrowed from China to pay for, we saw that there was very little return coming from that investment. The analyses that have followed those tax cut years indicate that we just simply did not get that trickled down.

However, conversely, with the Obama tax cuts that were part of the Recovery Act, which was the largest single middle-income income tax cut in this Nation's history, the strength that came to the economy was very much measured. We saw where that effort to assist middle-income families paid great dividends. There were those efforts made to stop the bleeding of the recession. People began to spend in their regional economies. People were spending on those day-to-day necessities. And so I think it was beneficial to our American economy, certainly to our individual States' economies, and certainly to the regional effect that it had.

So I think we can make a very strong case about investing in the middle strata, in that income demographic that will allow for a great return. And so we need to contrast there the Obama taxes and the Bush taxes and look first at the outcomes that have been generated, the benefit to the economy in general. And I think it's very clear that when we assisted that working family economy, when we assisted the middle income strata in our country, there were great dividends that were paid by that investment.

Then, to the affordability, $700 billion to $900 billion worth of investment, of spending for a tax cut where there may not be a great return simply will compete with other forces: investing in job creation, job retention; investing in research so that we can compete in a global economy; making certain that our unemployment insurance opportunities, the stretching out of that dividend is affordable; making certain that we go forward and address the deficit situation.

□ 2040

People who have called for deficit response are now looking at what we're doing with this tax cut discussion. And I think it's very important for us to have the priorities that will speak to deficit reduction, development of an innovation economy, research and development investments that allow us to stay a world-leading Nation in this global economy.

And as to your point made about Citizens United as a case, I believe that as we give breaks here to that economy we are going to see more propensity, we are developing the opportunities for people to invest in these campaigns in a way that will stop progress. Because the voices of progress on this floor and down the Hall in the United States Senate will be snuffed out by the Supreme Court decision of Citizens United that enables people to invest in campaigns that are the opposition to sound health care reform, Wall Street reform, job creation efforts that we have been making, the small business loan activity. All of this will be turned backward. It will be snuffed out if we continue to assist these efforts like the Citizens United case that enables people to invest in individual campaigns, and corporations, both domestic and foreign, that can get involved in these campaigns.

Think of it, you take on Big Oil, you do the reforms on the floor, and in the next election you should fully expect that this Court decision enables people to invest to the sky's limit where they choose. The same would be true with big banks and big pharmaceuticals, big insurance companies. So by giving these opportunities to those who are going to use these dividends in that manner, we are again challenging and threatening the voice of progress in this House and in the United States Senate.

So I think there are really good reasons for us to be very analytical, very theoretical, very focused in how we package this program for tax cuts. And at this time I think the record stands clear that affordability and accountability for what we invest in, what's returned is realized, are all part of the decision-making process and have to be front and center as we move forward.

Mr. GARAMENDI. Mr. TONKO, thank you so very much. I just was taking one little piece, and I want to then turn to Mr. MCDERMOTT. The proposal that was announced today, the Republican-Obama tax cut proposal, would send $70 billion a year to the wealthiest billionaires and millionaires in America. What could that $70 billion be used for?

Now, a teacher, let's just say a teacher gets $50,000 a year. If you took $50 billion of the $75 billion, you could hire a million teachers in the classroom beginning January 1, 2011. A million teachers. Choices are being made here. Do you want $70 billion to go to the wealthiest people in America, the top 2 percent, or would you like to use that $70 billion to build schools? Let's take $20 billion of the 70 billion, we will build schools, we will improve the classrooms, we will bring technology to the classrooms, and use the remaining $50 billion to hire a million teachers in our classrooms. Now, there's an investment that will last. That's the kind of thing we can do.

Now, that's just an option. Mr. MCDERMOTT, could you please join us here and share with us your perspectives on this?

Mr. MCDERMOTT. Well, thank you. Mr. Speaker, I am grateful that Representative GARAMENDI is talking tonight on this issue because it's one that we're going to argue over the next couple of weeks. And people ought to understand or have an opportunity to understand what really is going on. And I think that what the value of these kinds of hours is is that we can educate people about what's happening.

A man named Jacob Hacker wrote a book which is now on the newsstands called ''Winner-Take-All Politics.'' It really is a description of what has happened to the American economy and the American public over the last 30 years. If you just remember one fact, in 1980 the top 5 percent of people had $8 trillion worth of wealth. That's 1980, 30 years ago. Today, that top 5 percent have $40 trillion. They have quintupled, they have gone times five what they had in 1980.

The movement of money up to the top by the tax structure has been dramatic. And the average people who are out there working, both husband and wife are working, and they've been struggling, they've been working more hours, they have barely seen any increase in their net worth over the last few years, especially with the drop in real estate prices and the fact that pensions are gone, and all these things are happening. The people on the bottom have not reaped the benefits.

Now we come to what we're doing here. These taxes were put in before either of you came to the Congress. They were put in in 2001 in order to expire in 2010. As long as they defined them as expiring, they didn't count. They were just temporary. So they put in this huge giveaway for the whole society at the top, and expected that the people would come in in the year 2010 and reenact them.

Now, the Republicans are faced with a dilemma. In about 3 weeks they're going to take over this House. The Republicans will have the House of Representatives. They will have control of the Senate through the filibuster and the fact that the Democratic majority is reduced. So they are going to be forced to deal with this issue if we don't. They want us to deal with it. They bullied the President into putting this package together, and they're trying to give him the bum's rush to get it all done before they take over in January because they know a secret.

They have over there a number of people who ran for election saying they

would not raise the debt limit and they would not increase the deficits, and yet the first bill that would be presented to them is to cut taxes and increase the deficit. And they know it. And they want to get it done. The Democrats are being pushed into it.

Now, how did they do it? Well, it's very simple. We care about workers. We care about the unemployed. We care about people who don't get a check to put food on the table and pay the rent and keep the lights on. So, we want to take care of the unemployed. The unemployment program ran out the 1st of December, and it's more running out by the end of December. You are going to have 2 million people lose their ability to put food on the table for their own children at Christmas time.

So the Republicans said, all right, we're not going to deal with this unemployment thing. We're going to stop it. We're going to stop it. And we're going to use it as the lever by which we force the Democrats to give us this tax break for the rich.

So the decision that's going to be made on this floor is shall we give—the bill that the President put out today, I am voting against it. I will make that real clear. It says 1 year of unemployment benefits for the unemployed in this country, and we're going to give 2 years, $84 billion, or you say 70, but whatever, it's somewhere up above $75 billion that goes to people on the top who already are rich beyond belief. And the hostages in this whole thing have been the unemployed.

What is absolutely unconscionable is what has been done to the unemployed. This is the second time. Last August they let it drag through about 51 days where nobody got a check because the program had expired. And unless you have been unemployed, you don't understand what that means. That means nothing comes in the mailbox, no check. So you have no way to go down to the grocery store and get food for your family.

Now, what do you in that case? People say, well, they go on welfare. No, they don't. There's no welfare program today. The only thing that's available for somebody who is without an unemployment check is food stamps. Or they can of course go to the food banks. The food banks are panicked by the fact that we have not extended unemployment benefits because they gave it all away at Thanksgiving, and here comes the month of December, and people are coming in droves, and they have nothing to give them.

□ 2050

That's what's going on in America. The people on the other side that would say we would not—this is what MITCH MCCONNELL said. If you listen to him, it drives you nuts, because he said if you won't pass the tax break for the millionaires, nothing is going to happen in here. That kind of attitude is simply wrong, and that's why what you are doing here tonight, letting people be aware of what's happening and what the options really are, and what the impacts are going to be, is very important.

Because the whole of the base in a democracy is an informed electorate. If we don't understand what's going on, if people aren't paying attention, they are going to wind up saying how did this happen? Well it happened because we didn't pay attention.

This is a real turning point for the President and the Democrats in this year. Because what we do here will set the stage for the next 2 years. We will be backing up. I learned when I was a kid on the playground, bullies will make you back up. And if you keep backing up, you will be backing up your whole life.

You have got to stop at some point and say ''no,'' we are not going any further, you do it. And I really think that the Democrats would be much better off to force the Republicans to put up the votes for this event. They are going to try and slip around and say, well, we will give you 10, 15 votes but no more.

I think what you are doing here is starting to put the pressure on that whole process, and I commend you for doing it. Thank you.

Mr. GARAMENDI. Thank you very much, Mr. MCDERMOTT.

I notice that our colleague from the great northeast, New Hampshire, has arrived. I think you have had a lot to say about this issue in your tenure here. If you would please join us and share with us your thoughts.

Ms. SHEA-PORTER. Thank you, and I appreciate the opportunity.

Thank you for bringing the Nation's attention to this problem. This is absolutely stunning. We spent a year and a half listening to our campaign opponents talk about borrowing and spending, borrowing and spending. Indeed, we really do have to get control of the debt. We have been working on that but suddenly they have blown that to pieces because everything in this bill is going to be paid for by borrowing the money.

So the middle class, who needed these tax breaks and deserve these tax breaks, will now carry the debt for the very wealthy who didn't need them and will get huge, huge amounts of money, all borrowed, probably from China, and then they will tell the middle class, but, look, there is something here for you too. You are going to get a piece also. But, by the way, you are also going to be paying for it because we are borrowing the money. So if you don't pay for it your children will pay for it.

Shame on all of us if we allow this to happen after talking about this debt and saying we are really getting serious about the debt. I mean, I campaigned on this in 2005. I said the debt was like an iceberg, and we were about to crash into it. We borrowed from the Chinese, and that was a national security risk as well as an economic risk.

For a year and a half, ironically all of us who are Democrats have been whacked by Republicans for this debt that they ran up during the Bush era, and now they are turning around and saying, well, you know for all the people who are uninsured, or people who don't have jobs and the unemployment benefits, those are not the people we want to focus on now. We want to make sure that the wealthiest receive even more, and we want the middle class to pay for it. It's just wrong on so many levels.

So for those people who are listening, who are concerned about the debt, they need to understand that all of this money to pay for will be borrowed. It's not a gift; it's borrowed money, and if we don't pay for it our children will get stuck paying for it, plus interest, of course.

And why would they need it? I understand the middle class needing it. They certainly do. But why do we have to do this for the wealthiest. There are many who have great social consciousness and are saying, well, we really shouldn't get this money. We don't need it, and we shouldn't get it.

So why are the Republicans driving this, absolutely refusing, absolutely refusing to give unemployment benefits to those who have been victimized by this recession, unless we also took care of the top? I think the Republicans are quite clear about that, and we understand what happened in the last election, and I think it's disgraceful.

The other part of this that's so important, though, is the part where they carried on about Social Security. Social Security is at risk. We have to change Social Security. And we said, no, you don't, you just have to tweak it. You have to bring more income into it and stabilize it, because it's not just a Social Security problem. I read where a journalist said it's actually a retirement problem, that there are many, many millions of Americans who will not have adequate retirement and that Social Security is absolutely the floor.

So what are we doing here knowing that Social Security actually has to have more money coming in? We are cutting again. Again, we are cutting what people pay into it for a year. And then how are we going to make up the money? Oh, we just going to borrow it from the general fund. And how will the general fund get the money? We will just borrow it. And where will we borrow the money? Oh, probably China.

This is insanity, I think it's fiscally irresponsible. I think it's awful that the Republicans held the unemployed in this country hostage to this tax bill, and we simply must fight for this. We have to fight for the middle class. Thank you very much for bringing attention to this.

Mr. GARAMENDI. Thank you very much, Ms. CAROL SHEA-PORTER from the great State of New Hampshire. You have always been right on the issues.

I think we need to really understand what is in this proposal that this House passed just last week, which was a

very, very significant tax cut for the working men and women of America, the people that are out there every day, going to work, putting in their 8, 10 hours a day, bringing home the paycheck at the end of the week. The tax proposal that we put together takes care of children, providing the child care tax credit.

It becomes permanent in our piece of legislation. In the one that has been proposed, it expires in 2 years. Then what happens to taking care of children?

If you happen to be a student, in our proposal, the student loan interest deduction, it stays permanent. It stays there for the next generation. For those kids that want to go to school, their families can get this, not for just 2 years but permanently.

So what was negotiated by the Republicans? A 2-year proposal in which this particular tax reduction for the working men and women and their children ceases.

You want to get married? Well, you are married. Good for you. Our proposal would make permanent the extension of the marriage tax deduction. Right now there would be a new penalty imposed on married people unless we extend it.

So we said, no; married people, married couples and those who file as couples would get a permanent reduction in their taxes.

So you are a small business person. You have a company. You have a farm. You have a ranch, and you have the opportunity under our proposal to permanently, into the future, receive a lower capital gains tax rate if you were to sell your company.

So for small businesses, this is what we propose for the small businesses and other people who might have investments. Now, that's not for the wealthy. It phases out at $200,000 of income for an individual and at 250,000 for a couple.

In our proposal, not what the President negotiated with the Republicans, but rather in our proposal, there is a tax cut for those couples who file an adjusted gross income of $250,000 or less, and the alternative minimum tax would be focused to avoid the penalty that would exist in the alternative minimum tax. So what we did was to very carefully construct a tax reduction proposal that focuses on the working men and women, the great middle class, the middle income of America, so that they would have the benefits, not the very, very wealthy in America.

Unfortunately, what's been negotiated is exactly the opposite. What's been negotiated is, instead of a permanent reduction that benefits the working men and women, the middle income of America, a proposal has been put in place that terminates in 2 years and provides an extraordinary benefit to the very, very wealthy top 2 percent, the billionaires, those who have an adjusted gross income over $250,000, literally the billionaires in America and the millionaires in America.

How much is in it for them? Well, by a calculation that my staff and I made earlier today we said $70 billion a year that, as you said, Ms. SHEA-PORTER, would have to be borrowed.

And who is going to pay for it? The working men and women in the years ahead. What would that $70 billion be used for? What's the alternative?

The most critical investment any, any society can make is an investment in education. We know from the reports that just came out today that the American education system is not producing students who are capable of competing in tomorrow's economy. We are in the bottom half of student ability in math and science, where the future lies.

□ 2100

What if we took that $70 billion that the billionaires don't need and instead invested it in education?

I said earlier, average teacher pay, $50,000. Is that about what it is in your area? It is in ours. Senior teachers would get somewhat more. Junior teachers would get significantly less. But let's just say it's $50,000. If we took $50 billion of the $70 billion, or maybe it's $80 billion, that the extremely wealthy get and instead say, no, no, you're not going to get it, we're going to invest that money in our children, in their education. One million teachers. Do the math. One million teachers. Fifty billion dollars could buy 1 million teachers in the classroom beginning in January. Those that have been laid off could come back. Classroom size could be reduced. Isn't that better for America than giving the rich, the richest of the rich, $70 billion? I think so. Use the remaining 20 to improve our classrooms, buy the technology, put the computers in place. Twenty billion dollars would do it. And that's in year one. It could be repeated in year two.

Mr. President, Mr. Republicans, you cut a bad deal for America. It's a bad deal for America. A better deal, instead of giving the rich more, give our children something.

Let me turn to my fellow representative from the great State of New York (Mr. TONKO).

Mr. TONKO. Thank you, Representative GARAMENDI.

From your district in California, Representative GARAMENDI, to Representative SHEA-PORTER's district in New Hampshire, to my district in upstate New York, the middle income community, the working families, are all resonating with their message, that it's their turn. We borrowed, as was indicated by the gentlewoman from New Hampshire, in the decade that preceded this administration from China to pay not only for tax cuts but for two wars and for Medicare part D, for a doughnut hole that now is driving seniors to the brink of poverty. Where was the fairness in all of that? Because their bearing of the burden is far greater as a percentage of their income household-wise than the upper income strata. So the consequences here are borne unfairly.

And so I think that what you've described here in the contrast is an opportunity to start anew, with a new focus, where children and students, married couples, seniors, working families, all are given highest priority, where they can dream the American Dream, where they're empowered. And when we empower our middle income community, we're empowering all of us. Someone needs to build the product. Someone needs to buy the product. And if you deny the purchasing power of our middle income families, we have destroyed the economy of this Nation. And so it makes great sense and provides great opportunity to go forward with this new thinking. Otherwise, we revisit the failed policies of President Bush's administration, where we saw no job growth, where we saw the decline in business, manufacturing began to fold, where we lost one-third of our manufacturing base. We need to go back to those policies. What's driving the deficit today is unemployment. And if we can invest in research and development, if we can invest in basic research, in the innovation economy, then we will provide hope for our working families across the country.

I think what's often lost in the discussion on the great package that we did was that everybody, everybody, will get a break, a tax cut, on a level of income including those who are millionaires and billionaires, will get a tax break on the first $250,000 in that household. So it's not like we're denying anyone. We're just saying, let's empower that middle income crowd, that community, in a way that gives them their share now, of a stake in the investments that are made here in Washington and then shared across this great country. That is the kind of shot in the arm that's required right now. Because we see these tremendously difficult statistics out there. It took a long time to get into this mess. And I know that the expression made by the voters in this last election was that it didn't happen quick enough; the recovery didn't happen quick enough. Well, this is a revisiting of the failed policies of the past that drove us into the worst times since the Great Depression. Our colleague spoke earlier about the divide between those who are comfortable and most comfortable. That has grown to the widest that has been known in, I think, days since the Great Depression. And we have seen more concentration in the top 1 or 2 percent of wealth in this country of the economic recovery, of profit. We just saw a record profit established in the last quarter. Since record keeping over the last 60 plus years, there was more profitability for our business community in this country in the last quarter; when you annualize that, it breaks all records. So we need to look at all the statistics out there. We need to be very cognizant of what's happening and

what isn't happening. And I think the way we do that is through the soundness of the policy that we advanced, that really promotes I think the sort of effort that enables us to strengthen the purchasing power of our middle income community. And we also attempted in this House, without help from the Republicans, to provide a stretch-out on that unemployment insurance program. So we are doing those elements that respond with great sensitivity to the unemployed who are still searching for employment. We attempted every which way to stretch that opportunity from this House. We have advanced a tax cut for those households, couples under $250,000. Everybody can qualify in that tax cut because it caps at that threshold and works itself through across all of the income levels of families in this country. So we have done, I think, a very reasonable package, we have done it with great focus and great hope that it will drive the growth of the economy and produce hope in terms of jobs created and retained and will not bring us back to those failed policies. I think we have forgotten the trillions that were lost. There was $18.5 trillion lost in the last 18 months of President Bush's tenure. That was a huge, devastating blow to this country. There were 8.2 million jobs lost, which are tough to recover from. But we have had many successive months of private sector job growth. So we need to continue along the thoughtful sort of policies; and the progress that has been achieved, while incremental, is a steep climb toward recovery rather than falling deeper as was the case when we hit rock bottom in March of 2009. We have been recovering and I think now is the time to just add to that effort, not lead us backward into the failed policies of the past.

Mr. GARAMENDI. The gentleman from New York could not be more correct, that the policies of the Bush administration, their tax policies, created a huge deficit, two wars that were not paid for but rather money borrowed, most of it again from China, and a total backing away from the regulation of the financial industry led to an extraordinary crash of the American and indeed the world economy. What is being asked of us now is to put back in place the tax policy that was part of that great decline. And a point that you made, if I might just bring it out one more time here, is that that tax policy that was started in 2001 and is now being proposed by our Republican colleagues and our President is a continuation of the drift—excuse me, it's not a drift—a cascade of wealth from the middle class, from the working men and women, to the wealthiest Americans. Is that wise policy? It certainly doesn't create jobs. There are very few economists except some very right-wing Republican economists who would argue that by giving more money, in this case $150 billion minimum, maybe $180 billion, to the wealthiest is going to somehow create jobs. Nobody would rationally argue that. However, on the other hand, it's been argued very clearly that one of the most stimulus, job-creating, encouragements to the economy is unemployment insurance. But our friends on the Republican side have said very clearly that they're going to put their foot right on the neck of the most unfortunate Americans, the unemployed, and hold them down until they're able to get their buddies, the wealthiest of Americans, an additional tax break.

□ 2110

That is what is going on here. They are using the most harmed Americans in this economy, an economy that collapsed under the Republican administration, holding those unemployed down, putting their foot on their neck and saying, You cannot have anything until our wealthy backers have more. Shame on them. Shame on them. That is not good American policy. That is not even humanitarian. And we are up against the Christmas holidays. They are using this as a lever. It is dead wrong, it is inhumane, it is cruel, and it shows not one iota of compassion. Until they get their wealthy taken care of, those people who don't need more, they are going to hold 2.5 million Americans on the ground without food, without gifts for their families, without even a Christmas meal. That is what the Republicans have said. That is the deal which has been cut, and it is one we should oppose. Do I feel strongly about this? Yes, I do.

Ms. SHEA-PORTER. I wanted to say, this is not just Democrats who are saying this. Republicans who are no longer in power have also been attacking these plans. David Stockman, the former director of the Office of Management and Budget during the Reagan administration, called these tax cuts ''unaffordable.'' He is one of many voices who said this. Unfortunately, the Republicans who are in power now are not listening. It is fiscally irresponsible.

We need that income; we had to have that revenue so we could pay our bills. If we had that revenue, what could we do with it? Or if we were going to borrow, what should we have borrowed for?

To begin with, we could start paying our military men and women more. This year they are having a very tiny increase. They are outraged, and I don't blame them. They have been serving this country honorably. We have been at war for 8 years. They are exhausted, and now they are getting a very tiny pay raise. We could have used it for that.

What else? We could have helped mom and pop small businesses, the businesses on Main Street. Rather than giving those tax cuts to the top 1 percent, we could have used that money to help our small businesses that are struggling.

What else could we have done? We could have put money into infrastructure and created jobs. We could have been building things. You walk around Washington and you see beautiful buildings that were built during the Depression. They put men and women to work, and they left something behind for the next generation. I have said, if you are going to borrow money and you are going to have the next generation pay for it, you better leave them something to look at. We could have done that. We could have fixed some of our infrastructure. It is crumbling all over the country. We have deferred maintenance.

And we have not taken care of just that. You talked about education. I'm on the Education and Labor Committee. We know we are failing our children. We could have put money there.

Where else? How about money for research and money for basic medical care.

You know, every time I hear the Republicans in power here say: everybody is going to have to feel the pain, I say to myself, I know who they mean, and they don't mean them. They mean the middle income and below. They are the ones who are going to feel the pain. And by the way, they are the ones who are also going to have to pay for this because, once again, it is borrowed money. I think it is absolutely disgraceful.

Given the past campaign that we all experienced where the borrow-and-spend theme, borrow-and-spend was just hammered, absolutely hammered, as if the Bush era hadn't happened, as if George Bush hadn't created the greatest deficits in history, as if the Republicans hadn't been in charge when that happened, they said that they were going to fix that. They had learned their lesson. Remember on the floor, we heard many times that they had learned their lesson, but they hadn't. Here they are, holding people's unemployment hostage to make sure that their benefactors get their tax cuts.

I think it is outrageous. I think it is stunning. I think it is so cynical that it is ugly to watch. And I will not support that.

Mr. GARAMENDI. Ms. SHEA-PORTER, thank you so much. You were talking about the many options available to us, the choices we are making. In this tax policy, we are making a choice to invest in America's future, that is, the working men and women of America, or investing in the very wealthy. All of it with borrowed money. If America is going to make it, then we are going to have to rebuild America's industrial strength. These are choices.

There are ways that we can rebuild America's industrial strength. One of them is to stop exporting jobs. Now, the American Tax Code until just a month ago provided a $12 billion annual tax break to American corporations who sent jobs offshore. Yes, that's right. How could that be? Well, it was in the Tax Code. The Democrats

said that's wrong, and we passed a tax bill that ended that nefarious, useless, job-harming tax proposal. We brought $12 billion back into the Treasury, put a stop to the incentive for American corporations to ship those jobs offshore.

Did the Republicans support that job-creating program? They did not. Only a handful. I mean, one handful actually voted with the Democrats to end a tax break that encouraged the off-shoring of jobs. An example of how we can bring jobs back to America is to set our tax policy in place so we don't encourage the off-shoring of jobs.

Another piece of this is to use our tax money to build jobs in America. Very quickly, and then I want to turn to my colleagues in the final 15 minutes of this hour. We spend a lot of money. Our gasoline tax, our diesel fuel tax is used to maintain our highways and to buy buses and trains and light rail systems and things that move people. It is all well and good. But much of that tax money is used to purchase buses, light rail, trains that are made in foreign countries. My proposal is, hey, that is our tax money; let's spend it on equipment that is made in America. You want to build a bridge, use American steel. You want to buy a bus, our tax money, buy an American-made bus. You want to build a light rail system with our tax money, buy an American made light rail system.

If we just use our tax dollars in a way that promotes American industry, we can grow America. I think of Walt Whitman and his beautiful poetry about the great industrial strength of America, the way America would get up in the morning and build. I don't think Walt Whitman would be very enthusiastic about American industry today given our policies. But if we institute policies that are make it in America so that America can make it, once again these are choices about where we are going.

Manufacturing matters. Walt Whitman understood that the strength of America was in its industries. We have forgotten that, and apparently our Republican colleagues are perfectly willing to give American industries a tax break to ship jobs offshore. The Democrats are not. We ended that.

Mr. TONKO, you and I have talked about this. You were there for the vote to end that tax break.

Mr. TONKO. Absolutely. And I loved the converting of tax policy into a job focus.

My question rhetorically to the opposition party has been the marketing of the 2001 and 2003 tax cuts was all around jobs. These are the job-creating tax cuts. My rhetorical question is: Where are the jobs? We saw one of the most dismal stretches of job loss and job creation under that Bush Presidency than ever recorded in the Nation. And to Representative SHEA-PORTER's point, left with an historic largest deficit. So that was complications beyond belief, a multitude of problems that then endured and gripped the household budgets and the profitability of small businesses across this country to the point that we sunk to the lowest of records in March of 2009.

So now our focus rightfully should be about job creation and retention. My district, the 21st Congressional District in the State of New York, houses the eastern portion of the original Erie Canal, barge canal. It gave birth to a necklace of communities called mill towns. These mill towns became the epicenters of invention and innovation.

□ 2120

So that pioneer spirit is in the American DNA, I am convinced. I cannot accept for a moment that our manufacturing heyday is a thing of the past. We can be the kingpins of manufacturing. We need to invest in that manufacturing element so that small businesses and manufacturing centers can be that driving force for job creation and retention.

How does it happen? You modernize with investments.

I served as president and CEO at NYSERDA, the New York State Energy Research and Development Authority. I saw what happened when we partnered with the business community to enable them to cut energy costs for production. It's easy. We have shelf-ready opportunities today that can then retrofit into these manufacturing centers and enable them to be more profitable, more efficient. That means, as profitability, the transitioning over to more jobs and more ideas that can come from the manufacturing elements in our given neighborhoods and our communities, in our regions, in our congressional districts.

So it can happen, but you need this plan of attack that will go to putting American workers into deeply rooted jobs that will be here to grow in this country.

We saw what happened when we helped businesses take their large industries—take their jobs—offshore, and we paid them to do that. So I applaud the efforts that you have created and in which others have joined in this House to create the package that says ''no'' to that sort of investment, but ''yes'' to American workers and working families and ''yes'' to our small business community, which is the backbone of our economic recovery.

We profess small business to be the springboard to economic recovery. If we believe that, let's act accordingly and not take this step backward that gives tax breaks to millionaires and billionaires at the expense of investments in the small business community, investments in the working households of families across this country and, certainly, at the expense of investments in children, in students, in working couples, in married couples, who will get a break from our tax package bills, and in senior citizens, all of whom deserve our sensitivity here in this Chamber so as to do what is best for the middle-income community of this country.

Again, to repeat myself, empowering them by strengthening their purchasing power strengthens all of us from the least comfortable to the most comfortable. I think it is the map, the blueprint, for a successful comeback from the lowest, toughest economic point that we have seen as a Nation. Now, to crawl out of that pit, we need to do it thoughtfully and with laser-sharp focus, and I think our legislation advanced in this House does that.

I have enjoyed working with the two of you, with other Representatives and with the leadership in this House to make that effort so that we can have the smartest and most analytical response.

Mr. GARAMENDI. Mr. TONKO, once again, you speak with great wisdom and with a sense of history. It is about choices.

Apparently, the Republicans and the President want us to take $140 billion, $150 billion, $160 billion and give it to the wealthiest of Americans, to the top 2 percent, as if they need help.

What if we took that money and invested it in—oh, I don't know—green technology? in wind turbines? in solar or in buses and transportation? $150 billion, what would it buy?

I would suggest, with the first $70 billion, in year one, invest in teachers and in schools. With the next $70 billion or $80 billion, invest in—well, let's build the great manufacturing sector once again in the great Northeast; 160 years ago, my great, great grandparents left the textile mills in your territory, Ms. SHEA-PORTER, and moved to California. It was good for them, but it left the great Northeast without the textile industry. You are trying to rebuild your industries—health care technologies and other kinds of advanced technologies—which could use the incentive of $70 billion.

Ms. SHEA-PORTER, we've got another 5 minutes. Why don't you take four of those, and then we'll wrap in the last minute.

Ms. SHEA-PORTER. Thank you.

I think it is important to reiterate that we are very happy when Americans do well financially. We want every American to do well financially. I have said many times before that each one of us hopes to have a little more money, and I said that my kids hope that I have a little more money also. It's not a question of success. We want everybody to be successful.

The problem that we have here is that we are borrowing money that middle-income taxpayers will have to pay back, plus interest, in order to give those who are already extremely successful—and I'm glad that they are—money that they don't need. Then we will carry the debt and put this country further at risk.

So, when we want to tell the truth about the debt, this has to be part of the story: that it was proposed—and I

fear could be passed—that we borrowed more money, probably from China, and we gave it to those who least needed it while we ignored all the great pressing needs of our country.

I fear for the middle class. I know that we all grew up at a time when our parents believed that we would do better than they did financially, and indeed we did. I put myself through college, but I was able to work double shifts in the summer at a factory, and then I was able to work through the school year to pay for that. Now, no matter how hard people work in the summer and no matter how hard they work in the winter, they can't afford to pay for college tuition.

So what are we going to do for those children? What are we going to say to their families? Sorry. We've borrowed enough money. Do you understand that we borrowed the money to give it to the wealthiest so that we can't give it to you? What are we going to do, crush their dreams, their hopes and their possible paths to the same kind of success? This is just wrong on every level.

If you look at children today, you will recognize that, chances are, they have family members who are underemployed or unemployed, that their families are struggling to pay the rent or to pay the mortgage, that the cost of everything has gone up dramatically, and that their families can't afford to save for their educations. What do we say to them later? You have to understand that it was just so important to make sure that we gave you this debt and increased your debt so that we could take care of those who didn't need it.

I don't understand this, and I think that most Americans looking at this don't understand it either. We celebrate people's good fortunes and successes. We are happy that they have been so successful, but we should not borrow money to give them what they don't need.

Let's invest in America. Let's invest in the next generation. Let's help our seniors out. How many seniors fall in the doughnut hole and can't even afford to pay for their prescriptions? Will we say, Well, we can't help you because we can't afford it? Let's build infrastructure. Let's help small businesses. Let's create jobs. Let's get people working again. People really don't want unemployment checks. They want jobs.

How many jobs bills did we try to pass, which were passed out of the House but which sank in the Senate? There was so much Republican opposition to creating jobs. Yet here we are, saying the only way we can help people with unemployment is if we yield to the Republicans and say, okay, we'll give tax cuts to the very wealthiest also.

This is a sad moment, a very sad moment on this floor and in the Senate. I hope that the American people will rise up and say, No, this is not fair to the middle class.

Thank you very much for doing this.

Mr. GARAMENDI. Ms. SHEA-PORTER, thank you so very, very much.

We have just a minute left. As you were speaking from your heart about the status of Americans today, I was thinking about last fall when I took my family down to the Roosevelt Memorial. On one of the placards carved in the stone is his statement: The test of America's progress is not that those who have much should have more but that those who have little should have enough.

Isn't that where we are today? Isn't that what FDR was saying in the 1930s during the Great Depression?

Mr. Speaker, thank you very much. We appreciate the hour to discuss this very, very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her daughter.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today on account of being unavoidably detained in Texas.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

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. MURPHY of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, December 13 and 14.

Mr. JONES, for 5 minutes, today, December 13 and 14.

Ms. ROS-LEHTINEN, for 5 minutes, today, December 8 and 9.

Mr. GARRETT of New Jersey, for 5 minutes, today, December 8 and 9.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and December 8.

Mr. PAUL, for 5 minutes, December 8 and 9.

Mr. BURTON of Indiana, for 5 minutes, today, December 8 and 9.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 124. An act for the relief of Shigeru Yamada, to the Committee on the Judiciary.

S. 3817. An act 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 and for other purposes; to the Committee on Education and Labor.

S. 3860. An act to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on December 3, 2010 she presented to the President of the United States, for his approval, the following bills.

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.

H.J. Res. 101. Making further continuing appropriations for fiscal year 2011, and for other purposes.

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.''

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. 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. 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. 4387. To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building.''

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. 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. 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. 5283. To provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

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.

H.R. 6166. To authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 8, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second, third, and fourth quarters of 2010 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROBERT F. REEVES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 20 AND OCT. 23, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert F. Reeves	10/20	10/23	South Africa		1,145.04		9,157.00				10,397.04
Joe Strickland	10/20	10/23	South Africa		1,112.04		9,157.00				10,397.04
Committee total					2,257.08		18,314.00				20,794.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT F. REEVES, Nov. 10, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dutch Ruppersberger	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
							(3)				1,727.59
Bob Minehart	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
							(3)				1,727.59
Carly Scott	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
							(3)				1,727.59
Frank Garcia	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
							(3)				1,727.59
Committee total											6,910.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. SILVESTRE REYES, Chairman, Nov. 16, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Acting Chairman, Nov. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Reichert	5/29	6/1	Dubai		429.00		8,199.00				8,628.10
	5/30	5/31	Afghanistan		28.00						28.00
Hon. Lloyd Dogget	7/6	7/11	Norway		407.87						407.87
Committee total					864.87		8,199.10				9,063.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Acting Chairman, Nov. 29, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10652. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Removal of Varietal Restrictions on Apples From Japan [Docket No.: APHIS-2009-0020] (RIN: 0579-AD08) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10653. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Japan Because of Foot-and-Mouth Disease [Docket No.: APHIS-2010-0077] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10654. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Update of Noxious Weed Regulations [Docket No.: APHIS-2007-0146] (RIN: 0579-AC97) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10655. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas in Arizona, California, and Texas [Docket No.: APHIS-2009-0079] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10656. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Increased Assessment Rate [Doc. No.: AMS-FV-10-0057; FV10-993-1 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10657. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Changes to District Boundaries [Doc. No.: AMS-FV-08-0085; FV08-920-3 FIR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10658. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Popcorn Promotion, Research, and Consumer Information Order; Reapportionment [Document Number AMS-FV-10-0010] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10659. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside Country, CA; Increased Assessment Rate [Doc. No.: AMS-FV-10-0059; FV10-987-2 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10660. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Sorghum Promotion and Research Program: Procedures for the Conduct of Referenda [Doc. No.: AMS-LS-10-0003] November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10661. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations [Doc. No.: AMS-FV-10-0031; FV10-983-1 FIR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10662. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's ''Major'' final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE: Inclusion of TRICARE Retail Pharmacy Program in Federal Procurement of Pharmaceuticals [DOD-2008-HA-0029] (RIN: 0720-AB45) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10663. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, April 1, 2010 — September 30, 2010; to the Committee on Armed Services.

10664. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operation of the Exchange Stabilization Fund (ESF) for fiscal year 2009 and 2008 Financial Statements, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

10665. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

10666. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2009'', in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

10667. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Amended Definition of Low-Risk Assets (RIN: 3133-AD81) received Novemeber 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10668. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Fixed Assets, Member Business Loans, and Regulatory Flexibility Program (RIN: 3133-AD68) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10669. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Corporate Credit Unions (RIN: 3133-AD58) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10670. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Temporary Exemptions For Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps [Release Nos. 33-9158; 34-63348; 39-2472; File No. S7-02-09] (RIN: 3235-AK26) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10671. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Program Integrity: Gainful Employment — New Programs [Docket ID: ED-2010-OPE-0012] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10672. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Foreign Institutions-Federal Student Aid Programs [Docket ID: ED-2010-OPE-0009] (RIN: 1840-AD03) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10673. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — School Improvement Grants; American Recovery and Reinvestment Act of 2009 (AARA); Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESEA) [Docket ID: ED-2009-OESE-0010] (RIN: 1810-AB06) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10674. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10675. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection [Docket No.: NHTSA-2008-0613] (RIN: 2127-AK49) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10676. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No.: NHTSA-2010-0017] (RIN: 2127-AK69) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10677. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version One Regional Reliability Standard for Resources and Demand Balancing [Docket No.: RM09-15-000; Order No. 740] November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10678. A letter from the Director, Defense Security Cooperation Agency, transmitting a letter pursuant to the Arms Export Control Act; to the Committee on Foreign Affairs.

10679. A letter from the Director, Defense Security Cooperation Agency, transmitting reports submitted in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10680. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. DDTC 10-65, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10681. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-69, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10682. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-73, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10683. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-113, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

10684. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pertaining to Section 102(a)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10685. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the International

Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

10686. A letter from the Architect of the Capitol, transmitting the Semiannual Report for the period April 1, 2010 through September 30, 2010 prepared by the Office of Inspector General of the AOC; to the Committee on Oversight and Government Reform.

10687. A letter from the Secretary, Department of the Treasury, transmitting the Department's Performance and Accountability Report for FY 2010, as required by the Reports Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

10688. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10689. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2010, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

10690. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10691. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for Navarretia fossalis (Spreading Navarretia) [Docket No.: FWS-R8-ES-2009-0038] [MO 92210-0-0009] (RIN: 1018-AW22) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10692. A letter from the Chief, Division of Habitat and Resource Conservation, Department of the Interior, transmitting the Department's final rule — Marine Mammal Protection Act; Deterrence Guidelines [Docket No.: FWS-R7-FHC-2010-0002] [71490-1351-0000-L5-FY10] (RIN: 1018-AW94) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10693. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Grey Wolf in the Northern Rocky Mountains in Compliance With a Court Order [Docket No.: FWS-R6-ES-2010-0074] [92220-1113-0000; ABC Code: C6] (RIN: 1018-AX37) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10694. A letter from the Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Promotion of Development, Reduction of Royalty Rates for Stripper Well and Heavy Oil Properties [LLWO310000.L13100000.PP0000-241A.00] (RIN: 1004-AE04) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10695. A letter from the Financial Assistance Program Manager, Office of Acquisition and Property Management, Department of the Interior, transmitting the Department's final rule — Department of the Interior Implementation of OMB Guidance on Drug-Free Workplace Requirements (Financial Assistance) (RIN: 1093-AA12) received November 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10696. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY78) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10697. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendment [Docket No.: 30753; Amdt. No. 3399] received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the Senior 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.: 30752; Amdt. No. 3398] received Novmeber 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the Senior 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.: 30750; Amdt. No. 3397] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Crewmember Requirements When Passengers Are Onboard [Docket No.: FAA-2009-0022; Amendment No.: 121-350] (RIN: 2120-AJ30) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Flightcrew Alerting [Docket No.: FAA-2008-1292; Amendment No. 25-131] (RIN: 2120-AJ35) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Responding to Disruptive Patients (RIN: 2900-AN45) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10703. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2004-2007, pursuant to Public Law 105-89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

10704. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations [CBP Dec. 10-33] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10705. A letter from the Chief, Trade and Commerical Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations [CBP Dec. 10-33] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ARRA High-Speed Rail Grants (Rev. Proc. 2010-46) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10707. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ARRA Battery Grants (Rec. Proc. 2010-45) received Novemebr 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Marginal Production Rates [Notice 2010-73] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10709. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2010 National Pool [Notice 2010-74] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10710. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2010 Section 43 Inflation Adjustment [Notice 2010-72] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10711. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amendment to the Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act [TD 9506] (RIN: 1545-BJ91) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10712. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Litigating Position on the Treatment of Interchange Fee Income by Issuers of Credit Cards [LB&I Contorl No.: LB&1-4-1110-030] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10713. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Build America Bonds and Other State and Local Bonds: Timing of Issuing Bonds [Notice 2010-81] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10714. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Section 833 Treatment of Certain Health Organizations [Notice 2010-79] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10715. A letter from the Chair, Council on Environmental Quality Director, Office of Science and Technology Policy, Executive Office of the President, transmitting 2008-2009 Federal Ocean and Coastal Activities Report to the U.S. Congress, pursuant to Public Law 106-256, section 5; jointly to the Committees on Natural Resources, Science and Technology, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3655. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services; with an amendment (Rept. 111–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; with an amendment (Rept. 111–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1752. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules. (Rept. 111–674). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RUSH:

H.R. 6496. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. BERMAN (for himself and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 6497. 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; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Ways and Means, Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 6498. A bill to amend the Child Abuse Prevention and Treatment Act to determine the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are screened out solely on the basis of the cross-jurisdictional complications, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida (for himself, Mr. KING of New York, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. ISRAEL, Mrs. MCMORRIS RODGERS, Mr. DEUTCH, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. MARKEY of Massachusetts, Mr. MCCLINTOCK, Mr. HOLT, Mr. HODES, Mr. LAMBORN, Mr. CHAFFETZ, Mr. LEVIN, Mr. QUIGLEY, Mr. COHEN, Ms. RICHARDSON, Ms. BORDALLO, Ms. BERKLEY, Mr. SHULER, Mr. HASTINGS of Florida, Mr. GRAYSON, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. MORAN of Kansas, Mr. LANCE, Ms. SCHWARTZ, Mr. PITTS, Mrs. BIGGERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCGOVERN, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Ms. DELAURO, Mrs. MALONEY, Mr. PETERS, Ms. FUDGE, and Ms. SCHAKOWSKY):

H. Res. 1751. A resolution mourning the loss of life and expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2, 2010; to the Committee on Foreign Affairs. considered and agreed to. considered and agreed to.

By Mr. DAVIS of Kentucky:

H. Res. 1753. A resolution commending North Pointe Elementary in Hebron, Kentucky, for its multidisciplinary study and selection of a National Invertebrate; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey (for himself, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. BISHOP of Utah, Mr. LAMBORN, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. NEUGEBAUER, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. MCHENRY, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. BARTLETT, Mr. POSEY, Mr. OLSON, Mr. ROONEY, Mr. BARTON of Texas, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. COLE, Mr. AKIN, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. REED, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. MCKEON, Ms. FOXX, Mr. MACK, Mr. CONAWAY, Mr. CHAFFETZ, and Mr. BROUN of Georgia):

H. Res. 1754. A resolution amending the Rules of the House of Representatives to require the citation of the specific powers granted to Congress in the Constitution be included in introduced bills and joint resolutions as a basis for enacting the laws proposed by such bills and joint resolutions, including amendments and conference reports; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

403. The SPEAKER presented a memorial of the House of Representatives of the State of South Dakota, relative to House Bill 1135 rescinding all previous applications of the State of South Dakota for the calling of a federal constitutional convention to amend the Constitution of the United States; to the Committee on the Judiciary.

404. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 296 memorializing the Congress and the President to pass and sign H.R. 5312; jointly to the Committees on Oversight and Government Reform, Ways and Means, and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CONYERS introduced a bill (H.R. 6499) for the relief of Celina Hernandez; which was referred 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. 997: Mr. COFFMAN of Colorado.

H.R. 1326: Mr. DICKS.

H.R. 2103: Mr. SCHOCK.

H.R. 2412: Mr. BERMAN.

H.R. 4278: Ms. FUDGE, Mr. MCINTYRE, and Mr. SENSENBRENNER.

H.R. 4371: Mr. NYE and Mr. HOLT.

H.R. 4594: Mr. MILLER of North Carolina.

H.R. 4746: Mrs. MCMORRIS RODGERS.

H.R. 5319: Mr. FORBES.

H.R. 5338: Mr. BROWN of South Carolina, Mr. BISHOP of Utah, Mr. MILLER of Florida, and Mr. CARTER.

H.R. 5933: Ms. SUTTON, Mr. OWENS, and Mr. PIERLUISI.

H.R. 5987: Ms. WASSERMAN SCHULTZ.

H.R. 6017: Mr. MARKEY of Massachusetts.

H.R. 6060: Mr. SHULER and Mr. FRANK of Massachusetts.

H.R. 6153: Mr. CARNAHAN.

H.R. 6249: Mr. TIERNEY and Mr. SNYDER.

H.R. 6379: Mr. PAYNE.

H.R. 6406: Mr. CHAFFETZ and Mr. GARRETT of New Jersey.

H.R. 6415: Mr. GOHMERT, Mr. GARRETT of New Jersey, Mr. GOODLATTE, and Mr. HENSARLING.

H.R. 6437: Ms. ROYBAL-ALLARD.

H.R. 6440: Mr. FORBES.

H.R. 6484: Mr. CHAFFETZ, Mrs. MCMORRIS RODGERS, and Mrs. MYRICK.

H.R. 6494: Mr. ANDREWS, Mr. ADLER of New Jersey, Mr. LOBIONDO, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Mr. KIND, and Ms. MOORE of Wisconsin.

H.J. Res. 97: Mr. ISSA.

H. Con. Res. 267: Mr. BILIRAKIS.

H. Con. Res. 291: Mr. OLVER, Mr. MANZULLO, Mr. BILIRAKIS, and Mr. POE of Texas.

H. Con. Res. 331: Ms. SCHWARTZ, Mr. ROTHMAN of New Jersey, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. HOLT.

H. Res. 1507: Mr. CAPUANO.

H. Res. 1540: Mr. THOMPSON of California.

H. Res. 1572: Mr. WU.

H. Res. 1704: Mr. ANDREWS, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. POE of Texas, Mr. HINCHEY, Ms. GIFFORDS, Mr. LANGEVIN, Mr. SMITH of New Jersey, and Mr. RYAN of Ohio.

H. Res. 1705: Ms. DELAURO and Mr. SIRES.

H. Res. 1717: Ms. ROS-LEHTINEN, Mr. HOLT, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. LEVIN, Mr. LIPINSKI, Mr. SHULER, and Mr. BURTON of Indiana.

H. Res. 1722: Mr. MORAN of Virginia, Mr. VAN HOLLEN, and Mr. HONDA.

H. Res. 1725: Ms. SCHAKOWSKY, Ms. CHU, Mrs. MILLER of Michigan, Mr. CARNAHAN, Mr. MCINTYRE, Mr. INGLIS, Mr. ROHRABACHER, and Mr. BOOZMAN.

H. Res. 1727: Mr. SHERMAN, Mr. CAMP, and Mr. YOUNG of Florida.

H. Res. 1734: Mr. LAMBORN, Mr. ENGEL, Mr. KLINE of Minnesota, Mr. RADANOVICH, Mr. LINDER, Mr. HERGER, Mrs. MCMORRIS RODGERS, Mr. PETERS, and Mr. ROSKAM.

H. Res. 1743: Ms. SCHWARTZ, Mr. MARKEY of Massachusetts, Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. DOGGETT, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

176. The SPEAKER presented a petition of the American Bar Association, relative to Recommendation 111 urging state, territorial, and tribal governments to eliminate all of their legal barriers to civil marriage between two persons of the same sex; to the Committee on the Judiciary.

177. Also, a petition of the American Bar Association, relative to Recommendation 100C urging federal, state, territorial, tribal and local governments to provide funding to state and federal public defender offices and legal aid programs; to the Committee on the Judiciary.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, DECEMBER 7, 2010 No. 160

Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, You are our refuge and strength, a very present help in trouble. Because of You, we need not fear, though the Earth be removed and though the mountains be carried into the midst of the sea.

On this day when we remember Pearl Harbor, we thank You for the protection of Your loving providence. You protect us from dangers seen and unseen. You sustain this Nation through seasons of distress and grief. You raise up leaders who possess the strength, wisdom, and courage we need to meet challenges. You are a generous and awesome God. May the memories of Your watch care infuse us with optimism about what the future holds. Keep us from fearing impending storms by reminding us about the way You have led us in the past.

Today, use our lawmakers, the members of their staff, and the thousands who work on Capitol Hill for Your glory. Especially guide our Senators during this impeachment process.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, Senators should be prepared to be in the Chamber throughout the day on the impeachment trial of Judge G. Thomas Porteous, Jr. At 12:30 p.m., the Senate will proceed to legislative session for a period of morning business, with Senator LEMIEUX permitted to speak for up to 15 minutes. Following his remarks, the Senate will recess until 2:30 p.m. to allow for the weekly caucus meetings. When the Senate reconvenes, there will be a mandatory live quorum to resume the court of impeachment. There may be another live quorum at 5:30 this evening to begin the closed session deliberations.

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

CALL OF THE ROLL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6]

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Barrasso	Enzi	Merkley
Begich	Feingold	Mikulski
Bennet	Feinstein	Murkowski
Bennett	Franken	Murray
Bingaman	Gillibrand	Nelson (NE)
Bond	Grassley	Nelson (FL)
Boxer	Gregg	Pryor
Brown (MA)	Hagan	Reed
Brown (OH)	Hatch	Reid
Bunning	Inouye	Risch
Burr	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson	Schumer
Carper	Kerry	Sessions
Casey	Kirk	Snowe
Chambliss	Klobuchar	Stabenow
Coburn	Kyl	Tester
Collins	Leahy	Thune
Conrad	LeMieux	Udall (NM)
Coons	Levin	Vitter
Corker	Lugar	Voinovich
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Wyden

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Is a quorum present?

The PRESIDENT pro tempore. A quorum is present.

COURT OF IMPEACHMENT

The PRESIDENT pro tempore. Under the previous order, the hour of 10:12 a.m. having arrived and a quorum having been established, the Senate will resume its consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

The House managers and Judge Porteous and counsel will please make their entry before the proclamation is made.

(The House managers, Judge Porteous, and counsel proceeded to the seats assigned to them in the well of the Chamber.)

THE JUDGE AND HIS COUNSEL

1. Judge Gabriel Thomas Porteous, Jr.
2. Jonathan Turley
3. Daniel Schwartz

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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4. P.J. Meitl
5. Daniel O'Connor

THE HOUSE OF REPRESENTATIVES MANAGERS

6. Adam Schiff (D–CA)
7. Bob Goodlatte (R–VA)
8. Henry C. ''Hank'' Johnson, Jr. (D–GA)
9. Jim Sensenbrenner (R–WI)
10. Zoe Lofgren (D–CA)

SPECIAL IMPEACHMENT COUNSEL TO THE HOUSE MANAGERS

11. Alan Baron
12. Harold Damelin
13. Mark Dubester
14. Kirsten Konar

STAFF TO THE HOUSE MANAGERS

15. Jeffrey Lowenstein (Schiff)
16. Branden Ritchie (Goodlatte)
17. Elisabeth Stein (Johnson)
18. Michael Lenn (Sensenbrenner)
19. Ryan Clough (Lofgren)

SENATE LEGAL COUNSEL

20. Morgan Frankel
21. Pat Bryan
22. Grant R. Vinik
23. Thomas E. Caballero

SENATE STAFF

24. Derron R. Parks
25. Thomas L. Lipping
26. Justin Kim
27. Rebecca Seidel
28. Erin P. Johnson
29. Paul Lake Dishman IV
30. Susan Smelcer
31. Stephen Hedger
32. Chris Campbell
33. Paige Herwig
34. Stephen C.N. Lilley
35. Justin G. Florence
36. Matthew T. Nelson
37. Thomas J. Maloney
38. Nhan Nguyen
39. Erica Suares
40. Bryn Stewart
41. Emily Ferris
42. Michelle Weber
43. Jason Bohrer
44. Lori Hamamoto
45. Van Luong
46. Marie Blanco

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation, as follows:

Hear ye, hear ye, hear ye, All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. REID. Mr. President, on March 17, 2010, the House of Representatives exhibited to the Senate four Articles of Impeachment against U.S. District Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana. Judge Porteous was summoned to answer, which he did on April 7, 2010, and the House of Representatives filed a reply to the answer on April 17, 2010, and amended the reply on April 22, 2010.

On the same day that the Articles of Impeachment were exhibited to the Senate, Members present in the Chamber were administered the oath, as required by the Constitution for impeachment trials. Those Senators who were not present to take the oath and those who had been elected to this body since the oath was administered, should be sworn today.

However, before the oath is administered to these Senators not yet sworn, there is one preliminary matter to be addressed. The Senator from Illinois, Mr. KIRK, was a Member of the House of Representatives during this Congress when the House voted on the Articles of Impeachment. If the Senator wishes to make a statement about his participation in the Senate phase of this impeachment, this would be an appropriate time to do so.

The PRESIDENT pro tempore. The Chair recognizes the junior Senator from Illinois.

Mr. KIRK. Mr. President, I was a Member of the House of Representatives at the time the Articles of Impeachment were proffered against Judge G. Thomas Porteous, Jr. On March 11, 2010, I voted in favor of all four Articles of Impeachment in the House, as recorded in rollcall votes 102, 103, 104, and 105. I have given careful consideration to this matter and consulted with other Members of the Senate about the Senate's historical practice. Because I believe the judge is entitled to a full and fair hearing in the Senate and to avoid any possible conflict of interest, I have concluded that under the circumstances, it would be inappropriate for me to participate in the Senate trial and vote again on matters related to the impeachment, having already done so as a Member of the House of Representatives.

Therefore, I request that I be recused from sitting as a Member of the Senate while it hears the matter of impeachment proceedings against Judge Porteous.

The PRESIDENT pro tempore. Mr. KIRK is excused from further participation in this impeachment for the reasons stated.

The majority leader is recognized.

Mr. REID. Mr. President, I would first ask that the House managers and Judge Porteous and counsel will take their seats. There is no reason, at this time, to remain standing.

OATH ADMINISTERED TO NEWLY ELECTED MEMBERS

Mr. President, the remaining preliminary matter is to administer the impeachment oath to the other newly elected Members of the Senate and any Member of the Senate who did not take the oath when the Articles of Impeachment were first exhibited.

Article I, section 3, clause 6 of the Constitution provides, in part:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation.

The impeachment oath that was taken by Members of the Senate earlier in this session remains in effect. The four current Members who did not take the oath at that time have been so advised by the Secretary of the Senate. The two newly elected Senate Members also should be sworn now.

The PRESIDENT pro tempore. Those Senators who have not taken the oath will now rise, raise their right hands, and be sworn.

Do you solemnly swear that in all things appertaining to the trial of impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you, Mr. President.

The Secretary will note the names of the Senators who have just taken the oath, and if these Senators will now present themselves to the desk, the Secretary will present to them for signature the book, which is the Senate's permanent record of the taking of the impeachment oath by Members of this body.

Mr. President, on March 17, 2010, the President pro tempore appointed, pursuant to S. Res. 458, Senators MCCASKILL, HATCH, KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, Kaufman, BARRASSO, DEMINT, JOHANNS, RISCH, and WICKER to perform the duties provided for by rule XI, the Senate's impeachment rules.

Under the leadership of its chairman, the Senator from Missouri, Mrs. MCCASKILL, and its vice chairman, Mr. HATCH, the committee heard 5 days of testimony between September 13 and September 21. During that time, the committee heard from 26 witnesses, 14 who were called by the House of Representatives and 12 witnesses who were called by Judge Porteous. The committee also conducted pretrial depositions of four witnesses and admitted into evidence the testimony of a number of witnesses, including Judge Porteous, who had testified in prior proceedings, more than 300 factual stipulations and hundreds of exhibits.

The Senate is indebted to all of the members of this committee who so conscientiously discharged their responsibility in this important constitutional matter. In addition to the committee's leadership, I would like to take particular note of the contribution of Senator Kaufman, who actively participated in the committee's proceedings, although his tenure in the Senate concluded before the committee filed the report of its proceedings in the Senate.

The committee filed its report on November 15, and the report was received as Senate report 111–347. In accordance with impeachment rule XI, the committee certified the Senate hearing report 111–691, which reprints the committee's proceedings, is a transcript of the proceedings and testimony had and given before the committee.

Before proceeding further, I would like to verify with the Presiding Officer that the evidence and the testimony received by the Senate from the

committee shall, as prescribed in rule XI:

be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy and materiality, as having been received and taken before the Senate . . .

Will the Presiding Officer advise the Senate whether this is correct?

The PRESIDENT pro tempore. The majority leader is correct. The testimony and other evidence reported by the committee will be considered, in accordance with impeachment rule XI, as having been received and taken before the Senate.

The majority leader is recognized.

Mr. REID. Thank you again, Mr. President. Rule XI provides that the Senate's receipt of evidence reported by the committee is subject to the Senate's right to determine competency, relevancy, and materiality. Further, the same rule explicitly provides that nothing in it prevents the Senate from sending for any witness and hearing that witness's testimony in open Senate or, by order of the Senate, having the entire trial before the full Senate.

I would ask the Presiding Officer to advise the Senator whether, following the report of the committee, any motions have been filed asking that any witnesses be heard in open Senate.

The PRESIDENT pro tempore. In response to the majority leader, neither party, following the report of the committee, has moved that any witness be called in open Senate, and the Senate may now proceed to hear final arguments on the basis of the record reported by its committee.

The majority leader is recognized again.

Mr. REID. Mr. President, the parties have filed their final written briefs and the Senate is now ready to hear arguments.

Prior to consideration of the Articles of Impeachment, Judge Porteous has requested time to present argument on three motions that take issue with the sufficiency under the Constitution of several aspects of the Impeachment Articles framed by the House. First, Judge Porteous has moved to dismiss Article II, or for alternative relief, based on the House's inclusion of allegations of misconduct occurring prior to the commencement of the Judge's Federal service as a U.S. district judge. Second, Judge Porteous has moved to dismiss article I, or for alternative relief, based on the House's inclusion of unconstitutionally vague allegations that Judge Porteous's conduct deprived the public of its right to the honest services of his office. Third, Judge Porteous objects to the manner in which each Article of Impeachment was framed to aggregate discrete allegations of misconduct. He accordingly moves to dismiss the Articles of Impeachment or seeks alternative curative relief. The parties' written arguments on those legal issues are addressed in their post-trial briefs, as well as the motion papers submitted by the parties to the committee, which are on the desks of all Members. In accordance with the unanimous consent agreement, each side will be permitted no more than 1 hour to present its argument on the motions.

Upon the conclusion of argument on the motions, the Senate will then turn to hearing final arguments by the parties on the Impeachment Articles. Under impeachment rule XXII, final argument will be open and closed by the House. By unanimous consent, each party shall have up to 1½ hours to present final argument on the merits.

As the Senate has done in the past, we have provided that counsel may face the full Senate during these presentations. They should remain mindful, nevertheless, that the proceedings are under the direction of the Presiding Officer. On their part, Senators should recall that any questions they have of counsel should, pursuant to impeachment rule XIX, ''be reduced to writing, and put by the Presiding Officer.'' There is assistance available in the respective cloakrooms to aid Members in putting the questions in writing. Questions may be sent to the Chair during the argument, for reading by the Chair at the appropriate times.

The managers, on behalf of the House of Representatives—Representative SCHIFF, Representative GOODLATTE, and Representative JOHNSON, Representative SENSENBRENNER, and special impeachment counsel to the House Alan Baron are present at the managers' table. Jonathan Turley, Daniel C. Schwartz, P.J. Meitl, Daniel T. O'Connor, and Ian Barlow are counsel to Judge Porteous and are present with him.

Mr. President, motions will be argued first by Jonathan Turley, counsel to the judge, who is the moving party. By the unanimous consent order, argument on the motions on behalf of the House will be divided between Representative SCHIFF and Representative GOODLATTE. Mr. Turley may, under the unanimous consent agreement, reserve a portion of Judge Porteous's time for rebuttal.

For the argument on the articles, the managers will likewise divide their time between the two managers, and Mr. Turley will present argument on behalf of Judge Porteous. Under impeachment rule XXII, the House will open and close final argument in the impeachment articles.

The PRESIDENT pro tempore. We are now ready to hear motions. Mr. Turley will open the arguments in support of the motions to dismiss.

Mr. Turley, how much time do you wish to reserve for rebuttal?

Mr. TURLEY. We would like to reserve 10 minutes for rebuttal.

The PRESIDENT pro tempore. Ten minutes. It is so ordered. You may proceed.

Mr. TURLEY. Thank you. Mr. President and Members of the Senate, my name is Jonathan Turley, and I am the Shapiro Professor of Public Interest Law at George Washington University and counsel to the Honorable G. Thomas Porteous, Jr., a judge of the U.S. District Court for the Eastern District of Louisiana. Joining me at counsel's table with Judge Porteous are my colleagues from the law firm of Bryan Cave: Daniel Schwartz, P.J. Meitl, and Daniel O'Connor.

As the majority leader has told you and as many of you know, the Porteous impeachment has raised a number of constitutional issues that are rather unique and of considerable concern among law professors and legislators alike. The three motions before you today are designed to put these issues squarely before you.

We understand that the Members can choose not to vote on these motions and you can, in fact, reject an article or an allegation in light of these constitutional concerns. However, these are issues that do not turn on the facts of this case. Rather, they present threshold questions for each Senator in deciding whether to establish new precedent in the scope and the meaning of impeachable offenses.

The first motion before you today is a motion to exclude, as a basis for the removal of a Federal judge, any so-called pre-Federal allegations; that is, conduct that allegedly occurred before Judge Porteous became a Federal judge. This motion primarily deals with article II, which is widely recognized as a pre-Federal claim and the focus of much discussion nationally.

Second is a motion to exclude, as a basis for removal, that Judge Porteous deprived litigants and the public of the right to his so-called honest services. The Supreme Court recently rejected that very theory as unconstitutionally vague. We believe the Senate should do likewise.

Third, and finally, there is a motion for preliminary votes on each of the multiple allegations contained in the House's Articles of Impeachment. As we will discuss, those articles are grossly aggregated, meaning that each article contains numerous separate allegations. This long-simmering dispute between the House and the Senate came to a boiling point in these articles with the unprecedented use of what we refer to as the ''aggregation tactic.''

Equally important to the relief that Judge Porteous is requesting is what he is not requesting. We have tailored these motions so we are not requesting the dismissal of any articles in their entirety. Instead, Judge Porteous requests that Senate deliberation be confined only to those allegations that constitute valid bases for removal under the U.S. Constitution.

Throughout history, Senators have expressed their primary concern over the precedent set by impeachment cases and the implications of their decisions that are reached in this Chamber for future cases. This care is shown in the fact that in 19 impeachments to reach this body in history, only 7 ended

in convictions. Your predecessors accepted that the impeachment clauses contain an implied Hippocratic Oath under the Constitution. Your duty, first and foremost, is to do no harm—to do no harm—to the courts and to do no harm to the Constitution. Indeed, in all of the impeachment cases resulting in acquittal, the Senators found much to condemn in the conduct of the accused. They simply didn't find impeachable offenses.

With that brief introduction, I would like to turn to the first motion before the Senate in which Judge Porteous asks for the exclusion of pre-Federal allegations.

The first motion deals with the most dangerous aspect of the Articles of Impeachment. The House, through article II, and to some degree through article I, is seeking to have Judge Porteous removed on the basis of conduct that allegedly occurred before he became a Federal judge.

The House's pre-Federal charges in this case are in direct contradiction with decades of precedent from this body and would, in fact, violate the text of the U.S. Constitution.

In the history of this Republic, no one has ever been removed from office on the basis of pre-Federal conduct—no one.

The pre-Federal claims are an attempt by the House to secure impeachment at any cost, at the cost of the constitutional standard itself to remove a previously disciplined judge just months before his retirement.

The logic of this article is much like the story my father used to tell me about a man who comes across a stranger on his hands and knees one night looking for his wedding ring under a lamppost. He joins the man, searches for an hour, and then turns to him and says: ''You know, Mister, I don't see it anywhere. Are you sure you dropped it here?''

And the stranger responds, ''Oh, no, no, no, I lost it down the street, but the light is better here.''

Unable to find a crime during Federal service, the House managers just decided to look elsewhere down the road, before he became a Federal judge.

It does not appear to matter that experts and the Congressional Research Service warned that no individual—not a President, not a Vice President, not a Federal judge, not a Cabinet member—has ever been removed on this basis.

In order to open the Federal bench to removals for pre-Federal conduct, you must ignore the express language of the Constitution itself, which refers to conduct during Federal service, during service in office. A judge is guaranteed life tenure under the Constitution ''during the behavior'' in office. It is not a standard of good behavior in life. It is a standard of good behavior in office. It requires misconduct during Federal service that justifies removal from that Federal office.

The standard fashioned by James Madison and others has stood for centuries, largely because of the work of your predecessors, who have rejected articles that allege pre-Federal conduct.

In 1912, in the impeachment of Judge Robert Archbald, the Senate explicitly rejected the theory of removing an individual for conduct occurring before he took Federal office for which the House was seeking removal.

In the Archbald case, there were 13 Articles of Impeachment. The first six dealt with alleged misconduct in the office for which he was being sought to be removed. The next six dealt with conduct that allegedly occurred before he entered that office. And the last article was something that is called a ''catch-all'' provision. That combined all of the 12 earlier provisions into one.

Archbald was acquitted on all six articles that focused on conduct prior to his assuming a seat on the circuit court. All six were defeated in this Chamber.

These were not close votes, with the House receiving no more than 29 votes for conviction on those pre-Federal articles and averaged a rather high 64-percent rate for acquittal. Many Senators rose to amplify the reasons they rejected those articles.

Senator Bryan of Florida stated:

> I am convinced that articles of impeachment lie only for conduct during the term of office being filled.

Senator Brandegee of Connecticut stated:

> I vote not guilty because it alleges offenses, some of which are alleged to have been committed by the respondent while he was in an office he does not hold at the present and did not hold at the time the articles were adopted.

Senator DuPont of Delaware said:

> My vote of not guilty upon the article of impeachment was based upon the fact that the offenses were alleged to have been committed when he was not holding his present office.

Senator Works of California said:

> I am of the opinion that the respondent can not be impeached for offenses committed before his appointment to the present office.

Senator Catron of New Mexico said:

> I do not believe the House of Representatives had the right to go back of the present office held by Judge Archbald to hunt up any of his acts to charge against him so as to remove him from the office he now holds.

Senator Crawford of South Dakota stated:

> I find the respondent guilty of misconduct, but it occurred before he became the incumbent in his present office. I do not believe impeachment can be sustained for the reason stated.

Finally, Senator M'Cumber, North Dakota, stated:

> Impeachment proceedings cannot lie against a person for an act committed while holding an official position for which he is separated.

I could read more, but I think the point is clear. The Senate specifically dealt with this issue of pre-Federal conduct before and rejected it by a large margin. A large percentage of Senators at the time felt strongly enough about the issue to publicly speak about the impropriety of seeking pre-Federal causes for removal.

Thirty-two Senators sat out the vote on that catch-all article 13 in the Archbald case, and many publicly stated the reason they were sitting out that vote was because it contained in that whole list some of the pre-Federal conduct. However, the judge had already been convicted of six articles that contained Federal conduct. So by a vote of just two, with these Senators sitting out the vote, that article was approved.

Article II would eradicate over two centuries of precedent, and for what purpose? The House alleges Federal rather than pre-Federal conduct in article III and article IV. Even article I has some Federal claims. We are eager to reach those issues, and they offer an ample basis for the review and, yes, possible removal of a judge without opening the Federal bench—and all other Federal offices—to pre-Federal attacks.

One statement in the Archbald case stands out particularly prophetic and relevant. When confronted with the pre-Federal conduct, Senator Stone of Missouri rose to give the following warning to his colleagues, and by extension to you, his successors:

> It would not be difficult to conceive a case where under great pressure, when the country was in the state of high political excitement and when some supposed political exigency was influencing a partisan public opinion, a hostile partisan majority might hark back to some alleged misbehavior of a judge.

Now, one can certainly imagine a period of ''high political excitement'' if you tried hard enough. The point is that despite the rhetoric and passions of periods of great political upheaval, Senators have stepped forward to protect our core constitutional values and standards. This is why the Framers gave Senators long terms and large constituencies—to allow them to resist the passions and distemper of contemporary politics.

Once the Senate allows the House to cross this constitutional Rubicon for the first time, Congress would be able to dredge up any pre-Federal conduct to strip the bench of unpopular judges or to remove other Federal officials at the whim of the House. It would raise the very real possibility that an unpopular opinion issued by a Federal judge or a Supreme Court Justice could trigger an impeachment based on alleged acts from decades of practice before taking office. Moreover, other Federal officials, such as the Vice President, or a Cabinet member, could be similarly confronted with pre-Federal conduct as a basis for removal.

I expect my esteemed colleagues from the House to raise again a rather old saw that if you accept the defense's argument, the Senate would be precluded from removing someone who committed murder before taking office. Of course, an extreme hypothetical

like this points out the absurdity of the case against Judge Porteous. In this case, the Justice Department did not even find evidence to bring a single charge of criminal wrongdoing. Once again, the House simply wants to go where the light is better. In this case, it wanted to go to a hypothetical place.

But to be blunt, in deference to my colleagues, I must say this is an nonsensical argument from a constitutional standpoint. The reason is that in a case of a pre-Federal murder, the judge would likely be subject to trial during his or her Federal term. If convicted, a judge would likely be sentenced to life in prison. While the crime may have predated his confirmation, he became a convicted felon during his Federal service. That is the basis for the removal. Further, the judge could not possibly serve in a time of good behavior given his conviction and presumed incarceration.

The House, I believe, will also argue the reasons for the lack of any precedent of removals for pre-Federal conduct. The record is rather telling. There hasn't been such a case. Why? The House will argue that the reason is that people who are charged with pre-Federal misconduct simply resign if it is serious. History repudiates that argument. It is simply not true. A number of individuals have had information about misconduct in their pre-Federal lives revealed after they took office and yet never faced impeachment. For example, Supreme Court Justice Hugo Black admitted after his confirmation that he was in fact at one time a member of the Ku Klux Klan. There was outrage with that disclosure; that controversy had not been raised before confirmation.

As our filings document, numerous other Supreme Court Justices, as well as a bevy of other Federal officers, have had damaging information of this kind revealed. Hugo Black did not face impeachment.

This body has removed only seven judges in 206 years through the impeachment process and has never removed anyone for pre-Federal conduct.

If you believe Judge Porteous committed removable offenses as a Federal judge, so be it—and he is here to be judged himself—but do so on that basis of the remaining articles, not on article II.

It is a great burden and responsibility to stand before you not just as counsel for Judge Porteous, but as a constitutional law scholar. The importance of article II transcends this case and, frankly, transcends this judge. It is a direct attack on a constitutional standard that has guaranteed an independent judiciary for two centuries. Whatever you do today, please do no harm. Judge Porteous stands ready to be judged for his conduct on the Federal bench. However, like so many scholars and commentators, I ask you to hold the constitutional line, as did your predecessors, and reject pre-Federal claims as the basis for his removal.

I would like now to turn to perhaps the most novel problem raised in this impeachment: the reliance in article I on a theory that was rejected by the Supreme Court after the impeachment vote in the House.

At issue is the honest services claim that is at the heart of article I. Even before this impeachment, honest services claims were controversial in Federal court. Various judges, in fact, rejected this claim.

While experts were predicting a rejection in whole or in part of the theory, the Supreme Court accepted three cases dealing with honest services. The House was fully aware those cases had been accepted by the Supreme Court. The House was fully aware that lower court judges had rejected this theory. They simply took a gamble and decided to take a risk and structured article I as an honest services claim. They lost that gamble. When the court ruled in Skilling v. United States and two related cases, rejecting the use of this theory in cases without express allegations of bribery and kickbacks, neither bribery nor kickbacks are alleged in article I.

In fact, they are not mentioned in any of the articles.

Indeed, the House's own witnesses testified that there was no such bribery or kickback scheme to influence Judge Porteous on the Federal—or, for that matter, on the State—bench. House managers are now going to ask the Senate to cover their bad bet on Skilling and ignore that the stated theory of article I was rejected by the Supreme Court as a viable criminal claim. The dangerous implications of such a vote are difficult to overstate.

The Senate has never removed a Federal judge on the basis of a legal theory specifically rejected by the Supreme Court. If allowed, Congress could remove Presidents, judges, Cabinet members on theories that they are barred as invalid in Federal court. Ironically, if Judge Porteous were presiding in that case, he would be bound by the rule of law to reject an indictment of a public official on this identical claim that is now being offered as the basis for his removal.

House managers crafted article I around the same theory of honest services as was advanced by the Federal Government in the Skilling case. Article I alleges that Judge Porteous is "guilty of high crimes and misdemeanors and should be removed from office" because, in connection with a recusal motion—a recusal motion in a single case—before him, he "deprived the parties and the public of the right to the honest services of his office."

The House asserts that Judge Porteous caused this deprivation of honest services in three ways: First, that he failed to disclose certain information during the recusal hearing held in the so-called Lifemark case about his relationship with one of the attorneys in the case—Jake Amato—and Amato's partner Bob Creely. Second, he made misleading statements at the recusal hearing about his relationship with these two attorneys; third, that he ultimately denied a motion to recuse.

Now, the reason the House did not allege either bribery or kickbacks became obvious when the defense was allowed to cross-examine the House witnesses before the Senate committee concerning article I, all of whom denied any bribe or kickback scheme by Judge Porteous. Faced with various House witnesses who insisted, universally, that Judge Porteous was not and could not be bribed, the House turned to a claim of "a scheme or artifice to deprive another of the intangible right of honest services."

In basing its allegations on this provision of the Criminal Code—which is title 18, section 1346—the House followed a longstanding precedent of crafting articles to reflect actual crimes. That, however, happened to be the provision that was rejected in Skilling. The House finalized and approved article I in March 2010. That means for months the House knew an honest services claim could be rejected by the court and decided to rely on it because it could not expressly claim a Federal bribe or kickback.

The reason for the House's 'honest services' gamble was obvious: Beginning in the early 1990s—actually more in the late 1990s—the Justice Department began what was called the Wrinkled Robe investigation. In the course of that investigation, they conducted a long-running grand jury investigation, with plea bargains, countless subpoenas and searches of judges in Louisiana. In the end, some judges were indicted. However, the government, which looked specifically at Judge Porteous, as well as some of the other judges, found the evidence did not support bringing an indictment against Judge Porteous for any crime.

Permit me to repeat: Judge Porteous had agreed to waive the statute of limitations to allow the government to bring a criminal charge against him. He decided that it would not be appropriate for a Federal judge to rely on the statute of limitations to protect himself from criminal charge. He signed three waivers to permit those charges, even though they could have been blocked under the statute of limitations.

The Department of Justice then investigated and found insufficient evidence to bring a charge of any kind—big or small—against Judge Porteous. In declining to prosecute, the DOJ specifically cited a host of rather fundamental problems in bringing such a case. It said that it did not believe it could carry the burden of proof, it did not believe it could secure a verdict of conviction from a jury, and that there was a general lack of evidence to show "mens rea and intent to deceive." That only left the soon-to-be-rejected theory of honest services, without a specific charge of bribery or kickback.

The House's gamble failed in June when the Supreme Court issued its trio of decisions, led by the Skilling v. United States decision, where the court directly—and by the way, unanimously—rejected the theory of the underlying article I. The court expressly held that absent specific allegations of a bribe or kickback, ''no other misconduct falls within the statute's province.'' In direct relevance to this case, the court expressly rejected the notion that ''nondisclosure of a conflicting financial interest can constitute criminal deprivation of 'honest services.' '' Nondisclosure of a conflicting financial interest: That should sound familiar because that is article I.

As noted earlier, article I does not include any allegation of a bribe or kickback. Instead, it refers to a ''corrupt scheme'' that existed when Judge Porteous was a State—not a Federal—judge. It alleges a ''corrupt scheme'' that he had with attorneys Amato and Creely. As we will address in greater detail in our closing argument, there was, in fact, no corrupt scheme. Our proof is the testimony of the House's witnesses, not our witnesses—the attorneys themselves who denied a scheme of bribery or kickback.

The greatest irony of the House's use of the honest services claim is that the very concern stated by the Supreme Court was that it was so ambiguous that it would not give citizens notice of what it is they could be charged with criminally. Yet that is the same concern James Madison raised when crafting an impeachment standard. Madison said Congress should not be able to use a standard that was so vague as to make removal easy or to rob people of knowledge of what they could be removed for.

So after the Supreme Court in Skilling rejects this very theory as so ambiguous, so vague it cannot be used in a Federal court, the House picked up that very theory and said: But we think you should use it as the basis to remove Federal officers—from Presidents to judges to Cabinet members.

Simply put: Deprivation of honest services is the modern equivalent of ''maladministration.'' Many of you know that James Madison and the Framers rejected maladministration as a standard for impeachment. By the way, they also rejected corruption. The term ''corruption'' was viewed as far too vague to allow the Members of the Senate to remove a judge on that basis. So what the House is doing is taking a standard of honest services, which was rejected for the same reason, and effectively making it a standard of the United States for the basis of removal of a Federal judge.

Since article I does not allege a bribe or kickback, it is constitutionally invalid under Skilling, and this body should not import that standard into the U.S. Constitution. While an Article of Impeachment does not have to be coextensive with a crime to be valid, an article must give fair notice of what conduct can result in removal. An impeachment speaks not just to one judge, it speaks to all judges. They need to know because they need to know that they can perform their duties without having a Damocles sword dangling over their head, not knowing if an unpopular decision will trigger removal. They deserve fair notice.

It is worth noting that after the court's decision, Senator LEAHY introduced a bill that was committee sponsored by Senator WHITEHOUSE and former Senator Kaufman to amend the Federal honest services statute in response to Skilling. That bill—known as the Honest Services Restoration Act—would revise the honest services statute to prescribe what is defined as ''undisclosed self-dealing'' by a public official.

Notably, even under the new statutory definition of honest services, the allegations in article I would not meet that standard any more than it would meet the standard under Skilling. Senator LEAHY's bill defines ''undisclosed self-dealing'' as a public official performing an official act ''for the purpose'' of benefiting either himself or others and their financial interests.

Article I doesn't allege that Judge Porteous denied the recusal motion for the purpose of benefiting himself. Indeed, the House doesn't allege that he was at that time receiving gifts from Mr. Creely or Mr. Amato. Those gifts—which we will talk about later—occurred years before. But, of course, that is not the prior and it is not the current standard. The Senate must decide if a Federal judge can be removed on the alleged claim of a corrupt scheme despite the Supreme Court ruling.

To allow such a removal would be to sever any connection between the viability of a criminal claim and the basis for the removal of a Federal judge. Indeed, it would establish a Federal judge can be removed for conduct that is demonstrably not criminal and a theory so vague it can't actually be used in a Federal court. The House made a bad gamble in Skilling. The Senate should not now make a bad gamble and a bad law.

I would like now to turn to the final motion before the Senate, which is a defense request that the Senate take preliminary votes on the numerous and separate allegations in the four Articles of Impeachment. The House managers, in drafting these articles, used a tactic called ''aggregation.'' It is not new. It has often been the subject of criticism by both Senators and scholars.

Aggregation is a method by which House Members, when drafting Articles of Impeachment, can circumvent the high vote required in the Constitution. They can essentially remove a Federal judge even though less than two-thirds of you agree on any specific allegation. This is accomplished by combining different claims in one article so that no single act is subject to a stand-alone vote. By lumping together or aggregating issues, you can secure total votes even if only 5 or 10 Senators might agree that any given act is sufficient to remove a Federal judge. That negates article I, section 3, which says ''no person shall be convicted without Concurrence of two-thirds of the members present.''

The aggregation tactic converts this exacting process into an undefined and fluid process where neither history nor the public will know what was the grounds by which you removed a Federal judge.

Let me try to explain this with an example. Let's say you go back into your deliberations and 20 of you might agree that one allegation in a particular article was worthy of removal, while another 30 might reject that allegation but agree on a different allegation as sufficient for removal. Two other groups of Senators of 10 might focus on a third and fourth allegation. When it came to the final vote, you would have 70 Senators voting for removal even though no more than 30 actually agree on what should be the basis for removal—what actually satisfied the constitutional standard.

One does not have to be a strict constructionist to see the violence that approach does to the express language of the Constitution. Honestly, do Members of this body believe the Framers would establish a two-thirds majority vote to remove a Federal judge but allow a House to simply aggregate and achieve that with just 20 or 30? The Framers of the United States might have been many things, but they were not stupid and they were not frivolous. They created a two-thirds vote for a purpose. They wanted two-thirds of you to agree together that at least one act committed by a Federal judge is sufficient to satisfy this extraordinary measure of removal. Such aggregation of claims wouldn't even be allowed in a criminal or a civil trial. A judge wouldn't permit it. This judge wouldn't permit it.

Senators have repeatedly objected to the aggregation of claims in past cases. However, the House knows Senators are reluctant to dismiss an article that has been duly submitted by the House. It is a game of constitutional chicken. They aggregate knowing that it would be difficult institutionally to simply dismiss an article, and for that reason we are not asking you to do that. All we are asking for you to do is to take preliminary votes on the separate allegations that have been combined in these articles to assure for yourself and for history that the constitutional standard has been met.

The House itself has conceded that the Senate can, in fact, do this—and conceded it may be necessary to do this—when we last had this discussion before the committee and Chairman MCCASKILL. Congressman SCHIFF stated at that time:

The Senate can, when it deliberates, say we want to have a separate vote internally

on each of the facts that are alleged in article I, on each of the facts that are alleged in article II. You can make that decision and, if the vote internally is that you don't agree, and you have a further discussion and say, well, unless we agree on these pieces we don't think the conduct rises, you can make that decision.

You will find that quote on page 1861 in the green books before you. Congressman SCHIFF further noted that:

You will have every opportunity when the evidence is provided to you to vote on it in any way, shape or form you decide. Nothing we do here will prejudice that.

Later in the hearing, when Senator KLOBUCHAR asked Congressman SCHIFF whether ''we could decide on our own to individually vote on each one or both of them as a group, and would we be allowed to do that,'' Congressman SCHIFF said ''That's exactly right, Senator.''

I commended Congressman SCHIFF because I believe that is an honorable and correct position. We would encourage, however, that those votes be made public. I say this not as much for the interest of my client as in the interest of history. What you say this week will speak to the remaining judges on the bench, and you should speak clearly as to what you think is sufficient to remove a Federal judge.

I also want to mention that the need for clear records is particularly important in this case because there was no criminal trial in this case. This is the first modern impeachment to come to you as a body without a prior trial and, more important, a prior trial record so the evidence, the witnesses in this case were not subject to the procedures and review of a criminal case. It was raw evidence that came in. For that reason, you will be the first to evaluate this evidence in terms of an impeachment that did not occur in a criminal case, and we believe that in light of that, you should take particularly strong steps to isolate what it is that will be the basis for removal or acquittal.

I have to point out that the problems of the House were unnecessarily created by itself, not by this body and not by the defense. The House decided to abandon good practices in the drafting of articles, good practices that were applied in prior cases. For example, in the Hastings impeachment case, where some of you, in fact, were involved, if you recall, there were 17 Articles of Impeachment. Each of those articles isolated one false statement that Hastings allegedly made. Articles II through XIV were all short and they were largely identical. The first and third paragraphs of those articles were, in fact, identical. The only difference was the specific false statement. The House did that so you would have the opportunity to say—to vote whether you believed this was a false statement and whether that specific statement justified removal. That has been the approach of the House in prior cases.

It is correct, and I believe the House is likely to mention, there are some prior cases that have multiple claims, but those are different from an aggregation case. As I mentioned before, on some occasions, the House has submitted to you what is called a catchall provision, so what they would do is they would have, for example, six articles of impeachment, with specific acts that they believed should be subject to removal, and then the seventh article was a catchall article that combined all the previous alleged acts. The difference between this and a catchall provision is that you or, in this case, your predecessors had the ability to vote on those first six claims so you knew as a body if in fact two-thirds of you agree that any of those prior six actually did occur and actually did constitute removable conduct. That is not the case with aggregation.

What we are suggesting today is a simple process that we believe would protect the constitutional standard in this body, not just in this case but in the future. We have suggested that you simply vote preliminarily, as was discussed with Congressman SCHIFF, on each of these insular allegations. If you look at our motion, we have laid them out. There is not a great number in each of the articles. But you could vote simply on those specific allegations and determine if two-thirds of you agree that, first, they occurred and that you believe they would be the basis for removal.

You would then vote on the article as a whole, in compliance with rule XXIII. Rule XXIII requires you to take a final vote on an article that has not been divided. But by the time you took that vote, you would know whether the standard of the Constitution had been satisfied.

As we note in our filing—and I will not take your time by quoting them again—many Senators have objected to the aggregation of claims in history. In the Archbald indictment, for example, George Sutherland of Utah objected to his colleagues and stated, in exasperation: ''I cannot consistently vote upon this article one way or the other,'' because of aggregation.

The PRESIDENT pro tempore. The Chair would like to advise you that you have consumed 40 minutes.

Mr. TURLEY. Thank you very much, Mr. President. As a law professor, I am trained to speak in 50-minute increments. I will try to wrap-up.

In conclusion, I ask that the Senate adopt this simple approach to deal with aggregated claims. We have suggested this way to deaggregate the claims. We believe it is useful, not in just this case but in future cases.

We would like to reserve the remainder of our time for rebuttal.

Thank you very much.

The PRESIDENT pro tempore. I thank you very much. The Chair has not received any written questions. Accordingly, the Senate will now hear from Representative SCHIFF in opposition to the motions.

Representative SCHIFF.

Mr. Manager SCHIFF. Mr. President, Members of the Senate, I am Representative ADAM SCHIFF of California. I am joined by fellow House managers BOB GOODLATTE of Virginia, JIM SENSENBRENNER of Wisconsin, and HANK JOHNSON of Georgia, as well as our counsel, Alan Baron, who has been assisted by Mark Dubester, Harry Damelin, and Kirsten Konar.

When the impeachment trial began in this case some weeks ago, we acknowledged the historic significance of an impeachment proceeding and how rarely they are undertaken. This is for good reason. The overwhelming majority of men and women appointed to the bench have great integrity and uphold the enormous trust the public places in them. Very seldom does someone corrupt get nominated for the bench and, in those cases where a significant problem is discovered during the confirmation process, most withdraw from further consideration or their confirmation is denied. It is very rare that a corrupt official is nominated and his corruption escape discovery until after he is appointed, but it does happen. It happened here with the appointment of G. Thomas Porteous, who is not only a corrupt State judge but would become a corrupt Federal judge as well.

By means of the impeachment and removal process, the Framers of the Constitution sought to protect the institutions of government by allowing Congress to remove persons who are unfit to hold positions of trust. As Alexander Hamilton noted when referring to jurisdiction to impeach an official in Federalist 65: ''There are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust.''

The charges against Judge Porteous here, in the view of the House of Representatives, are precisely that, abusive and violative of the public trust, and he must be removed.

As a Federal district judge in New Orleans, the first proceedings against Judge Porteous began before a disciplinary panel of the Fifth Circuit Court of Appeals. After taking evidence and conducting 2 days' worth of hearings in which Judge Porteous testified under a grant of immunity, the Fifth Circuit concluded that Judge Porteous's misconduct ''might constitute one or more grounds for impeachment'' and referred the matter to the judicial conference of the United States headed by Chief Justice Roberts. The Chief Justice, in conference, also concluded that impeachment may be warranted and referred the case against Judge Porteous to the House of Representatives. The case was also recommended for potential impeachment by the Department of Justice which, in part, because the statute of limitations had run on many of Judge Porteous's offenses, felt that impeachment might be the more appropriate remedy.

Although Judge Porteous signed an agreement when in discussions with the Justice Department, it did not reset the clock on the vast majority of

potential charges, from the kickbacks from the lawyers or the bail bondsmen, corrupt activity, which were already time-barred from prosecution. In the House Judiciary Committee, we undertook a thorough investigation, interviewing a great many witnesses, taking depositions, acquiring documents never found by the Justice Department, including the very revealing transcript of the recusal hearing in the hospital case mentioned by my opposing counsel, where Judge Porteous so grievously misled and deceived the parties. At the conclusion of our investigation, the Committee considered carefully whether Judge Porteous's conduct was so morally repugnant, so violative of public trust, and whether he had so demeaned himself in office that he was guilty of high crimes and misdemeanors and should be removed from the bench.

Unanimously, the committee concluded he was guilty of high crimes and misdemeanors and must be impeached.

Our committee then studied the very issues implicated in this morning's three motions to dismiss. We considered carefully how many articles should be crafted, whether his conduct naturally divided itself into coherent schemes and, if so, how many, so as to give the public clear knowledge of what he was charged with and to give Judge Porteous a fair opportunity to defend himself and to give the Senate clear articles to vote upon. We concluded that the judge's conduct could be divided quite logically into four parts: One article based on his corrupt scheme with the lawyers, one article based on his corrupt scheme with the bondsmen, one based on his false bankruptcy petition, and one based on his deception of this very body, the Senate. We did not wish to pile on charges against Judge Porteous by dividing any of these articles into unnatural pieces, something a prosecutor might refer to as ''loading up'' an indictment.

There were other charges we considered as well, the evidence of which was introduced at trial, such as his many serious false statements on mandatory judicial disclosure forms, but opted instead to introduce that as evidence of his willingness to perjure himself when it suited his interests, something very relevant to both his statements to the Senate and in the bankruptcy proceeding.

The House has great discretion in how it drafts an Article of Impeachment, which is why the Senate Impeachment Trial Committee in this case ruled against precisely this same motion counsel makes only 2 months ago, finding that the schemes charged were very straightforward.

We also considered whether a charge of a violation of a specific criminal statute, that the judge violated 18 U.S. C, section X,Y or Z, but rejected that approach. Most impeachments do not charge specific crimes, some charge no crimes at all, and impeachment precedent is very clear—no particular statute need be referenced, only the conduct that constitutes a high crime or misdemeanor, which is why, as I will explain later, Judge Porteous's motion to dismiss article I, claiming that it charges a violation of 18 U.S.C. section 1346, is so fatally flawed. The article charges no such violation of that statute and, indeed, makes no reference to that code section whatsoever.

The House Judiciary Committee considered how to view the illicit conduct of Judge Porteous, not only while he was on the Federal bench but prior to his appointment, and, indeed, during the very confirmation procession itself. We concluded we could not ignore the judge's corrupt prior conduct or his conduct during the confirmation because it was so interwoven with his corruption on the Federal bench. His deplorable handling of the hospital case while a Federal judge, his lies during the recusal hearing, his hitting up the lawyers for cash—the very reason the lawyer was brought into that hospital case to begin with. Although all that conduct occurred while Judge Porteous was on the Federal bench, none of it can be fully understood without considering the judge's prior conduct in relationship with those same attorneys.

It was also the unanimous view of the Judiciary Committee that, whether a high crime or misdemeanor occurs before or after someone is appointed to the bench, if it is such a violation of the public trust that the institution of the judiciary will be harmed, that the public will lose confidence in the decisions of the court and of that judge, then he must be impeached. To reach the opposite conclusion would be to countenance a continuing injury to the judiciary, which would be forced to retain judges proved to be corrupt. Even where a judge is indicted and convicted on conduct that occurred before his appointment, the Senate would be powerless to remove him from office or from lifetime salary though he sits in prison. Nothing in the language of the Constitution or 200 years of precedent supports such an absurd result.

This was the unanimous view not only of the House Judiciary Committee, but when the matter was brought before the full House, it was the unanimous view of that body as well.

The Senate can decide to convict Judge Porteous on articles I, II, and III on the basis of corrupt conduct on the Federal bench alone, if it chooses—and count 4 addresses the concealment and false statements to the Senate during the confirmation itself—or the Senate may, as I will discuss later, convict Judge Porteous on the basis of his prior conduct as well consistent with the Constitution, with precedent, with a considered opinion of experts, and with sound public policy reasons as well.

But first, let me turn to each of the judge's three motions. In considering Judge Porteous's motions to dismiss, let me begin with a discussion of his arguments that the charges against him are improperly aggravated. In order to do so, it may be useful to provide a brief summary of the evidence charged in each article so that the full Senate can see, just as the Senate Impeachment Trial Committee concluded, that the House was well within its discretion in how it drafted the articles. Each contains a coherent scheme of conduct giving the judge, the Senate, and the public a clear understanding of the charges against him, and the motion must be denied. It is also worth pointing out, as the Senate Impeachment Trial Committee report demonstrates so clearly, none of the really salient facts in this case are in dispute.

Article I. Article I alleges and the evidence at the trial has now established that Judge Porteous, while a State judge, initiated and implemented a corrupt kickback scheme with attorney Robert Creeley and his partner, Jacob Amato. The essence of the scheme was that Judge Porteous, in his judicial capacity, assigned curatorship cases to Creeley, and thereafter the firm of Amato & Creeley gave Judge Porteous approximately half of the legal fees generated by those cases. A curatorship is a small case where the appointed lawyer represents a missing party and has to do some minor administrative work. The payments to the judge were always made in cash, as Amato testified at trial, to avoid a paper trail. Contrary to what counsel has just represented, Amato testified that it was a classic kickback scheme.

Prior to Judge Porteous's initiation of this curator kickback scheme, he had asked Creeley for small sums of money from time to time. Creeley gave him the money until Judge Porteous asked for larger amounts—$500 or $1,000 at a time. At this point, Creeley balked. It was then that Judge Porteous began assigning Creeley the curatorships and seeking the cash back from Creeley and his partner, Amato.

The evidence is undisputed that Judge Porteous assigned Creeley over 190 of these cases from 1988 to 1994, resulting in fees to the firm of about $40,000. Both Creeley and Amato independently estimated they gave Judge Porteous a total of about $20,000 in cash. They both testified that they understood that the cash they gave Judge Porteous was funded by these curatorships.

By initiating and implementing this curatorship kickback scheme, Judge Porteus abused his position of trust as a judge by corruptly taking actions in his official capacity designed and intended to enrich himself. This is judicial misconduct and abuse of power, and it is most venal. But this was only the beginning of Judge Porteous's egregious misconduct. It gets worse.

Thereafter, when Judge Porteous became a Federal judge, he presided over a complex, high-stakes, nonjury case. You will hear it referred to as the Liljeberg case, the hospital case.

Amato enters his appearance in this case as an attorney for the Liljebergs. Even though this case has been around for years—tens of millions are at stake—he enters the case 6 weeks before trial.

When opposing counsel filed a motion to recuse Judge Porteous, because he was concerned about the late introduction of this attorney, seeking that Judge Porteous reassign the case to another judge based on what counsel understood to be the judge's close relationship to Amato, Judge Porteous deliberately misled counsel and the parties, concealing his previous corrupt financial relationship that had existed between himself, Amato, and Creeley.

In fact, Judge Porteous did something much worse. The transcript of that hearing was truly revealing and sets forth a series of misleading statements, half-truths, and outright lies by Judge Porteous. As but one example, Judge Porteous steered the colloquy of a discussion of whether Amato had ever given Judge Porteous campaign contributions. In that discussion, Judge Porteous stated:

> The first time I ran, 1984, I think is the only time when they gave me money.

That statement was clearly false and deceptive and concealed many thousands—indeed, tens of thousands of dollars—in cash that Amato and his partner had given Judge Porteous.

Judge Porteous denied the recusal motion, and the order was appealed. The court of appeals, based on the false record Judge Porteous had created, affirmed the denial. So counsel for the other party, Lifemark, was unwillingly forced to represent his client against an opposing counsel who had given Judge Porteous thousands of dollars as part of a corrupt scheme.

In one of the most appallingly corrupt acts among many by Judge Porteous, after the case is tried but has not been decided—and again, a nonjury case; the judge is the trier of fact as law—the judge solicits and receives a secret cash payment of $2,000 from Amato.

Amato would testify during the Senate trial that it was the worst decision of his life and would acknowledge that he worked on this case for 2 years, stood to make $500,000 to $1 million in fees if he prevailed, and if he lost, he would make nothing, and that this was one of the reasons he gave the judge the cash—because the judge was presiding over this very important case.

Judge Porteous decides the Liljeberg case very favorable to Amato's client. This decision is later reversed in scathing terms by the U.S. Court of Appeals for the Fifth Circuit in an opinion by the appellate court which characterized Judge Porteous's central rulings as ''inexplicable,'' ''apparently constructed out of whole cloth,'' and ''close to being nonsensical.''

Not until the case was long over and the parties had moved on would they learn that the lawyer for the prevailing side at trial had given the judge thousands in secret cash.

That is article I.

Article II alleges and the evidence has shown that Judge Porteous, while a State judge and extending into his tenure as a Federal judge, had a corrupt relationship with local bail bondsman Louis Marcotte and his sister Lori Marcotte. The essence of the relationship was that Judge Porteous would take official acts to financially benefit the Marcottes by setting bail in amounts that they requested to maximize their profit—not in the best interest of the public, not what was necessary to secure the defendant's appearance in court but would maximize their profit. In addition, he would set aside the criminal convictions of the Marcottes' employees.

The way the bond arrangement worked was this: Louis Marcotte would interview the defendant and their family to figure out the most expensive bond they could possibly afford and would ask Judge Porteous to set the bond at precisely this amount, and the judge would do so. If the bond was set too low, below what the family could afford, Marcotte would lose money. If the bond was set too high, then the defendant could not use Marcotte at all, and Marcotte would lose money. It had to be set just right to maximize their profit. And Judge Porteous was their go-to bond-setter.

Although other judges would later go to jail for precisely this same relationship with the Marcottes, Louis Marcotte testified at the Senate trial that no one—no one did more for them than Judge Porteous. And Marcotte said further that the more they did for Porteous, the more he did for them.

The Marcottes supported Judge Porteous's lifestyle in numerous ways. In response to Judge Porteous's request, they frequently took Judge Porteous out to expensive restaurants, paying for his food and copious amounts of liquor. They sent their employees to pick up his cars at the courthouse, repair them, fill them up with gas, detail them, and leave buckets of shrimp or bottles of liquor in them when they were done. They sent their employees to his house to do home repairs, where they spent 3 days repairing 85 feet of damaged fence—digging the holes, laying the concrete, picking up the fence boards, doing the construction. And they paid for one or more trips to Las Vegas for the judge and his secretary.

As we proved during the trial, Judge Porteous was also asked by Louis Marcotte to expunge or set aside the felony convictions of two Marcotte employees so they could be licensed as bail bondsmen. Judge Porteous obliged but, significantly, told Marcotte that he would not set aside one of the convictions until after Senate confirmation of his position as a U.S. district judge because Judge Porteous did not want to jeopardize what was, in the judge's words, his lifetime appointment. In essence, Judge Porteous told Marcotte that he would set aside the conviction but that he needed to hide the corrupt relationship from the Senate. In fact, this is exactly what he did. Shortly after Senate confirmation but before he was sworn in as a Federal judge, Judge Porteous did, in fact, set aside the conviction of Marcotte's employee. It had to be done precisely then, after confirmation, so you would not learn about it, but before he was sworn in because once he was sworn in, it was too late, he could no longer expunge the conviction.

What the articles allege and the evidence establishes is that this was a classic quid pro quo relationship between a judge with his hand out and a corrupt bondsman who was willing to pay for what the judge could do for him.

Judge Porteous's corrupt relationship with the Marcottes did not come to an end after Judge Porteous became a Federal judge, although he no longer had the power to set bonds or expunge convictions for the Marcottes. The Marcottes continued wining and dining Judge Porteous because they needed his help to recruit a successor—other State judges—to assume Judge Porteous's former role in setting bonds at the amounts necessary to maximize their profits. Once again, Judge Porteous agreed, meeting with State judges and vouching for the Marcottes and using the prestige and power of his office to foster these new, corrupt relationships.

One of the judges Porteous helped the Marcottes recruit while he was a Federal Judge was a State judge named Ronald Bodenheimer. Bodenheimer testified that he did not hold Louis Marcotte in high regard and would not deal with him because he had a low regard for Marcotte's character and believed he was a drug user. Bodenheimer testified that when Judge Porteous vouched for Marcotte's integrity, it was critical to his decision to form a relationship with Louis Marcotte.

Judge Bodenheimer would later be convicted and incarcerated on Federal corruption charges, in part because of his corrupt relationship with the Marcottes, setting bonds in the amounts they requested in return for financial favors. Both the Marcottes also would plead guilty to corruption charges premised on these same relationships.

Now let me turn to article III.

By 2001, Judge Porteous had close to $200,000 in credit card debt, a substantial portion of which resulted from his gambling problem. For years, Judge Porteous had dishonestly concealed his debts and the extent of his gambling by filing false annual disclosure forms.

Ultimately, in March of 2001, Judge Porteous filed for bankruptcy. His filings were replete with dishonest representations. First, to conceal his identify, Judge Porteous filed and signed the petition under penalty of perjury using a fake name: G.T. Ortous. Further, just a few days prior to filing, as part of his plan to conceal his identity,

he obtained a post office box which he listed as his residence on the bankruptcy petition. He concealed assets so he could gamble, such as a $4,100 tax refund, even through the bankruptcy form asked him specifically whether he was expecting a tax refund. He concealed a money market account that he used the day before filing bankruptcy and that he used while in bankruptcy to pay for his gambling. He lied under oath about preferential payments to creditors, particularly casinos. He falsely denied under oath having gambling losses in response to a question on the form that asked just that. He had his secretary pay off a credit card account shortly before filing and then failed to report the transaction.

After the bankruptcy judge issued an order confirming Judge Porteous's chapter 13 plan, which prohibited him from incurring new debt without permission, Judge Porteous violated the order by secretly incurring additional debt at several casinos and by obtaining and using a new credit card, all without the permission of the bankruptcy trustee.

In sum, his bankruptcy was replete with deliberately false statements made under penalty of perjury in an effort to avoid public disclosure of his bankruptcy and his gambling problem.

Now, let me turn to article IV.

I previously mentioned that while he was a State judge, Judge Porteous had corrupt schemes going on with attorneys Amato and Creeley and with the Marcottes. How, then, did he ever get confirmed in the first place?

Article IV alleges and the evidence establishes at Judge Porteous repeatedly lied to the Federal Bureau of Investigation and to the U.S. Senate in responding to questions posed to him as part of the confirmation process on no less than four occasions—particularly in response to the very questions that would have required that he disclose his corrupt relationships with Creely, Amato, and the Marcottes. He was interviewed twice by FBI agents, and filled out two separate questionnaires, one of which was sent directly to the Senate Committee on the Judiciary.

There is perhaps no question more important of an applicant for a Senate-confirmed position than that which seeks information concerning the candidate's integrity. Judge Porteous's responses to these questions were false given his corrupt relationship with attorneys Amato and Creely and his corrupt relationship with the Marcottes and their bail bond business.

There is a wealth of evidence that makes clear that Judge Porteous understood the questions as calling for his disclosure of his corrupt relationship with the Marcottes. Most critically, as I mentioned, in the summer of 1994, Louis Marcotte asked Judge Porteous to set aside the felony conviction of one of his employees named Aubry Wallace—a Marcotte employee who had taken care of Judge Porteous's cars and had performed house repairs for Judge Porteous. Marcotte testified that Judge Porteous responded to Marcotte's request by telling Marcotte:

> Louis, I am not going to let Wallace get in the way of me becoming a Federal judge and getting appointed for the rest of [my] life. . . . Wait until it happens, and then I'll do it.

In short, Judge Porteous would set aside the conviction as Marcotte requested, but he would hide that act from the Senate so as to not jeopardize his confirmation. Judge Porteous knew that he had to conceal his corrupt relationship with Marcotte if he had any hope of being confirmed as a U.S. District Judge—and that is exactly what he did.

Almost all of the salient facts in this case I have just mentioned are not seriously contested. In connection with article I and his relationship with Creely and Amato, Judge Porteous admitted the critical facts during his sworn testimony before the Fifth Circuit—where he was given immunity from the use of his testimony in any criminal proceeding He admitted Creely gave him money and then balked at continuing to do so. He was asked about the curator moneys, and he admitted sending the curatorships to Creely and getting cash from Amato and Creely after he assigned them the curatorships. Though he will not call it a kickback, Judge Porteous does not deny getting the cash back from the attorneys after sending them the curatorships.

When he was asked how much money he got back from Creely and Amato during the Fifth Circuit proceedings, his answer was: ''I have no earthly idea.'' I have no idea. Not ''I didn't get the money''; not ''I don't know what you're talking about.'' but in terms of how much: ''I have no idea.'' The payments of cash to Judge Porteous occurred so often and for such a prolonged period of time, he could not, or would not, estimate how many thousands of dollars he received from them.

Does he admit getting the $2,000 in cash in an envelope after soliciting it from Amato during the pendency of the Liljeberg case? Yes, he admits to that in the Fifth Circuit. He takes issue, strangely enough, with the envelope itself. He can't remember whether the money was delivered in bank envelope or a regular envelope, but he doesn't deny getting an envelope with cash during the pendency of this multi-million-dollar litigation. He doesn't renember whether he got it personally or whether he sent his secretary to pick it up, but he doesn't deny getting the cash.

The record is absolutely clear that Judge Porteous did not disclose his receipt of curatorship money when he was asked to recuse himself from the Liljeberg case. He admits filing bankruptcy under a false name, saying only it was his lawyer's idea. He admits not disclosing his pending income tax refund on the forms as required. He admits not disclosing his gambling losses on the forms as required. He admits not disclosing a bank account he used for gambling. And as to the Judge's false statements to the FBI and Senate, the defense's own expert testified that if the judge had received kickbacks while on the State bench, and if he had a corrupt relationship with bail bondsmen, he would have understood that this must be disclosed in answer to the questions he was asked by the FBI and the Senate.

These were the facts the House considered in unanimously approving four articles of impeachment. The House determined that the corrupt conduct by Judge Porteous fell into four discrete schemes, one involving his corrupt relationship with Amato and Creely, another pertaining to the Marcottes, a third reflecting his false filings in bankruptcy, and the final concerning his deception of the Senate and the FBI.

Notwithstanding the historic precedent of giving the House broad discretion in the drafting of articles of impeachment and the plain logic of this division, Judge Porteous complains that the articles contain allegations that, in counsel's words, are improperly ''aggregated.'' The Senate has never ordered an article passed by the House to be divided up according to the accused's desires, or required multiple votes on an article, a proposal prohibited by the Senate's own rules.

Unlike his motions to dismiss articles I and II, this motion was heard and decided by the Senate Impeachment Trial Committee on the merits, which rejected it completely.

Judge Porteous claims that the structure of the Articles of Impeachment aggregates a series of a disparate allegations. He argues further that the Senate should dismiss all of the articles in its pleadings or, in so many words, vote on each separate factual predicate claim within each article. Judge Porteous mischaracterizes the articles in this case, and misstates the impeachment precedent on this issue. There is no basis for granting the relief he seeks, and the motion should be denied.

First, as a factual matter, the articles simply do not contain a series of unrelated, discrete acts as Judge Porteous contends. Each article describes a course of conduct in pursuit of a unitary end, pursued through a combination of means. Article I describes Judge Porteous's improper conduct while presiding over the Liljeberg case, arising from his concealed corrupt financial relationships with attorneys Creely and Amato; article II describes Judge Porteous's corrupt relationship with Louis and Lori Marcotte and provides the details of what he received from them and what he did for them; article III describes the numerous dishonest acts and false statements under oath by Judge Porteous to deprive his creditors and the bankruptcy court of the truth surrounding his financial circumstances; and article IV

describes Judge Porteous's false statements during the confirmation process when he concealed his corrupt relationships with attorneys Creely and Amato and the Marcottes. Even though each of these separate schemes comprised discrete acts, each article describes a single coherent scheme.

Second, as such, each of the articles easily withstand scrutiny under long-settled Senate precedent. The Nixon Impeachment Committee ruled that Articles of Impeachment are properly framed if they give ''fair notice of the contours of the charges against the judge and (2) contained an intelligible, essential accusation, thus providing a fair basis for conducting the evidentiary proceedings.''

There is no reason for the Full Senate to set aside the analysis and decision of the Senate Impeachment Trial Committee in this case, which found the Nixon standard persuasive and consistent with the Constitution and ruled that ''Each of the four Articles against Judge Porteous meets the Nixon standard.'' In reaching this conclusion, the committee summarized the articles, and stated: ''Each Article provides Judge Porteous with fair notice of the contours of the charges against him and makes clear, intelligible allegations.''

Each article contains a series of factual allegations comprising the charged ''course of conduct'' that constitutes that article. Although the requirements for how a count is charged in a criminal indictment do not apply in an impeachment, we think that Senator WHITEHOUSE—a former U.S. Attorney—got it right when he said during the proceedings:

> Let's say you were looking at a case say involving a scheme and artifice to defraud, and a whole bunch of conduct is alleged in that particular scheme and artifice to defraud. The jury doesn't have to agree on every single piece of that having been done; they have to look at the evidence and conclude ['']yep, based on what we see, we do see a scheme and artifice to defraud in this particular case.['']
>
> Isn't that the case here, as well? Because the course of conduct [is] integrated enough [it] can fall within the general impeachment standard of high crime and misdemeanor?

That analysis hits the nail right on the head—each of the four articles describes integrated schemes, integrated courses of conduct. Looking at article I, for example, defense counsel argues in his brief that the recusal hearing alone should be three separate counts—one stating the recusal motion was improperly denied, another charging that during the recusal hearing he should have disclosed the kickbacks from Creely and Amato, and a third, that he made false and misleading statements during the same recusal hearing. One hearing—three articles. Had we charged it the way counsel suggests, is there any question in your mind that counsel wouldn't be here before you today arguing that the House improperly disaggregated one corrupt scheme to pile on three separate charges?

In fact, none of these articles constitutes what in the past has been occasionally referred to as an ''omnibus'' article—where articles involving discrete spheres of misconduct are joined in a single article. Had we drafted a fifth article, that set out his relationship with Amato and Creely, and the Marcottes, and the bankruptcy and the deception of the Senate and said that because of all these acts together he should be removed, that would be considered an omnibus article. The House chose not to do so, although we note that the House has frequently returned omnibus articles summarizing the prior counts, and the Senate has not only deemed them proper but repeatedly voted to convict on such omnibus articles.

Judge Porteous has suggested that the consideration of the articles as drafted is unfair or would lead to confusion. According to Judge Porteous, Senators would not really understand what they were voting on in voting to convict. This, however, is hardly a serious contention. In article I, there is no credible reason to believe that a Senator would not convict unless he or she were satisfied with the core factual theory set forth in that count, and the same as with articles II, III, or IV.

Counsel for Judge Porteous has argued that the cases of Judges Hastings and Archbald support his claim, pointing to the comments of some individual Senators. But as the Senate Impeachment Trial Committee in this case so correctly pointed out: ''This, however, was not the adopted view in either instance as both judges were convicted on the aggregated articles.'' So in both the cases cited by counsel, the Senate voted to convict on the omnibus or aggregated articles.

Judge Porteous's arguments are no different, in substance, to those raised in the Hastings impeachment. In that case, there was a parliamentary inquiry as to whether, in order to find Judge Hastings guilty, a Senator had to find that he committed each of the four allegations in a given article. The President pro tempore of the Senate responded:

> This is for each Senator to determine in his own mind and in his own conscience and in accordance with his oath that he will do impartial justice under the Constitution and law. It is the Chair's opinion, if the Senator in his own conscience and based on the facts as he understands them determines that, in any one of the paragraphs, Judge Alcee L. Hastings has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States, he should vote accordingly.

And so it is here. It certainly is not necessary for the Senate to proceed sentence by sentence or paragraph by paragraph, so long as you are able to find, based on the facts as you understand them, that Judge Porteous, by his conduct in the given article, has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States.

The alternate request of counsel, to require multiple votes on each article, was also rejected by the Senate Impeachment Trial Committee and should be rejected here. As the committee ruled: ''The impeachment Rules do not permit Judge Porteous's suggestion that the Senate vote separately on the individual impeachable allegations within each Article. Impeachment Rule XXIII states that an article of impeachment 'shall not be divisible for the purpose of voting thereon at any time during the trial.' ''

Now, let me turn to Judge Porteous's motion to dismiss article I. Judge Porteous acknowledges in his written pleadings, that for the purpose of this motion all the facts alleged in article I should be accepted as true. Judge Porteous urges the Senate to dismiss article I on three grounds—first, that it charges a violation of title 18, U.S.C. section 1346, the mail and wire fraud statute, claiming that under the Supreme Court's decision in Skilling, an honest services claim cannot be made under that code section. Second, he argues that Judge Porteous could not have known that taking kickbacks, lying during a recusal hearing, or soliciting thousands in cash from an attorney with a case before him could constitute grounds for his impeachment. Most remarkably, he claims that he did nothing wrong and that taking secret cash from an attorney whose case is under submission in your courtroom is, at most, only an appearance problem. It is just such an argument which demonstrates his unfitness for the bench.

First, as to his ''honest services'' argument it is helpful to provide some background on what an honest services charge is in a criminal case. 18 U.S.C. Section 1346 and 7 are the wire and mail fraud statutes. Under those laws, a defendant in a criminal case can be charged with defrauding someone of money, property or honest services. Judge Porteous argues here that he has been charged with a violation of the mail and wire fraud statutes, and if this were a criminal case, he would seek to dismiss the charge on the basis that it did not adequately set out a crime under that statute. The problem with the Judge's argument is that he is not charged with mail or wire fraud under section 1346 or 7, this is not a criminal case, and even if it were, he would still lose under the very case he cites—for in Skilling, the Court found that you could be charged with honest services fraud in any case involving a kickback scheme.

It is plain from a reading of article I that the House has not charged, nor is it required to charge, that Porteous is guilty of mail or wire fraud in violation of title 18. The article I described by Judge Porteous's counsel bears little resemblance to the article that was actually charged in this case, which consists of six paragraphs that describe how Judge Porteous received kickbacks from attorneys Amato and Creely, how he dishonestly presided

over the Liljeberg case by concealing these kickbacks and making intentionally misleading statements at the recusal hearing, and by secretly soliciting and accepting cash from Amato while the case was pending.

Article I, despite defense counsel's claim, is not patterned after the mail fraud or wire fraud statutes—or any other criminal statute—and it does not otherwise allege a ''scheme or artifice to defraud,'' or any other language that would be necessary to charge a criminal ''honest services'' fraud offense. Article I is written in non-technical language and focuses on Judge Porteous's receipt of kickbacks and his acts of concealment of corrupt financial relationships in the course of presiding over a case. Article I concludes that Judge Porteous ''brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.'' Whether the conduct alleged in article I also violated criminal laws, or could have resulted in an indictable offense for ''honest services fraud,'' simply has no bearing on any issue before the Senate, and no plausible reading of article I as actually drafted suggests that it intended to import Supreme Court interpretations of a Federal statute.

It is for the Senate to determine whether charged conduct demonstrates that the individual is not fit to be a judge. That determination does not turn on whether the conduct at issue constitutes a Federal criminal offense. Indeed, one of the first impeachments was of a judge for drunkenness, and, for most of this Nation's history, Federal judges have been impeached, and convicted, and removed pursuant to articles that have not alleged the commission of Federal criminal offenses. As the Senate committee in this case repeatedly pointed out, this is not a criminal case. Impeachments in this country, as opposed to the British example, are not punitive in nature and threaten the judge with no loss of liberty or jail time. They are designed to protect the institution from the ill effects of having a corrupt officer destroy the public trust in that institution.

Finally, if this were a criminal case, and he were charged with mail or wire fraud, and you were judges rather than Senators, and the judge stood to go to jail rather than lose his office, he would still lose under the very precedent he cites, Skilling. Skilling, the former CEO of Enron, was charged with mail and wire fraud on the theory that he deprived shareholders of truthful information about the value of the company. The Supreme Court held, as to these counts, that if Congress wanted the statute to apply this broadly, it would need to do a better job saying so, because the charges against Skilling didn't involve bribery or kickbacks. If the scheme did involve kickbacks, as alleged in article I, the Court said the charges would be fine. As the Court stated: ''A criminal defendant who participated in a bribery or kickback scheme, in short, cannot tenably complain about prosecution under section 1346 on vagueness grounds.''

Finally, Judge Porteous argues that article I should be dismissed because it charges only the appearance of impropriety, not actual wrongdoing, as if no judge can be expected to know that he cannot receive secret cash from an attorney with a pending case, or that he cannot receive kickbacks from attorneys after sending them cases. That is truly a remarkable assertion. Judges are on notice from the day they are sworn that they may be convicted and removed if they commit high crimes and misdemeanors—that is the constitutional standard to which judges must adhere, and Judge Porteous and every other judge ought to understand that it requires a very basic level of integrity.

When Judge Porteous—or any judge—is exposed as having accepted things of value from attorneys appearing before him and then ruling in favor of the client represented by those same attorneys, he damages the judicial system and brings the Federal courts into disrepute. This is especially so here, where Judge Porteous's ruling for his financial benefactors was reversed on the central issues in the litigation, in an opinion that excoriated the judge. Whether the House proved these facts is a matter you must decide when you deliberate on the case after closing arguments. The Senate report makes clear most of these facts are beyond dispute. But accepting the allegations in article I as true, as defense counsel concedes you must for the purpose of this motion, there is no question that they set out a chargeable high crime and misdemeanor. For these reasons, Judge Porteous's second motion must be denied. Let me now turn to his motion on article II.

Judge Porteous argues that article II must be dismissed on three grounds: First, because it alleges conduct both before and after his appointment to the Federal bench and dismissal is constitutionally required as shown by the Senate's precedent in Archbald. Second, because House experts testified that a judge could never be impeached on the basis of prior conduct. And finally, because the article only alleges Judge Porteous socialized with the wrong people.

Judge Porteous, in his moving papers, again concedes that the allegations in article II, for the purpose of this motion, must be accepted as true. Those allegations are, in summary, this: That Judge Porteous, while a State judge, began a corrupt relationship with the Marcottes in which the judge solicited and accepted numerous things of value, meals, trips, home repairs, car repairs for his personal use and benefit and in return, took official actions benefiting the Marcottes, setting bail in a way to maximize their profits, expunging the convictions of Marcotte employees both before and after his confirmation for the Federal bench, and using the power and prestige of his office as a Federal judge in helping recruit other State judges to form the same corrupt relationship with the Marcottes.

As you can see, article II by its own terms charges conduct which occurred before confirmation to his Federal judgeship, after his confirmation but before he was sworn in, and after he was sworn in and while serving on the Federal bench. The conduct charged in article II, while he was a Federal judge is egregious, using the power of his office to help recruit other State judges to form the same corrupt relationship with the Marcottes that he had—a relationship these other judges would later go to jail for. We proved this at trial, but more than that, this conduct, for the purpose of this motion, and much as defense counsel may forget, must be accepted as true. Just as in article I, the Senate may convict on article II if it chooses solely on the basis of what Judge Porteous did as a Federal judge.

The only article that charges pre-Federal bench conduct alone, is article IV, which charges Judge Porteous with making false statements to the Senate and FBI during the confirmation process. Interestingly, although Judge Porteous takes other issue with article IV, he does challenge the constitutionality of the fact that only prior conduct is alleged in article IV. And in fact, as I will discuss in a moment, even defense counsel recognize that it is not only constitutional to impeach a judge on prior conduct in certain cases, but that it is inevitable as well.

The Constitution itself is silent on when a high crime of misdemeanor warranting impeachment must take place. The Constitution describes certain types of conduct for which impeachment is warranted, such as bribery or treason, but does not say when the misconduct must have been committed. Plainly, had the Framers wished to confine the time the conduct must have taken place, it would have been easy to do so. They could have provided that an officer could be removed for a high crime or misdemeanor committed while in that office. But they chose not to so limit the scope of impeachment, and for good reason.

The deliberations of the Framers who were focused on the impeachment clause make it clear that it was the institution they sought to protect from the destructive influence of an officer who violates the public trust and brings the institution into disrepute. Whether the high crime or misdemeanor occurs before or after appointment to a particular office, if the conduct of that official has brought the institution into ill repute, it stands to reason that the Framer's intended that conduct to warrant impeachment. There is certainly no indication, that in a charge such as article II, which describes conduct before, during and after

appointment, that anything in the text of the Constitution presents a grounds for dismissal.

The one precedent in which a judge was charged in a single count with both pre and post office conduct is the 1913 impeachment of Judge Robert W. Archbald. There were 13 Articles of Impeachment brought against Archbald. Six articles accused him of misconduct on the Commerce Court where he was then assigned at the time of his impeachment and trial; six accused him of misconduct on the district court—his prior judicial appointment. Article 13 set forth allegations that involved his conduct on both courts and is therefore directly analogous to both articles II in the case against Judge Porteous. And on this article, the Senate convicted Judge Archbald.

Because debate was closed during the floor vote in the Archbald impeachment, there was no formal debate or discussion about the Senate's jurisdiction to impeach over prior conduct. The Senators were not required to state their reasons for their votes, although some did. Senator Owen, for example, stated:

> Whether these crimes be committed during the holding of a present office or a preceding office is immaterial if such crimes demonstrate the gross unfitness of such official to hold the great offices and dignities of the people.

Another Senator specifically noted that he was voting not guilty on all but one of the prior court counts because he felt the evidence did not support conviction on those counts, but that his vote should not be misinterpreted as suggesting that charging prior conduct was improper. In fact, five Senators did not feel the evidence was sufficient on any count, pre or post.

More than a quarter of the Senate was absent in the Archbald case, and it is impossible to determine what motivated the votes of every Senator in Archbald. We do know that of the 68 Senators who believed there was sufficient evidence to convict on at least one count, a full 34 of them expressed unequivocally that they believed a judge should be impeached on the basis on misconduct preceding their appointment to their current position. How do we know this? Because 32 of them said so, by voting to convict on purely prior conduct, and 2 others publicly stated that they would have done so, if the evidence of guilt were stronger. Only seven expressed the view advocated by Judge Porteous.

But one conclusion is beyond question: the Senate voted to convict Archbald on the one count that most closely resembles article II against Judge Porteous and alleged conduct both prior to and during his tenure in the current office.

Defense counsel argues that constitutional experts who testified before the House Impeachment Task Force took the position that prior conduct could not be considered by the Senate as a basis for impeachment. This is a rather incredible claim, since each of the experts testified precisely to the contrary, that the timing of the misconduct was not a constitutional impediment or the standard, but rather the effect of retaining a corrupt official on the institution.

Distinguished constitutional scholars who testified before the House Impeachment Task Force were unequivocal in their views that the Constitution permits impeachment, conviction and removal of a Federal judge for pre-Federal bench conduct. They noted that the Constitution provides no limitation, and that the principles underlying the reasons for the impeachment process—protecting the integrity of the Federal judiciary—compel this conclusion.

Professor Michael Gerhardt explained in his written statement:

> Say, for instance, that the offence was murder—it is as serious a crime as any we have, and its commission by a judge completely undermines both his integrity and the moral authority he must have in order to function as a Federal judge. The timing of the murder is of less concern than the fact of it; this is the kind of behavior that is completely incompatible with the public trust invested in officials who are sufficiently high-ranking to be subject to the impeachment process.

Professor Akhil Amar stated at the hearing:

> Let's take bribery. Imagine now a person who bribes his very way into office. By definition, the bribery here occurs prior to the commencement of office holding. But surely that fact can't immunize the bribery from impeachment and removal. Had the bribery not occurred, the person never would have been an officer in the first place.

Moreover, defense counsel himself concedes in his written statement of the case to the full Senate that prior conduct can be an appropriate grounds for impeachment. In discussing a case where a judge might be indicted and convicted of a murder that he committed before appointment to the Federal bench—that was only discovered later—the defense conceded impeachment would be appropriate, writing: ''There would be little controversy about removing a judge from office who was convicted of murder during his term of office, and the precedential value of such an action would be limited.''

Nor has defense counsel taken the position that impeachment for prior conduct should be limited to cases of murder. The Senators from Illinois may recall the case of Judge Otto Kerner. He had been the Governor of Illinois before his appointment to the Seventh Circuit Court of Appeals. While on the court of appeals, he was indicted and convicted for accepting bribes while governor, long before he was put on the bench. In writing about the case of Otto Kerner, defense counsel not only asserted that Kerner could be impeached for the bribes he took as governor, but that his impeachment was inevitable. To quote Mr. Turley, ''Judge Otto Kerner, Jr., of the United States Court of Appeals for the Seventh Circuit, resigned before inevitable impeachment after he was convicted for conduct that preceded his service.

Let us assume that the statute of limitations had not barred prosecution of Judge Porteous on the kickbacks, or his corrupt scheme with the Marcottes, and like Judge Bodenheimer, he had been sent to jail based on that prior conduct. Would it be any less inevitable that he must also be impeached and removed from office?

Although Judge Porteous's counsel acknowledges the appropriateness of impeaching for prior conduct in murder, bribery, and other cases—indeed its inevitability—he evidently seeks to distinguish this case because Judge Porteous was not first convicted during a criminal trial. Of course, the Constitution does not require a criminal conviction prior to impeachment. The Framers didn't want to delegate to the Department of Justice the power to remove a judge, which would be the effect of saying it requires a conviction to remove someone on that basis. The language of the Constitution presumes, when it says that a prosecution may follow not precede impeachment, when it provides in article I, section 3 that a party convicted in an impeachment trial ''shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to our criminal law.''

In many prior impeachments, there has been no criminal trial and, in fact, in the Hastings case impeachment followed acquittal in a criminal case. So, plainly, the Constitution doesn't require a prior criminal trial or conviction to impeach, whether the conduct occurred or not.

Nonetheless, counsel argues it is unfair here, because a criminal trial would have more fully brought out the facts in the case, and provided a more detailed record. But this ignores the very full record in the fifth circuit proceeding, the depositions in this case, as well as the comprehensive trial before the Senate Committee. It is worth pointing out that during that trial, Judge Porteous has been represented not only by the very capable Mr. Turley, but at least 8 attorneys from the law firm of Bryan Cave. Moreover, this team of attorneys did not feel it was necessary to use the entire amount of time they were permitted to put on their case and simply rested. You would think, if counsel really felt that there was more to the case that needed to be illuminated, it would have used the full opportunity it was given to present witnesses.

Finally, there is a policy argument advanced by Judge Porteous, that if the Senate convicts him on the basis of conduct that occurred in part before he was on the federal bench, even though it is intertwined with his appointment and service on the bench, it will open the impeachment process to abuse by partisan interests. These partisan interests, upset with a judge's decision or

judicial philosophy, might conjure up some prior misconduct and use it to urge the impeachment of a judge.

It is true that the power to impeach a judge based on prior conduct could be abused, like any other power. If partisan interests wish to urge the impeachment of a judge whose decisions they don't like, they could just as well conjure up misconduct which occurred while the judge was on the bench, as before. The protection against that abuse rests in two places: it rests with the House to reject any impeachment charge which is a mere subterfuge for attacking a judge's decision of philosophy. And it rests here, in this chamber, where you must never remove a judge for partisan reason and erode independence of the judiciary.

Importantly, there is no allegation, no suggestion, not by defense counsel or anyone else, that this is the case with Judge Porteous. There is no claim that this impeachment is based on some illicit partisan interest.

There is a more serious consequence, however, of concluding that judges cannot be impeached for prior conduct, that confirmation is a safe harbor against all removal for all prior offenses be they undiscovered at the time. And that is the destruction to the public trust that would accompany a constitutional or policy determination that a judge who has so disgraced his office, by committing a high crime or misdemeanor, though they sit in jail, must continue to be called ''judge,'' must continue to be paid their full salary for life, and rest beyond the reach of this body.

Whether the Senate concludes that prior conduct alone should be the basis of an impeachment, article II alleges impeachable conduct that occurred not just before but while he was a Federal judge, and for the purpose of this motion to dismiss those allegations are accepted as true, this final motion must be denied.

For these reasons, Judge Porteous's motion to dismiss should be denied. I would be happy to respond to any questions.

The PRESIDENT pro tempore. Thank you very much. Mr. Turley.

Mr. TURLEY. Mr. President, I thank you for allowing me a chance to rebut some of what my esteemed colleague told you today.

I have to begin by making an observation, and perhaps you noticed what happened. We were told we were going to speak to you this morning about constitutional issues. The first thing the House did was start to go through these specific allegations against Judge Porteous, the merits of the case. Maybe I am a bit sensitive, but the way I heard it made it sound as if, if you don't like this guy, don't like what the merits say, it should influence how you read the Constitution.

As many of you know—and I believe all of you know—constitutional interpretations don't depend on how you feel about someone. It doesn't depend on how you feel about a case. It depends on how you read the Constitution. So my opposing counsel took you up 10,000 feet, had you look down at these articles, and said: Look at all the bad things we say this guy did. He is asking you to interpret the Constitution.

He is not asking you to interpret the Constitution. You are required to do that. That is your job. It doesn't matter if he was guilty of all these things. He is not guilty, and we will make that argument. That doesn't have any bearing on how you interpret these clauses.

I also have to object to the use by the House of testimony by law professors in the House proceedings. As some of you know, the House of Representatives submitted a post-trial brief that contained statements from law professors on the merits of impeachment basically telling you what you should do in this case. The committee and Chairman MCCASKILL, correctly in our view, ruled that is not appropriate. It would not be allowed in a court of law. So the House was told to redo their brief and resubmit it. The House then proceeded to introduce that very same information in today's presentation. I simply have to object.

I also have to object that, when they did so, the House didn't actually quote the law professors fully on the issue of pre-Federal conduct. Professor Omar actually dismissed it as just all that State stuff. Professor Gerhardt said nobody should be convicted of pre-Federal conduct, which completely contradicts what the House has said. The reason we objected to the inclusion of these professors—and if I could testify, I think my testimony should have been excluded—is that it is your decision. Judges don't hear experts on the merits of decisions.

I wish to actually address the constitutional issue. I will, however, take the liberty to deal with one factual assertion that the House has made because it was in direct response to something I had said. I told the Members of this body that Judge Porteous agreed to waive all the statutes of limitations that he was asked to waive. He did not think it was appropriate to stand behind the statutes of limitations. The House proceeded to suggest that he had not, that there were some statutes of limitations that he did not waive. The record will show, if you look at some of the material we have already submitted to you in our post-trial brief, that, in fact, Judge Porteous agreed to every waiver of the statutes of limitations put in front of him. He did not refuse any waiver of a statute of limitation.

When they said to him: We want the ability to charge you, even if you could block charges as to limitations, he said: So be it. I am a Federal judge. If you find crimes, charge me. Just make sure we understand this, DOJ began its investigation in the mid to late nineties. The statute of limitations on the Articles of Impeachment ran 5 to 10 years. So no statute of limitations had passed for anything he did as a Federal judge, which is what we are discussing today.

But putting that aside, the prosecutors had a problem with the statute of limitations with regard to Judge Bodenheimer, and it didn't stop them from charging. All they did was charge conspiracy and said there were ongoing acts, so the statute of limitations had to run. It wasn't even a speed bump on their way to charge Judge Bodenheimer.

Specifically, Judge Porteous waived, among others, the right to charge him with bankruptcy fraud, bribery, illegal gratuities, criminal conflict of interest, criminal contempt, false statements, honest services or wire fraud. Those were requested of him and that is what he signed. I think it would have been unfair to suggest somehow he hasn't done that.

The Senate has heard from the House that they were simply showing considerable restraint and deference to this body by aggregating counts. By aggregating counts, my esteemed colleague on the other side said that, after all, you wouldn't want us to break these up into what he calls unnatural pieces. I wish to talk about those unnatural pieces in a second. I cannot allow in the past when the House said: Do any of you doubt that if we had disaggregated, the defense would not be here today complaining that they were facing individual articles on individual claims? I will simply represent to you, if you look at the record, no one—no criminal defense attorney in history has objected to having specific defined charges. But more important, if you look at the history of this body, defense attorneys and Members of this body have objected to the aggregation that is being used in these articles.

Indeed, the House of Representatives, in Hastings, separated specific false statements so you could make a decision whether a judge gave a false statement, a specific one, before you reached your decision to remove them. Those weren't unnatural pieces. Those were stand-alone charges. Those would be in an indictment as separate counts.

My esteemed colleague also has objected that we are asking you to set up a situation where some judge is going to sit in a prison, and I believe the expression was ''force people to call him judge.'' Once again, just as the response was to go into the merits instead of constitutional issues, clearly, the light is better by directing your attention to a mythical judge sitting in a Federal prison making people call him judge. I will argue that case if you want me to. But I have to tell you, I lose. The judge cannot serve in office in good behavior in prison. I don't know of anyone who is credible who has said at any time that a judge could insist on being treated as a judge in that instance. I don't know about being called a judge, but to be a judge, that would not be possible, in our view.

I wish to address a couple points about aggregation. The House obviously walked back from Mr. SCHIFF's statement to the committee that you have the authority to do preliminary votes. That was very clear. At the time, I commended Mr. SCHIFF for that position. I have no idea what the authority is for saying that you cannot organize your deliberations any way you want. What you are required to do under rule XXIII is have a final vote on the article, and it cannot be divided. We suggest you do that. All we are proposing is that the Senate know what it is voting on, to look at the individual issues presented in these articles.

Furthermore, the House said this was already rejected by the committee. We were given a fair hearing by the committee in the pretrial motion, and I thank the chair and I thank the vice chair for that opportunity. If you look at the record, what occurred was that some Senators agreed that they had difficulties with the aggregation issue. And Mr. SCHIFF stood up and said: You don't have to decide it because you have the authority to do this. You can go ahead and make determinations on individual issues.

Some Senators raised this question, and it was ultimately not granted at that time. Instead, we have submitted it to you.

I will only submit to you that it makes no sense, honestly, for the Framers to go through the trouble of establishing a two-thirds vote requirement but allow the House to simply aggregate charges that virtually guarantees that, in many cases, two-thirds of you will not agree on the reason you are removing a Federal judge. That can't possibly be what the Framers intended because they weren't stupid men. They were very careful and deliberate men, and they set up a standard that was exacting.

The House also says: In addition to our being able to do this—to aggregate—because it would be so exhaustive to turn one article into three, even though they did that in Hastings and prior impeachment cases—that, by the way, these aren't individual claims; they are actually all related. So they do not have to be separate because the House says it wouldn't make any sense; you wouldn't understand it.

I direct your attention to article II.

In article II, Judge Porteous is accused of using his power and prestige of Federal office to assist bail bondsmen in making relationships and acting corruptly. All right, I understand that. I don't think it is an impeachable offense, seeing that ''corruption'' is the exact word Madison rejected. But still, that is a stand-alone issue. You can make a decision if that happened. I will simply say—because I will not argue the merits at this time; I was told to argue the motions—that we have very strong disagreements with the factual representations made by the House. But that is one of the claims in article II. In the same article, he is charged with knowing that Louis Marcotte, a bail bondsman from Gretna, LA, lied to the FBI in an interview.

Those are two very distinct charges. One is saying that he essentially procured someone to testify or make statements falsely, and one is that he used his office to assist in a corrupt relationship. As you can imagine, if you were standing here in my place, could you defend against both those points with the same argument? I don't think so. Those two points raise two different issues. They actually refer to two different issues in the Criminal Code.

What I am asking from you, with all due respect, is to give this judge the process you would want for yourself if, God forbid, you were accused of anything like what the Judge is accused of. Would it be fair, if you stood here accused, to have the House say: You know what, we don't have to separate allegations; we can just pile them all together because, after all, they have one thing in common: Judge Porteous.

That is not enough.

We have submitted a motion that showed no discernible connection between some of these aggregated claims, and we will leave it to that because we have limited time, and I know the Members of this body have somewhere to go, and I will try to wrap up as quickly as possible. I would simply note on the Skilling issue that if you listen carefully, the House, on Skilling, said that it is not a problem after Skilling because you can read in a kickback scheme into these articles. If you want to, you could read these facts and say: Well, that is a kickback, so Skilling applies.

Isn't the danger to that argument obvious? The Senate would be changing an Article of Impeachment. That is what they are being invited to do. The House of Representatives has the sole authority and obligation to define what it is that a judge should be removed for. It is not just their power, it is their obligation. Now the House says: Look, we are given great discretion to give you whatever we want. No one tells us what has to be in an article. We can do it because we have the authority to do it. That is true. And the Constitution gives you great authority to turn down an article from the House of Representatives. That is what you can do.

So this idea that the House would produce four articles that don't even mention bribery or kickbacks but that you can read it into those articles is unbelievably dangerous. It means you could get any article and transform it here on the floor of the Senate. You could remove someone for something the House Members did not agree should be submitted to you. Isn't that danger obvious?

The House had the opportunity to state that there was a bribe or a kickback. Bribery is in the standard. It was used by the Framers. They rejected corruption, but they put bribery in. So the question is, Are you allowed to do a do-over here on the floor of the Senate and simply ask the Members of the Senate to make the article fit like it is close enough for jazz? That is not the standard under the Constitution.

Now, the House says the Constitution is silent on when conduct has to occur in order for it to be the basis for the removal of a Federal judge. In fact, I thought I heard the House say that the Framers chose not to put in a statement in the Constitution when it occurred. Like many in this room, I have spent a lot of time with those debates—probably more than I should. I don't remember ever seeing that. My understanding is the Framers never addressed this issue, but they did address it in the Constitution. They just didn't put it in the impeachment clause. But when they defined life tenure, they said you have life tenure during good behavior. During good behavior in what? There wasn't good behavior in life. They said good behavior in office. It was a reference to the office that they held because they wanted to make sure people would not abuse their Federal office.

The life tenure guarantee under article III of the Constitution was to guarantee an independent judiciary by saying that you could not be denied life tenure as long as you served with good behavior in that office. What the House would have you believe is that the Framers would allow you—even though it refers to good behavior in office—to remove a judge for anything they did in life. Once again, does that track with what you know about article III? Does that make sense in terms of the only seven judges who were removed by this body; that all the time, it turns out that for 206 years Congress could have removed someone for anything they did in life?

Now, the House says you shouldn't be scared by the implications of all of this; that if you allow pre-Federal conduct, if you allow anything done in life to be the basis of removal of a Federal judge, don't be concerned about abuse. God knows Congress would never abuse any authority under the Constitution. And basically the argument was, trust us, we are the House. That is not what the Framers said in the Constitution. They didn't say to trust them because of the House.

And yes, you are here. The House said: Don't worry, you are here. So even if we abuse this, it has to go through you. Now, that is true. God knows this body has stopped a lot of impeachments. It has only agreed to seven removals. But is that the constitutional standard, that the House can go ahead and just impeach anyone for anything they did in life and seek the removal and hope you correct their actions?

The PRESIDENT pro tempore. The time has expired.

Mr. TURLEY. Thank you, Mr. President. And thank you, Members of Congress—Senate.

The PRESIDENT pro tempore. The Chair has received two questions for

both sides, one from Senator DURBIN and the other from Senator LEAHY.

The clerk will report.

The legislative clerk read as follows:

Senator Durbin's question to both sides: What is the standard of proof for the movant or petitioner in impeachment proceedings such as the extant case?

The PRESIDENT pro tempore. Do you wish to respond, Mr. Turley?

Mr. TURLEY. Senator DURBIN, the standard which we will be addressing when we get to the merits of the case has been subject to considerable historical debate. I will give what I believe is the weight of that historical record.

It is true that the Constitution does not enunciate a specific standard in terms of a burden of proof. We do not agree with the House that they refer to high crimes and misdemeanors as a standard. That is not a standard of proof; that is the definition of a removable offense. There is a difference.

So what we would suggest is that the Senate can look at a known standard, such as beyond a reasonable doubt. Beyond a reasonable doubt, of course, is the standard for a criminal case. The Constitution is written in criminal terms of high crimes and misdemeanors. That is one of the reasons why historically you have had these articles crafted closely to the Criminal Code. In fact, many impeachments actually took directly from a prior indictment and made the indictable counts the Articles of Impeachment.

The House has argued that standard is not necessary and too high. Well, we would submit to you—and we will certainly argue this when we get to the merits—that in the House recently, when they held a Member up for censure, they had a clear and convincing standard, that you must at least be satisfied with clear and convincing evidence. In my view, as an academic, it must be somewhere between clear and convincing and beyond a reasonable doubt.

What is more clear, Senator, is what it is not; that is, if you read the impeachment clauses, the clear message is that you can't just take facts that are in equipoise—allegations supported by one witness and denied by another—and just choose between them; that the facts have to, in your mind, go beyond a simple disagreement and be established, in our view, at a minimum by clear and convincing evidence.

The PRESIDENT pro tempore. Representative SCHIFF.

Mr. Manager SCHIFF. Mr. President, Senators, the Senate has considered and rejected the adoption of any particular standard, such as beyond a reasonable doubt. What the Senate has determined in the past in these cases is that, essentially, each Senator must decide for themselves, are they sufficiently satisfied that the House has met its burden of proof, are they convinced of the truthfulness of the allegations and that they rise to a level of high crimes and misdemeanors.

It is a decision where—and we can get into precise language the Senate has used in the past, but the Presiding Officer has instructed each Senator to look to their own conscience, to look to their own conviction, to be assured they believe that the judge in this case has committed the acts the House has alleged. So it is an individual determination, and the Senate has always rejected adopting a specific Criminal Code-based standard, such as beyond a reasonable doubt or a civil standard of convincing or clear and convincing proof because it is an individual Senator's decision.

It also reflects the fact that, as the Framers articulated, this is a political process—not political in the partisan sense but political in that it is not a criminal process. It is not going to deprive someone of their liberty. What it is designed to do is to protect the institution.

So I think the question for each Senator is, Has the House sufficiently proved the case that, in the view of each Senator, to protect the institution, there must be a removal from office? So it is an individual determination.

The PRESIDENT pro tempore. Thank you very much.

And now will the clerk read the question from Senator LEAHY.

The assistant legislative clerk read as follows:

Senator Leahy's question to both sides: The Senate Judiciary Committee requires a sworn statement as part of a detailed questionnaire by a nominee. Until this questionnaire is filed, neither the Judiciary Committee nor the Senate votes to advise and consent to the nomination. Would not perjury on that questionnaire during the confirmation process be an impeachable offense?

The PRESIDENT pro tempore. Professor Turley.

Mr. TURLEY. Thank you, Mr. President. Thank you, Senator LEAHY.

In my view, yes, that is if you commit perjury in the course of confirmation, that would be basis for removal. In fact, I believe Mr. SCHIFF made reference to perjurious statements by Judge Porteous. We will be addressing that because that is not charged.

What would have to be done is the House would have to accuse someone of perjury as in the Hastings case and have perjurious statements, and then I could stand here and tell you why there is no intent to commit perjury or why the statements were, in fact, true.

While Mr. SCHIFF referred to perjury, once again, perjury is not one of the Articles of Impeachment. And what I would caution—even though it can be, I would again caution this should not be an ad hoc process by which you can graft on actual criminal claims by implying them in language issued by the House.

The PRESIDENT pro tempore. Congressman SCHIFF.

Mr. Manager SCHIFF. Thank you, Mr. President, Senators. This essentially is what article IV is about which charges Judge Porteous with making false statements to the FBI and to the Senate during his confirmation process, and the answer is yes, absolutely. But I think what is very telling here is that counsel has conceded that, yes, if someone perjures themselves in the confirmation process they can and should be impeached but by definition that is conduct which has occurred prior to their assumption of Federal office. If someone can never be impeached on the basis of prior conduct, his answer should have been no, but plainly counsel recognizes there are circumstances where impeachment is not only appropriate but inevitable and essential. And where someone lies to get the very office that they are confirmed to, to deprive him of that office, to deprive him of the ill-gotten gain of that deception I think is not only constitutional but essential to uphold the office as well as to uphold the confirmation process itself.

The PRESIDENT pro tempore. Thank you very much. That concludes the argument on the motions.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to legislative session for a period of morning business with the Senator from Florida, Mr. LEMIEUX, recognized to speak therein for up to 15 minutes.

Senator LEMIEUX.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Tennessee.

Mr. CORKER. 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. LEMIEUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. LEMIEUX. Madam President, I rise to pay tribute to the body with which I have had the privilege of serving for the past 15 months. Being a U.S. Senator, representing 18½ million Floridians, has been the privilege of my lifetime, and now that privilege is coming to an end. As I stand on the floor of the Senate to address my colleagues this one last time, I am both humbled and grateful, humbled by this tremendous institution, by its work, and by the statesmen I have had the opportunity to serve with, who I knew only from afar but now am grateful that I can call those same men and women my colleagues.

No endeavor worth doing is done alone. And my time here is no exception. In the past 16 months, I have asked the folks who worked with me to try to get 6 years of service out of that time, and they have worked tirelessly to achieve that goal.

My chief of staff Kerry Feehery, my deputy chief of staff Vivian Myrtetus, my State director Carlos Curbelo, Ben Moncrief, Michael Zehy, Ken Lundberg, Melissa Hernandez, Maureen Jaeger, Danielle Joos, Brian Walsh, Frank Walker, Spencer Wayne, Vennia Francois, Victor Cervino, Taylor Booth, and many, many others have made our time here worthwhile, and I thank all of them. I specially thank Vivian and Maureen who left their families and gave up precious time with their children to come to Washington to support me in these efforts.

I am also thankful to the people who work in our State office. Time and time again when I travel around Florida I am encountered by people who have received such a warm reception from the men and women who serve us in Florida and help people deal with problems with the Federal Government. I am grateful for their work.

Senator MCCONNELL has provided me with opportunities beyond my expectations. He is a great leader, and I am grateful to him. Senators ALEXANDER, BURR, CORNYN, KYL, MCCAIN, CORKER, and many others have taken me under their wings and mentored me, and I am appreciative of them.

Chairmen ROCKEFELLER and LEVIN, we have had the opportunity to do great work together in your committees. I thank you for that. Senators CANTWELL, KLOBUCHAR, LANDRIEU, WHITEHOUSE, and BAUCUS, we have worked together in a commonsense way to pass legislation that is good for the American people, and I am appreciative of your efforts.

Senator Mel Martinez, who ably held the seat before me, has been generous in his advice and counsel. Senator NELSON and his wife Grace have been warm and welcomed Meike and I to Washington. I am thankful for your courtesy. I thank Governor Crist. He has afforded me tremendous opportunities for public service, and I am grateful.

I want to say a special thank you to my parents. My grandfather, in 1951, drove his 1949 Pontiac from Waterbury, CT, to Fort Lauderdale, FL, with his wife and five kids piled in the back. He didn't know anybody. He didn't have a job. But he went there to make a better life for his family. He worked in the trades, in construction. He built houses and he taught my father the same thing. And as my father worked in the hot Florida Sun, his ambition for his son was that he would one day get to work in air-conditioning. I have achieved that goal and so much more because of their sacrifice. Mom and Dad didn't go to college but they sent me to college and law school, and I will be forever grateful for what they have done for me.

My most heartfelt appreciation goes to my wife Meike. When I learned of this appointment, I met her at the door of our home in Tallahassee and she was crying. She was not just crying because she was happy; she was crying because she was worried. We at the time had three small sons—Max, Taylor and Chase, 6, 4, and 2. She knew something that others didn't know—that we were going to have another baby and that baby was born here in Washington, our daughter Madeleine.

Throughout all of my travels, she has been an unfailing support for me, I love her dearly, and I am appreciative to her.

It has been the privilege of my life to serve here, but I would not be fulfilling my charge in my final speech if I did not tell you what weighs on my mind and lays upon my heart about the direction of this country. So what I say to you now is with all due respect, but it is with the candor that it deserves.

The single greatest threat to the future of our Republic and the prosperity of our people is this Congress's failure to control spending. In my maiden speech, I lamented a world where my children would one day come to me and say they would find an opportunity in another country instead of staying here in America because those opportunities were better there. In 1 year's time that lament has proven to be too optimistic, because the challenge that confronts us will not wait until my children grow up.

When I came to Congress just 15 months ago, our national debt was $11.7 trillion. Today, it stands at $13.7 trillion. It has gone up $2 trillion in 15 months. It took this country 200 years to go $1 trillion in debt. Our interest payment on our debt service is nearly $200 billion now. At the end of the decade, when our debt will be nearly $26 trillion, that interest payment will be $900 billion.

When that interest payment is $900 billion, this government will fail. And long before that time the world markets will anticipate that and our markets will crash. This is not hyperbole; it is the truth. Not since World War II has this country faced a greater threat. Not since the Civil War has this threat come from within.

How has Congress arrived at this moment? For the past 40 years, Congress has spent more than it could afford. It has borrowed from Social Security and foreign governments, delaying making honest choices and prioritizing on what it should spend. Budgeting in Washington seems to be nothing more than adding to last year's budget. We are funding the priorities of the 1960s, 1970s, 1980s, and 1990s without any real evaluation of whether those are still good priorities and certainly not to see whether they are being done efficiently and effectively: It is as if a teenage child received not only all the gifts on their Christmas list this year but the gifts on all their Christmas lists going back to when they were three.

It is clear Congress is capable of solving this problem with business as usual. What is needed is across-the-board spending caps to right the ship. An across-the-board spending cap will necessitate oversight and require prioritization. Congress will finally have to do what businesses and families do all across this country: Make tough choices, make ends meet.

I have proposed such a cap. I have proposed going back to the 2007 level spending across the board. Was our spending in 2007 so austere that we could not live with it just 3 years later? If we did, we would balance the budget in 2013 and we would cut the national debt in half by 2020 and you would save America.

Unlike most problems that Congress addresses, this problem is uniquely solvable by Congress. Congress can't win wars. Only the brave men and women in our military, who we especially remember on this day, December 7, of all those who have served for our country in all of our wars to keep us safe and free, only those men and women can win a war. Congress cannot lead us out of recession. Only job creators and businesses can create jobs. But this problem is solely of Congress's making and uniquely solvable by this body.

What Congress should do is strengthen its oversight. The lack of oversight in Washington is breathtaking. Evaluate all Federal programs. Keep what works; fix what you should; get rid of the rest. Return the money to the people and use the rest to pay down this cataclysmic debt.

The recent work of the Debt Commission is a good start, and I commend my Senate colleagues who voted for this measure. It was courageous for them to do so.

But out-of-control spending is not just a threat because it is unsustainable; it is also changing who we are as Americans. Remember, our Founders told us that the powers delegated to the Federal Government were ''few and defined,'' the powers to the State ''numerous and indefinite,'' extending to ''all the objects which in the course of affairs, concern the lives, liberties and properties of the people.''

The current size and scope of the Federal Government is corrosive to the American spirit. The good intentions of Members of Congress to solve every real or perceived problem with a new Federal program, and the false light of praise that attaches to the giving away of the people's money, endangers our Republic. Every new program chips away at what it means to be an American, harms our spirit, and replaces our self-reliance with dependency, supplants an opportunity ethic with an entitlement culture. It is at its base un-American.

It is not the Government's role to deliver happiness. Rather, it is its role to stay clear of that path to allow our people to pursue that God-given right.

What has created our prosperity, after all, is not our government, it is our free market system of capitalism. It is through the healthy cut and thrust of the marketplace that new technologies, new jobs, and new wealth are created. Through that dynamic process some win and some lose, but it

allows all of our people, regardless of their race, gender, creed, color, or background the opportunity to succeed or fail. And it ensures for us that unique expression ''only in America'' is not just a refrain from the past but an anthem for the future.

Can you imagine the tragedy if the downfall of the American experiment was caused by a failure of this Congress to control its spending? The challenge of this generation is before you and it is not beyond your grasp. There is nothing we as Americans cannot do. We have fought imperial Japan and Nazi Germany at the same time and beaten both. We have put a man on the Moon. We have mapped the human genome. And in the spare bedrooms and garages and dorm rooms of our people, our citizens have created the greatest inventions and the greatest businesses the world has ever known, which have employed millions of people and allowed them to pursue their dreams, all in the freest and most open society in the history of man.

We are that shining city on the hill. We are that beacon of freedom. We are that last best hope for mankind upon which God has shed his grace.

President Theodore Roosevelt said that one of the greatest gifts that life has to offer is the opportunity to do work that is worth doing. I can't think of a greater gift than the work that lies before you: righteous in its cause, noble in its purpose, and essential for the prosperity of our people.

I will always cherish the relationships I have gained here and the work we have done together. God bless you, God bless the U.S. Senate, and God bless our great country.

I yield the floor.

RECESS

The PRESIDENT pro tempore. The Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.—Continued

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7]

Akaka	Coburn	Hatch
Alexander	Cochran	Inouye
Barrasso	Collins	Isakson
Begich	Crapo	Johanns
Bennet	Dorgan	Klobuchar
Bennett	Durbin	Kyl
Bingaman	Enzi	Leahy
Bond	Feingold	Levin
Brown (OH)	Franken	Lugar
Burr	Grassley	McCain
Cantwell	Gregg	McCaskill
Cardin	Hagan	Merkley
Mikulski	Sessions	Udall (NM)
Murray	Shaheen	Vitter
Nelson (NE)	Shelby	Voinovich
Nelson (FL)	Snowe	Warner
Pryor	Specter	Webb
Reed	Stabenow	Whitehouse
Reid	Udall (CO)	Wyden

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, is a quorum present?

The PRESIDENT pro tempore. A quorum is present.

The Senate will resume consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

The Chair understands that final arguments for the House on the Articles of Impeachment will be presented by Representative SCHIFF and Representative GOODLATTE. Mr. SCHIFF has asked to speak first. Mr. SCHIFF, do you wish to reserve time for closing, and, if so, how much time?

Mr. Manager SCHIFF. Mr. President, if it is permitted, after I make some brief introductory remarks, I will turn it over to my colleague, Mr. GOODLATTE, to speak. When he is finished speaking, we would like to reserve the balance of our time unless we are required to set that up in advance.

The PRESIDENT pro tempore. You may proceed.

Mr. Manager SCHIFF. Mr. President and Members of the Senate, this is a case about a State court judge from Gretna, LA, who had a gambling problem and a drinking problem, and as a result of both of those problems also had serious financial problems. He was constantly short of money.

This judge entered into a corrupt scheme with lawyers and bail bondsmen who could help him lead a lifestyle he could not otherwise afford. He sent the lawyers cases. They kicked back money from those cases to the judge, and they paid for many of his meals, his liquor, his parties, even some of his son's expenses.

He set bonds for the bail bondsmen at the amounts that would maximize their profits. He expunged the convictions of their employees, and they also paid for many of his meals, his trips, his home repairs, his car repairs, and lavish gifts.

The White House was not aware of this corrupt activity and nominated the judge to the Federal bench. The judge misled the Senate about his background, concealed the kickbacks and graft, waited until after his confirmation hearing but before he was sworn in to expunge the conviction of another bail bond employee, and falsely told the Senate that there was nothing in his background that would adversely affect his confirmation.

Unaware of what the judge had been engaged in, he was confirmed. The very reason why the information sought by the Senate was so material—whether he had a drinking problem; whether he had a gambling problem; whether he lived beyond his means; whether he had engaged in conduct that would make him the subject of compromise or coercion—was to prevent the damage to the institution of the judiciary that would be caused by putting a corrupt man on the bench.

What happened when the judge took the Federal bench was all but predictable: The corruption continued. The judge declares bankruptcy; he files with a false name and signs under penalty of perjury; he hides assets; falsely states his income; secretly takes out a new credit card; violates the bankruptcy court order by incurring new debt; he files false judicial financial disclosures stating that he has no more than $30,000 worth of credit card debt when he owes over $100,000 on his credit cards; and, most pernicious to the interests of his creditors, he keeps on gambling.

The judge is assigned a complex case and a trial that has been years in the making, pitting a hospital against a pharmacy, and worth many tens of millions of dollars. Six weeks before trial, one of the lawyers who had been paying him kickbacks in the State court is brought in at the last minute to represent the pharmacy.

The hospital smells a rat. They do not know about the kickbacks, but they are suspicious about why an attorney with no experience in the case or complex bankruptcy litigation would be brought in. So they ask around, and they do not like what they hear. They ask the judge to recuse himself and he refuses, falsely representing that he never received money from the attorneys but once, and even that was only a campaign contribution that went to all of the judges of that parish.

The case goes to trial, and is taken under submission by the judge. While he is considering how to rule, he goes fishing with the lawyer who paid him the kickbacks and hits him up for $2,000 more in cash. The two partners at the law firm put the cash in an envelope, and the judge sends his secretary to pick it up. At the law firm, the judge's secretary asks: What is in the envelope? The lawyers' secretary rolls her eyes. ''Never mind,'' the judge's secretary says, ''I don't want to know.''

The relationship with the bail bondsman is not over either. He can no longer set bonds for them, but he can help them recruit other judges who will step into his shoes by vouching for their character, by bringing them together, and he does. And now we are here.

Everyone around the judge has fallen. The bondsmen have gone to jail. The other State judges he helped recruit have also gone to jail. The lawyers who gave him the cash have lost their licenses and given up their practices. Most of all, the institution itself has suffered greatly. Litigants and the public in New Orleans wonder, in seeing the example of this judge, whether they too must pay a judge in cash and under the table, do the home or car repairs or other favors for the judge to

win their case or have their conviction expunged.

Only the judge remains defiant, claiming his problems are no more than the appearance of impropriety, not actual wrongdoing. He retains his office, his title, his full salary, though he hears no cases and has not for years and, if he can just eke it out a little longer, a full retirement. The judge is a gambler, and he is betting he can beat the system just one more time.

In a moment, I will turn it over to my colleague, BOB GOODLATTE, to give a detailed presentation that what the House proved at trial were high crimes and misdemeanors committed by Judge G. Thomas Porteous. The remarkable thing about this case is that most of the pertinent facts are not in dispute. As the neutral, factual report prepared by the Senate Impeachment Trial Committee demonstrates, the evidence on most of the salient points was uncontested.

At the same time, the report is not a substitute for hearing from the witnesses themselves. Because that is not possible for the entire Senate, you are hearing from the Senators who did. The Senate impeachment committee of 12 conducted a remarkable trial, weighed the credibility of every witness, ruled on every objection, heard every argument, and they will be a great resource to you in your deliberations.

To give but one example, it is uncontested that Judge Porteous solicited and received $2,000 in cash secretly from an attorney and his partner while that attorney's case was under submission. Judge Porteous himself admits this before the Fifth Circuit. The judge called it a loan that he never paid back. But his counsel has taken to calling it a wedding gift, as if it were a piece of China from the Pottery Barn. Significantly, no one other than defense counsel has ever called this cash a wedding gift—not Amato and Creely, who paid it, not the secretary who delivered it, and not even the judge himself. This is at best defense counsel at his most creative. The 12 Senators who heard the testimony are in the best position to refute those characterizations which are so at odds with the evidence.

One last example before I turn it over to Mr. GOODLATTE. The defense has suggested many times during prior proceedings—and may today—that Judge Porteous has been impeached for nothing more serious than having lunch with attorneys or bail bondsmen. This was represented to the committee of 12 Senators after the pretrial deposition of Bob Creely, at which only Senator JOHANNS was present. But because Senator JOHANNS had heard the testimony, he was able to inform the other Senators of what Creely had really said. As JOHANNS admonished the defense:

> I sat through the Creely deposition, and to suggest that this was about a purchased lunch is really, in my personal opinion, very misleading.

He later went on to say:

> Again, I will emphasize, please don't try to convince my colleagues that the Creely deposition was just about a free lunch. It was not, and I can cite what I heard that day.

The 12 Senators who heard these witnesses can cite what they heard during that trial, and they will be a tremendous resource.

I would now like to introduce Mr. GOODLATTE of Virginia for a detailed presentation of the evidence the House presented. When he concludes, we will reserve the remainder of our time for rebuttal argument.

The PRESIDENT pro tempore. The Chair recognizes Representative GOODLATTE.

Mr. Manager GOODLATTE. Thank you, Mr. SCHIFF.

Mr. President, let me turn to what the evidence showed.

By way of background, in the early 1970s, Judge Porteous practiced law as a partner with Jacob Amato. Robert Creely was an associate who worked for them. Amato and Creely ultimately split off and formed their own law firm as equal partners. They each remained friends with Judge Porteous.

In 1984, Judge Porteous was elected judge of the 24th Judicial District Court in Jefferson Parish, LA, with its courthouse in Gretna, outside New Orleans. He served as a State judge from August 1984 through October 28, 1994, when he was sworn in as a U.S. district judge for the Eastern District of Louisiana.

Starting with article I, let me first describe what the evidence established concerning Judge Porteous's ''curatorship'' kickback scheme with Creely and Amato.

While he was a State court judge, Judge Porteous started to ask Creely for money. At first, he asked for small amounts—$50 or $100—money that Creely had in his wallet, which Creely would give him. At some point in the mid to late 1980s, Judge Porteous began to request more significant sums from Creely, amounts in the range of $500 or $1,000. Creely resisted giving Judge Porteous that sort of money. As Creely testified:

> I did tell him I was tired of giving him cash. . . . I felt put upon that he continued to ask—I thought it was an imposition on our friendship. . . . I told him a couple of times [''I'm tired of giving you money. I'm tired of you asking for money.''

Judge Porteous needed cash, and Creely would not give it to him. So what did Judge Porteous do? The evidence demonstrated that Judge Porteous came up with what was a kickback scheme. Judge Porteous used the power of his judicial office to assign Creely ''curatorships'' and then requested and received from Creely and his partner Amato a portion of the fees received by their law firm for handling those cases. Over time, Judge Porteous received approximately $20,000 from Creely and Amato as a result of this arrangement.

Let me show you what one of these orders looks like. As you see here—Mr. President, let me just say that I know it is difficult for some of the Senators to see these exhibits. At the conclusion of the closing arguments, we will leave all of these exhibits for the Senators to examine, if that is appropriate with the Senate.

As you see, here is an order signed by Judge Porteous assigning Robert Creely to be the curator for a missing party in a civil case.

Creely and his law firm received a fixed fee—$200—for handling each of these matters, and it was from those fees that Judge Porteous sought the cash from Creely and Amato. This corrupt scheme went on for years.

The proof of this series of events is evidenced by the interwoven and consistent testimony of Creely, Amato, and Judge Porteous himself in his testimony under oath before a special committee of the Fifth Circuit. It is also corroborated by the court records.

First, Creely testified that after Judge Porteous started assigning the curatorships, Judge Porteous then started calling over to his office and saying: ''Look, I've been sending you curators, you know, can you give me the money for the curators?'' Creely testified that even though he previously had resisted giving Judge Porteous cash, he now would give him cash in response to Judge Porteous's demand because it ''wasn't costing [him] anything.'' It did not cost Creely anything because the money Creely gave Judge Porteous came from the curatorship fees.

Amato—who split the payments to Judge Porteous with Creely 50–50—corroborated Creely's account of events. Amato testified that Creely informed him ''that the judge was sending curator cases to him and that he would, in turn, give money to the judge.'' Amato agreed to go along with the arrangement but told Creely that ''it was going to turn out bad,'' which it clearly has. Amato testified he knew the curatorship scheme was wrong but he was not ''strong enough'' to say no to what he understood to be a classic kickback arrangement.

Creely and Amato provided Judge Porteous cash every few months in response to Judge Porteous's requests. They gave him cash, as opposed to checks drawn on the firm's accounts. According to Amato's testimony, this was ''to avoid any kind of paper trail.'' As Creely testified, they gave him cash because ''that's what Judge Porteous wanted.'' In most instances, Creely gave the cash to Judge Porteous; however, both Amato and Creely testified that on occasion Amato personally gave Judge Porteous the cash as well.

Judge Porteous confirmed in his testimony under oath before the Fifth Circuit the essential aspects of this scheme. Judge Porteous admitted that, one, he received cash from Creely; two, at some point in time, Creely expressed his displeasure with giving Judge Porteous cash; three, thereafter, Judge Porteous started assigning Creely curatorships; and four, that Judge

Porteous's receipt of cash from Creely and Amato followed his assigning Creely curatorships.

First, Judge Porteous admitted he received cash from Creely and Amato.

Question. When did you first start getting cash from Messrs. Amato, Creely, or their law firm?

Answer. Probably when I was on the state bench.

Question. And that practice continued into 1994, when you became a federal judge, did it not?

Answer. I believe that's correct.

Judge Porteous confirmed that there came a time when Creely expressed resistance to giving Judge Porteous money before the curatorships started.

Question. Do you recall Mr. Creely refusing to pay you money before the curatorships started?

Answer. He may have said I needed to get my finances under control, yeah.

Judge Porteous admitted that his receipt of cash from Creely and Amato ''occasionally'' followed his assignment of curatorships to Creely. Although Judge Porteous refused to label the arrangement as a ''kickback,'' he accepted the description of the arrangement that he had with Creely and Amato as one where he gave ''Creely and Amato . . . curatorships and [was] getting cash back.''

What about the court records?

During its investigation, the House located close to 200 orders signed by Judge Porteous assigning Creely ''curatorships'' between approximately 1988 and 1994. All of these orders are in evidence. These curatorships generated fees of nearly $40,000 to the firm. Both Creely and Amato have testified consistently that they gave Judge Porteous about 50 percent of the proceeds of the curatorship fees or approximately $20,000 in total.

For his part, Judge Porteous testified at the Fifth Circuit that he had ''no earthly idea'' how much Creely and Amato gave him, though he did not deny the total could have been more than $10,000. Judge Porteous testified as follows:

Question. Judge Porteous, over the years, how much cash have you received from Jake Amato and Bob Creely or their law firm?

Answer. I have no earthly idea.

* * * * *

Question. It could have been $10,000 or more. Isn't that right?

Answer. Again, you're asking me to speculate. I have no idea is all I can tell you.

On October 28, 1994, Judge Porteous was sworn in as a Federal district judge. Judge Porteous was no longer in a position to assign curatorships to Creely and Amato, and he stopped asking them for cash—at least for the time being. The fact that Judge Porteous's requests for cash from Creely and Amato temporarily came to an end at the same time he stopped assigning them curatorships constitutes additional powerful evidence that those two actions were inextricably connected and that the cash payments from Amato and Creely to Judge Porteous were not merely gifts from the two men separate and apart from the curatorships.

Let me provide you with a little bit more flavor as to Judge Porteous's relationship with Amato and Creely. Although I have focused on the cash and curatorships, I should stress that Judge Porteous depended on the two men to provide for his entertainment and support his lifestyle in other major respects.

For example, while Judge Porteous was a State judge, both Amato and Creely frequently took Judge Porteous to lunch at expensive restaurants. Amato testified that he took Judge Porteous to lunch ''a couple of times a month,'' amounting to ''potentially hundreds of lunches,'' and that Judge Porteous paid only two or three times out of a hundred. At these lunches, Amato testified he typically paid for ''at least two'' Vodka drinks for Judge Porteous. Similarly, Creely also took Judge Porteous to lunch approximately twice a month. Creely testified that when he and Judge Porteous went to lunch, either Creely paid or someone else paid but ''[n]ot Judge Porteous.''

In addition, Amato and Creely hosted Judge Porteous on a variety of hunting and fishing trips and arranged those trips, some of which involved air travel to Mexico, so that Judge Porteous never paid.

They gave him cash on at least one other occasion at his request. In the summer of 1994, when Judge Porteous's son Timothy was in Washington, DC, for an ''externship,'' Judge Porteous had his secretary, Rhonda Danos, solicit and receive money from Creely and Amato to ''sponsor'' Timothy's position and pay for his expenses. This is all in the record.

Now let me turn to Judge Porteous's relationship with Amato and Creely after he became a Federal judge.

On January 16, 1996, Judge Porteous, now a Federal judge, was assigned a complicated civil action, Lifemark Hospitals v. Liljeberg Enterprises. The Liljeberg case involved a hospital—Lifemark—and a pharmacy—Liljeberg—and involved bankruptcy law, real estate law, and contract law. The matter was particularly contentious with tens of millions of dollars at stake.

The case was set for a nonjury trial before Judge Porteous in early November 1996. He was to be the trier of law and fact. In mid-September, just 6 weeks prior to the scheduled trial date, the Liljebergs filed a motion to enter the appearances of Amato and Leonard Levenson—another of Judge Porteous's friends—as their attorneys.

Amato was hired on a contingent fee basis, which meant his law firm would receive a percentage of any award. Amato estimated that if the Liljebergs prevailed in the case, he and his firm would have received between $500,000 and $1 million. If the Liljebergs lost, he would receive nothing.

Lifemark's lead counsel, Joe Mole, was alarmed when Amato was hired by the Liljebergs on the eve of the trial. Even Amato testified: ''I am sure my relationship with Judge Porteous had something to do with it.''

Mole was concerned that Judge Porteous would figure out some way of giving an award to the Liljebergs to benefit Amato. Mole feared that with Amato on the other side, he would not receive a fair trial. So Mole did the only thing he could do under the circumstances. He filed a motion asking Judge Porteous to recuse himself, which essentially requested that Judge Porteous have the case assigned to another judge. Mole drafted the motion based on his limited understanding of the facts, alleging in substance only ''that there was a close relationship between Judge Porteous and Mr. Amato and Levenson,'' that they were known to socialize together, that Amato and the judge had been law partners, and that the timing of Amato's entry into the case, just a few weeks prior to trial, ''created suspicion.''

Mole had no idea that Amato, along with his partner Creely, had actually given Judge Porteous approximately $20,000 pursuant to the curatorship kickback arrangement, nor did he know about the other things of value that Amato or Creely had provided to Judge Porteous.

Judge Porteous held a hearing on Mole's motion. Judge Porteous's statements at the recusal hearing are set forth in detail in our brief, and the hearing transcript is also in evidence. So I am not going to repeat all of them here.

In sum, Judge Porteous made a series of deceptive, misleading, and lulling statements in which he minimized his relationship with Amato, concealed the fact of a curatorship kickback scheme, and criticized Mole for filing an unfounded motion.

In essence, Judge Porteous portrayed the relationship with Amato as simply the same sort of unexceptional relationship that he would have had with any member of the bar. For example, Judge Porteous stated:

Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone to lunch with them? The answer is a definitive yes. Have I been going to lunch with all the members of the bar? The answer is yes.

Even that is misleading because Judge Porteous had, in fact, accepted hundreds of meals at expensive restaurants from Amato and his partner Creely.

But, most significantly, Judge Porteous made no mention whatsoever of what he knew was really the issue; that is, that he had received approximately $20,000 in cash from Amato's law firm—money that he knew came from Amato as well as Creely.

When Mole, at great disadvantage, made a reference to the fact that Amato and Levenson had contributed to Judge Porteous's campaigns, Judge Porteous went on the offense:

Well, luckily, I didn't have any campaigns, so I am interested to find out how you know that. I never had any campaigns, counsel. I have never had an opponent.

He went on to say:

The first time I ran, 1984, I think is the only time they gave me money.

That blanket statement was, of course, a deliberate falsehood because Amato and his firm had given Judge Porteous approximately $20,000 in cash pursuant to the kickback scheme.

Judge Porteous concluded, with this self-serving comment in which he promises to notify counsel if he has any question that he should recuse himself, and concluded:

I don't think a well-informed individual can question my impartiality in this case.

So, in effect, what you have is Judge Porteous, who knows the facts, just not disclosing it, completely deceiving Lifemark and its counsel as to the true nature of his actual relationship with Amato, and Judge Porteous announcing to the world how honest he was—complete with the mock indignation.

Judge Porteous denied the recusal motion after the argument in open court on October 16, 1996. Lifemark appealed to the Fifth Circuit, seeking to overturn Judge Porteous's order. However, because of the false record created by Judge Porteous at the recusal hearing, that appeal was denied.

Trial was held without a jury in December of 1997, and Judge Porteous took the case under advisement. While the case was pending his decision, Judge Porteous continued to solicit and accept cash and things of value from Amato and Creely.

In May 1999, while Judge Porteous had not yet ruled on the case, he went to Las Vegas, NV, with several friends, including Creely, for his son's bachelor party. Creely paid for Judge Porteous's hotel room and some incidental room charges amounting to over $500. He also paid over $500 for a portion of Timothy Porteous's bachelor party dinner. These payments amounted to more than $1,100 and are set forth on Creely's American Express card, which is in evidence. After the dinner, Creely accompanied Judge Porteous and others to a strip club, where Creely gave an employee $200 to pay for a lap dance for Judge Porteous and a courthouse employee. Judge Porteous admitted in his Fifth Circuit testimony that Creely paid for his hotel room and a portion of the dinner.

In June of 1999, while Judge Porteous still had the Liljeberg case under consideration, the two men took a nighttime fishing trip together. On the fishing trip, Judge Porteous told Amato he needed cash for his son's wedding and requested that Amato give him approximately $2,000.

In response to that request, Amato agreed to give Judge Porteous the money he solicited. Amato supplied $1,000 and obtained approximately $1,000 from his partner Creely and gave Judge Porteous $2,000 in cash in an envelope. As Amato would later testify, it was ''a decision I'll regret until the day I die.''

As the Senate Impeachment Trial Committee Report found, the $2,000 was picked up by Judge Porteous's secretary, Rhonda Danos. When Danos asked the law firm secretary what was in the envelope, the secretary rolled her eyes. In response, Danos said: ''Nevermind, I don't want to know.''

Like much of the other evidence, the fact that Judge Porteous solicited and received money from Amato in 1999 while the Liljebergs case was pending is not contested. Here is how Judge Porteous testified under oath before the Fifth Circuit:

Question. [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with $2,000 shortly thereafter.

Answer. Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

Question. Wait a second. Is it the nature of the envelope you're disputing?

Answer. No. Money was received in [an] envelope.

Question. And had cash in it?

Answer. Yes, sir.

Question. And it was from Creely and/or——

Answer. Amato.

Question. Amato?

Answer. Yes.

Question. And would you dispute that the amount was $2,000?

Answer. I don't have any basis to dispute it.

At the time he made the request, Judge Porteous had significant financial leverage over Amato, and his solicitation of cash from Amato had a ''shakedown'' quality to it. Amato bluntly acknowledged that one of the factors that impacted his decision to give Judge Porteous the cash was that Amato stood to make a lot of money in connection with the Liljeberg case then pending in front of the judge, and that Amato was not willing to ''take the risk'' of not giving Judge Porteous the cash the judge solicited.

Judge Porteous's solicitation of cash from Amato demonstrates Judge Porteous's egregious misuse of his judicial power to enrich himself. A judge who engages in such conduct is unfit to hold the office of U.S. district judge.

In addition, Amato and Creely continued to take Judge Porteous out to expensive lunches on a regular basis and paid over $1,000 for a party in honor of his fifth year on the bench.

Mole knew nothing of Judge Porteous's relationships with Amato and Creely while the case was pending. Specifically, Judge Porteous did not inform Mole of the meals, the payments of expenses in Las Vegas, or the $2,000 cash payment.

On April 26, 2000, Judge Porteous issued a written opinion in the Liljeberg case. At that time, his financial situation was desperate, and he was just weeks away from meeting with a bankruptcy attorney. Judge Porteous, who had taken judicial actions in the past with Amato and Creely to enrich himself, had powerful financial motives to curry their favor, reward them for their past loyalty and generosity, and encourage it in the future.

Thus, it is not surprising that Judge Porteous ruled in all major aspects in favor of Amato's clients, the Liljeberg. Counsel for Lifemark testified that this was ''a resounding loss'' for Lifemark, and Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.

In August of 2002, the Fifth Circuit reversed Judge Porteous's decision in most significant aspects. In doing so, the Fifth Circuit characterized various aspects of Judge Porteous's rulings as ''inexplicable,'' ''constructed entirely out of whole cloth,'' ''absurd,'' ''close to being nonsensical,'' and ''not supported by law.''

After the case was reversed by the Fifth Circuit and sent back to Judge Porteous, the parties settled because Lifemark understandably did not want to go back before Judge Porteous.

Article II.

Now let me turn to article II—Judge Porteous's relationship with bail bondsmen Louis Marcotte and his sister Lori Marcotte. For that, it is necessary to return to Judge Porteous's roots as a State court judge.

First, let me briefly describe how the bail bonds business worked in Jefferson Parish.

From the financial perspective of bail bondsman Louis Marcotte, he would make no money if the judge set bonds so high that the prisoner or his family could not afford to pay the premium or if a judge set bond so low that the premium was an insignificant sum. What Marcotte really wanted was for a bond to be set at the maximum amount for which the prisoner could afford to pay Marcotte the premium, which was typically 10 percent of the bond amount. That is how he maximized profits. He would interview the prisoner, know what the prisoner could afford, and attempt to have bond set at that profit-maximizing amount. If a prisoner or his family could scrape together $5,000, Marcotte would want a judge to set bail at ten times that amount, or $50,000, even if a lower amount would have been appropriate.

Now, in the Gretna Louisiana Courthouse where Judge Porteous sat, bail bondsmen like Marcotte dealt one-on-one directly with the judges and magistrates to have them set bonds. Prosecutors and defense attorneys were virtually never involved.

It is against this background that Judge Porteous's relationship with the Marcottes can thus be understood. Marcotte needed a judge who would be receptive to his bond request—to reduce bonds when they were too high and to set them in higher amounts if they were going to be set too low. As we know from Judge Porteous's relationship with Amato and Creely, Judge

Porteous needed and welcomed financial support from whomever would provide it and was more than willing to use his judicial power to obtain it. Judge Porteous and Marcotte each understood what the other could do for him, and they formed a mutually beneficial corrupt relationship.

First, as to what the Marcottes gave Judge Porteous, the evidence establishes the Marcottes frequently took Judge Porteous to high-end restaurants for lunch, paying for meals and drinks. Over time, these lunches may have occurred as much as twice per week. These lunches seemed to have started in or about 1992 and are corroborated by several witnesses. The Marcottes let Judge Porteous invite whomever he wanted, especially other judges, and Judge Porteous's presence as the Marcottes' guest helped the Marcottes establish their legitimacy.

The Marcottes also paid for car repairs and routine car maintenance for Judge Porteous. On occasion these repairs were substantial and included things such as buying new tires or engine and transmission repairs or installing a new radio. In addition, Marcotte employee Aubrey Wallace would routinely pick up Judge Porteous's car to wash it and fill it with gas.

Wallace testified that Judge Porteous gave him his security code so that he could go into the judge's parking lot at the courthouse. Judge Porteous would leave the key under the mat. Wallace would pick up Judge Porteous's car and return it washed, gassed, and occasionally with a gift such as liquor left inside.

No fewer than five witnesses corroborated the fact that the Marcottes paid for Judge Porteous's car repairs.

In addition, Marcotte also paid for home repairs for Judge Porteous when an 80-foot section of fence had to be replaced. Testimony at trial from Marcotte employees Duhon and Wallace established the project took 3 days to complete.

The Marcottes also paid for a trip to Las Vegas for Judge Porteous. On this trip, Judge Porteous's secretary, Rhonda Danos, had paid for the judge's transportation up front. The evidence is clear that Lori Marcotte later paid for this trip by giving Danos cash—in Judge Porteous's chambers. Both Louis Marcotte and Lori Marcotte testified that the payment was in cash to conceal the fact that the Marcottes had paid for this trip. There is no pretense that this was some sort of legitimate act of generosity. It was obviously improper and hidden by the parties for that reason.

In return, Judge Porteous willingly became Marcotte's ''go-to'' judge for setting bonds. Marcotte went directly to Judge Porteous with recommended bond amounts—bond amounts that would maximize their income. Judge Porteous was receptive to them and signed countless bonds at their request. They would go to his chambers and tell him how much the prisoner could afford as part of the discussions where they requested that he set bail.

As Senator RISCH observed during the trial, it was really the poorest families who were hurt by Judge Porteous's relationship with Marcotte. An inherent aspect of their corrupt dealings was that bonds would be set at a higher amount than might have been set by a neutral judge who was not on the take.

And the opposite is also true: the public interest was potentially compromised when Judge Porteous reduced a bond at the Marcottes' request which thereby led to the release of someone who otherwise should have been confined. The Marcotte-Porteous relationship perverted what should have been a neutral, detached process.

In addition to setting bonds as requested, Judge Porteous took other judicial acts of significance for the Marcottes. In 1993, at Louis Marcotte's request, Judge Porteous expunged the felony conviction of a Marcotte employee—Jeff Duhon—so Duhon could obtain his bail bondsman's license.

In 1994, again at Marcotte's request, Judge Porteous set aside the conviction of another Marcotte employee, Aubry Wallace. This took place during Judge Porteous's last days on the State bench and evidences the extent to which Judge Porteous was beholden to the Marcottes. As I will get to in a few moments, Judge Porteous timed this judicial action to occur after the Senate's confirmation of him for the Federal judgeship so as to conceal his corrupt relationship with the Marcottes and thereby not jeopardize his lifetime appointment.

There was one more thing that Marcotte did for Judge Porteous as part of their corrupt relationship when Judge Porteous was a State judge. In the summer of 1994, when Judge Porteous was undergoing his background check, the FBI interviewed Marcotte. In that interview, Marcotte lied for Judge Porteous on three specific points. First, he stated that Judge Porteous would have ''a beer or two'' at lunch, when, in fact, Marcotte knew that Judge Porteous was a heavy vodka drinker with an alcohol problem who would, on occasion, have five or six drinks. Second, Marcotte stated that he had no knowledge of Judge Porteous's financial circumstances, when, in fact, he knew that Judge Porteous struggled financially.

Finally, and most importantly, when interviewed by the FBI, Marcotte denied that there was anything in Judge Porteous's background that could subject the judge to coercion, blackmail or leverage. This was also not true, because Marcotte himself knew that he had a corrupt relationship with Judge Porteous and that he himself had leverage over Judge Porteous because of that relationship. In fact, Marcotte testified bluntly in September before the Senate Impeachment Trial Committee that he could have ''destroyed'' Judge Porteous had he chosen to do so. Marcotte told the FBI what he believed Judge Porteous wanted him to say. In effect, Marcotte acted as Judge Porteous's agent in lying to the FBI. Marcotte then reported back to Judge Porteous as to the contents of the interviews, and told Judge Porteous he gave him a clean bill of health.

Indeed, there can be little pretense that the Judge Porteous-Louis Marcotte relationship was anything other than a corrupt business relationship. They were brought together by their financial needs. Marcotte was clear that the only reason he took Judge Porteous to lunch, took him to Las Vegas, fixed his cars, or fixed his house was because the judge was assisting them in setting bonds, and using the prestige of his office to help them with other judges. Marcotte testified: ''[Judge Porteous] would do more when we would do more for him.''

After Judge Porteous became a Federal judge, he could no longer set bonds for the Marcottes. Nonetheless, the Marcottes would continue to take Judge Porteous to lunch, particularly when they sought to recruit other State judicial officers to take his place in a similar corrupt scheme, or to impress business executives. Louis Marcotte explained that Judge Porteous ''brought strength to the table'' by his presence and his assistance. Marcotte testified: ''It would make people respect me because, you know, I am sitting with a Federal judge.'' As Lori Marcotte described: ''[State court judges] would view us as trusted people because we were hanging around with a federal judge.''

Thus, Judge Porteous used the power and prestige of his office as a Federal judge to help the Marcottes expand their corrupt influence in the Gretna courthouse by vouching for their honesty, vouching for their practices, and helping to recruit a successor. Our post-trial brief details several instances of Judge Porteous providing assistance to the Marcottes as a Federal judge.

Let me talk about one of those instances in particular. In 1999, at Louis Marcotte's request, Judge Porteous spoke to newly elected State judge Ronald Bodenheimer. Prior to that conversation, Bodenheimer ''stayed away from Louis Marcotte'' because he had concerns about Marcotte's character and believed that Marcotte was doing drugs. During his conversation with Bodenheimer, Judge Porteous—then a United States District Court Judge—vouched for Louis Marcotte's integrity. Bodenheimer took Judge Porteous's statements seriously, and as a result of that conversation, Bodenheimer began to set bonds for the Marcottes.

The Marcottes and Bodenheimer developed a relationship that took on the characteristics of the relationship that had previously existed between Judge Porteous and the Marcottes. The Marcottes began providing Bodenheimer meals, house repairs, and a trip to the Beau Rivage casino, and

Bodenheimer in return began to set bonds that would maximize profits for the Marcottes. Bodenheimer was eventually criminally prosecuted, pleaded guilty, and was sentenced to prison on a Federal corruption count arising from his corrupt relationship with the Marcottes.

Let me now get to one final act of the Marcotte-Porteous relationship. In the early 2000s, the FBI was investigating State court judges—including Bodenheimer—for corrupt misconduct arising out of their relationship with the Marcottes. On April 17, 2003, Louis Marcotte signed an affidavit prepared by Judge Porteous's attorney in which he falsely denied that he and Judge Porteous had a corrupt relationship.

I mention this 2003 affidavit for two reasons. First, this 2003 affidavit reflects that the corrupt relationship between the Marcottes and Judge Porteous continued during his tenure as a Federal judge. Second, just as Marcotte's 1994 false statements to the FBI helped obstruct the background check investigation, Marcotte's 2003 false affidavit—prepared by Judge Porteous's attorney—was a part of an effort to obstruct a criminal investigation. In both instances Marcotte lied to the FBI to assist Judge Porteous by concealing their corrupt relationship. It reflects how even in 2003, Judge Porteous was compromised by his relationship with Louis Marcotte.

In March 2004, Louis Marcotte pleaded guilty to a racketeering conspiracy charge involving his corrupt relationship with State judges. He was sentenced to 38 months in prison. His sister Lori Marcotte pleaded guilty at the same time as her brother and was sentenced to 3 years probation, including 6 months of home detention.

In his House testimony, his deposition, and at trial, Louis Marcotte repeatedly described Judge Porteous's overall impact on the Marcottes' business as even more significant than two other State judges who were federally prosecuted and were sentenced to jail.

Question. Mr. Marcotte, you testified in response to Mr. Turley that you did things for lots of judges.

Answer. Yes, I did.

Question. And some of those judges went to prison, did they not?

Answer. Yes, they did.

Question. Of all the judges that you did things for, who was the most important judge to you, ever?

Answer. Thomas Porteous.

Now let me turn to article III involving Judge Porteous's bankruptcy while he was on the Federal bench.

The evidence demonstrated that throughout the 1990s and into 2001, Judge Porteous's financial condition deteriorated, largely due to gambling at casinos, to the point that by March of 2001, when he filed for bankruptcy, he had over $190,000 in credit card debt. His credit cards and bank statements in the years preceding his bankruptcy reflect tens of thousands of dollars in cash withdrawals at casinos.

Before discussing how Judge Porteous deceived the bankruptcy court, I want to stress that for the years leading up to his bankruptcy, Judge Porteous had concealed his debts in the financial statements that he filed with the courts. Let me show you an example.

This is a little detailed, so let me walk you through it. What you see here is the portion of Judge Porteous's 1999 Financial Disclosure Report in which he was required to disclose his year-end liabilities. Judge Porteous reported two credit cards with the maximum liability being $15,000 each—''Code J''—for a total maximum liability of $30,000.

In fact, he had five credit cards with debts amounting to over $100,000. These should have been reported on the form in the Liabilities box as Code ''K''—debts over $15,000. This form was blatantly false.

Judge Porteous filed false financial statements that failed to honestly disclose the extent of his credit card debts for each of the 4 years—1996 through 1999. Those forms are in evidence.

Even though Judge Porteous has not been charged in any article with filing false financial reports, these reports constitute powerful evidence as to Judge Porteous's intent. These false financial reports make it clear that the false statements in bankruptcy were part of a conscious course of conduct involving his concealment of financial activities, and not some set of innocent mistakes or oversights as claimed by counsel.

In 2000, Judge Porteous met with bankruptcy attorney Claude Lightfoot about his financial predicament. The evidence demonstrates that Judge Porteous did not tell Lightfoot at that time—or indeed at any time—that he gambled.

The two men decided that Lightfoot would attempt to work out Judge Porteous's debts owed to his creditors, and then, if that failed, that Judge Porteous would consider filing for bankruptcy. Lightfoot's attempt at a ''workout,'' failed, and, in about February of 2001, Lightfoot and Judge Porteous commenced preparing for chapter 13 bankruptcy.

Prior to filing for bankruptcy, Judge Porteous, in consultation with Lightfoot, agreed that he would file his bankruptcy petition under a false name. To further this plan, Judge Porteous obtained a post office box, so that his initial petition would have neither his correct name nor a readily identifiable address.

If you look at this exhibit, you will see that ultimately, on March 28, 2001, Judge Porteous—a sitting Federal judge—filed for bankruptcy under the false name ''G. T. Ortous'' and with a post office box that Judge Porteous had obtained on March 23, 2001, listed as his address. Judge Porteous signed his petition twice, once under the representation: ''I declare under the penalty of perjury that the information provided in this petition is true and correct,'' the other over the typed name ''G.T. Ortous.''

On April 9, 2001, Judge Porteous submitted a ''Statement of Financial Affairs'' and numerous bankruptcy schedules. This time, they were filed under his true name. However, they were false in numerous other ways, all reflecting his desire to conceal assets and gambling activities from the bankruptcy court and his creditors.

While I am not going through all his false statements during the bankruptcy—they are detailed in our post-trial brief—I want at least to point out some to you:

He falsely failed to disclose that he had filed for a tax refund claiming a $4,143.72 refund, even though the bankruptcy forms specifically inquired as to whether he had filed for a tax refund.

As you see, this chart sets forth his tax return, dated March 23, 2001—5 days before he filed for bankruptcy.

It also shows the place on the form where he was required to list any anticipated tax refund. The copy here is not as clear as we would like, but question 17 required Judge Porteous to disclose ''other liquidated debts owing debtor including tax refunds.'' As you see, the box ''none'' is checked. Judge Porteous never disclosed the fact of this refund—not to his attorney, not to his creditors, and not to the bankruptcy court. Instead, he kept it secret, and the money went right into his pocket.

He deliberately failed to disclose that he had gambling losses within the prior year, even though the forms specifically asked that question. In fact, Judge Porteous has admitted before the fifth circuit that he had gambling losses. In the days immediately prior to filing for bankruptcy, he paid casinos debts that he owed them in order to avoid listing those casinos as unsecured creditors. Additionally, he failed to record those preferred payments to creditors in the bankruptcy forms which required their disclosure, and failed to tell his attorney about them. Thus, casinos to which Judge Porteous owed money in March of 2001 received 100 cents on the dollar while other creditors received but a fraction of that amount. Judge Porteous favored casinos over other creditors because he did not want to jeopardize his ability to take out credit and gamble at the casinos while in bankruptcy.

He had his secretary pay off one of his wife's credit cards 5 days prior to filing for bankruptcy. Judge Porteous then reimbursed his secretary and failed to disclose this preferred payment to the credit card company on his schedules that he filed under oath with the court.

He reported his account balance in his checking account as $100, when on the day prior to filing for bankruptcy he had deposited $2,000 into the account. He deliberately failed to disclose a Fidelity money market account that he regularly used in the past to pay gambling debts. This particular nondisclosure demonstrates Judge Porteous's determination to have a secret account available with which to

pay gambling debts while in bankruptcy. This nondisclosure clearly was not inadvertent, since the evidence is clear that he wrote a check on that account on March 27, 2001, the day prior to filing for bankruptcy.

The single organizing principle that arranges this pattern of false statements is Judge Porteous's desire to conceal assets and to conceal his gambling so that he could gamble while in bankruptcy without interference from the court or the creditors or even his lawyer.

At a hearing of creditors on May 9, 2001, Judge Porteous, under oath, testified that the schedules were accurate. That statement, like so many of Judge Porteous's other statements under oath, was false. At that hearing, the bankruptcy trustee also informed Judge Porteous that he was on a ''cash basis'' going forward.

At the end of June 2001, bankruptcy Judge William Greendyke issued an order approving the chapter 13 plan, specifically directing Judge Porteous not to incur new debt without the permission of the court. Notwithstanding Judge Greendyke's order, Judge Porteous did incur additional debt without the permission of the court. He applied for and used a credit card.

Here is a blowup that includes a copy of Judge Porteous's application for a credit card and the statement showing its use in September of 2001—in violation of the order of the court.

More particularly, Judge Porteous continued to borrow from the casinos without the court's permission. This chart, which was used at trial, lists 42 times that he took out debt at casinos to gamble in the first of the 3 years he was in bankruptcy.

Further, as Judge Porteous had planned, in some instances, he paid these casino debts through the Fidelity money market account that he concealed. Here, at the top of this blowup, is a check he wrote on the concealed Fidelity money market in the amount of $1,800 to the Treasure Chest Casino in November of 2001. Below it is a check in the amount of $1,300 to Grand Casino Gulfport also drawn on the undisclosed money market account in July of 2002. Both of these checks repay the outstanding debts to the casinos. In short, he engaged in a pattern of deceitful activity designed to frustrate and confound the bankruptcy process.

The harm wrought by Judge Porteous's conduct in bankruptcy is really incalculable. The bankruptcy process depends totally on the honesty and candor of debtors. The trustee does not dispatch investigators to check on a debtor's sworn representations. Judge Porteous's display of contempt for the bankruptcy court is little more than a display of contempt for his own judicial ofice. A Federal judge who in fact heard bankruptcy appeals in his court should be expected to uphold the highest standards of honesty. It is inexcusable that Judge Porteous manipulated this process for his own benefit.

Let me now discuss article IV, and for that I need to return to the summer of 1994. Let me set the stage. At that time, while Judge Porteous was being considered for a Federal judgeship, he was engaging in two corrupt schemes: first, the curatorship kickback scheme with Creely and Amato that I previously described in connection with article I; and second, the corrupt relationship with the Marcottes I described in connection with article II.

Judge Porteous knew if the White House and the Senate found out about his relationships with either Creely and Amato or the Marcottes, he would never be nominated, let alone confirmed. In the course of the background investigation, and during the confirmation process, Judge Porteous was asked questions on four separate occasions that, if he were to answer the questions truthfully and candidly, required him to disclose his relationships with Creely and Amato and the Marcottes. On each instance, Judge Porteous lied. Because those four statements are at the heart of article IV, let me show you exactly what Judge Porteous was asked and exactly what he answered.

First, at some time prior to July of 1994, Judge Porteous filled out a form referred to as the ''Supplement to the SF–86.'' On that form is a question that goes to the very heart of the issue associated with the background process. On that form Judge Porteous was asked:

> Question. Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details.

To which Judge Porteous answered: No.

Judge Porteous signed that document under warnings of criminal penalties for making false statements. This statement was a lie.

On July 6 and July 8, 1994, Judge Porteous was personally interviewed by an FBI agent as a part of the background check process. Judge Porteous was asked by the agent the same sort of questions I discussed in connection with the SF–86. His answers were incorporated in a memorandum of the FBI agent that summarized the interview. Let me show you the relevant portions of the memorandum. Judge Porteous was recorded as saying that:

> [He was] not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment, or discretion.

These statements were also a lie.

After that interview, the FBI in New Orleans sent the background check to FBI headquarters in Washington, DC, for their review. FBI headquarters directed the agents to interview Judge Porteous a second time about a very particular allegation the FBI had received in 1993 that Judge Porteous had taken a bribe from an attorney to reduce the bond for an individual who had been arrested.

So on August 18, 1994, the FBI conducted a second in-person interview with Judge Porteous, this time probing possible illegal conduct on his part in connection with bond setting. Again, the FBI writeup of the interview records Judge Porteous as stating that he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgment or discretion.

And again he lied.

Finally, after he was nominated, the United States Senate Committee on the Judiciary sent Judge Porteous a questionnaire for judicial nominees. Again, I am showing you the document. Judge Porteous was asked the following question and gave the following answer:

> Question. Please advise the committee of any unfavorable information that may affect your nomination.
>
> Answer. To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.

The signature block is in the form of an affidavit that the information provided in the document is true and accurate. Judge Porteous lied for a fourth time.

The questions Judge Porteous was asked are clear and unambiguous. In each of the four instances, the questions called for Judge Porteous to disclose his relationship with Amato and Creely and the Marcottes. There is additional evidence that suggests Judge Porteous would have well understood the reach of those questions.

First, the second of his two FBI interviews addressed Judge Porteous's bond-setting practices. It is hard to imagine he could have been put on more specific notice that his relationship with Marcotte and his conduct in setting bonds was relevant and should be disclosed.

Second, Judge Porteous's understanding of the materiality of his relationship with Marcotte and his intent to conceal it is further evidenced by his statements and conduct associated with setting aside of Aubry Wallace's felony conviction, which I referenced earlier. As I mentioned, Marcotte had an employee named Aubry Wallace, who had helped take care of Judge Porteous's cars and also fixed his house. At around the time of his confirmation, Marcotte went to Judge Porteous and asked him to set aside Wallace's burglary conviction, to take the first step in getting rid of his felony convictions, so that Wallace would ultimately be allowed to obtain a bail bonds license.

Judge Porteous agreed to do it, but informed Marcotte that he would do so only after he was confirmed by the Senate, because he did not want to jeopardize his ''lifetime appointment.'' When asked to describe Judge Porteous's response to his request, Marcotte testified:

Answer. He kind of put me off and put me off. And he said look, Louis, I'm not going to let anything stand in the way of me being confirmed and my lifetime appointment, so after that's done I will do it.

Marcotte went on to explain the nature of Judge Porteous's concern.

If the government would have found out some of the things that he was doing with me, it would probably keep him from getting his appointment.

Senator MCCASKILL specifically asked Marcotte as to whether Judge Porteous used the ''lifetime appointment'' phrase. In response, Marcotte's answer was clear:

That was the words of Judge Porteous.

In substance, Judge Porteous said that he would set aside Wallace's conviction but that he was going to hide it from the Senate. It is hard to conceive of a clearer, more explicit expression of intent to deceive the Senate.

Judge Porteous's actions corroborate Marcotte's recollection of the conversation. He was confirmed by the Senate on October 7, 1994, and set aside Wallace's conviction, as he said he would, after that on October 14, 1994.

The timing of the Wallace set-aside confirms that Judge Porteous calculated and plotted to conceal material facts concerning his relationship with Louis Marcotte from you, the United States Senate. The procedural history of Wallace's case is discussed in our post-trial brief. But the salient fact is that Judge Porteous could have set aside the conviction, if he chose to do so, weeks prior to his confirmation. Absolutely nothing in Wallace's case occurred that explains his delay in waiting until after the confirmation. The only event of significance that explains the timing is that Judge Porteous was confirmed in the interim.

Moreover, Judge Porteous's willingness to set aside Wallace's conviction at Marcotte's request constitutes proof positive that Judge Porteous was in fact subject to coercion, leverage, and compromise—the very fact as to which Judge Porteous was questioned and which Judge Porteous denied.

Because of the fraud committed by Judge Porteous on the FBI and the Senate, Judge Porteous was in fact confirmed and was sworn in on October 28, 1994. He has been a Federal judge, enjoying the fruits of his deceit and the power of the position since that date.

In conclusion, the House has proved each of the four Articles of Impeachment. The evidence demonstrates that Judge Porteous is dishonest and corrupt and does not belong on the Federal bench. He has signed false financial forms, false questionnaires, and even signed documents under a false name under penalty of perjury. He has engaged in corrupt schemes with attorneys and bail bondsmen. He has betrayed his oath in handling a case dishonestly and with partiality and favor, characterized by making false statements at a hearing concerning his financial relationship with one of the attorneys, and then soliciting cash from that attorney while the case awaited Judge Porteous's decision. He has brought disgrace and disrepute to the Federal bench.

The evidence demonstrates he has committed high crimes and misdemeanors, and the House requests that you find him guilty on each of the four counts and remove him from an office he is not fit to occupy.

Thank you for your time and attention.

We reserve the balance of our time.

The PRESIDENT pro tempore. Thank you very much.

Professor Turley, you may proceed on behalf of the judge.

Mr. TURLEY. Thank you, Mr. President, Members of the Senate. For those who were not present this morning, I am Jonathan Turley, the Shapiro Professor of Public Interest Law at George Washington University and counsel to Judge G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana. Joining me again at counsel's table are my colleagues from the law firm of Bryan Cave: Daniel Schwartz, P. J. Meitl, and Daniel O'Connor.

Sitting here, listening to my esteemed opposing counsel, one is easily put in mind of another trial held almost 220 years ago—almost to this very day.

In a case that proves to be one of the turning points in American law, eight British soldiers were accused of murder in what Americans call the Boston Massacre and what the English call the Boston Riot.

Columnists demanded that the soldiers be executed and everyone came to the trial expecting less of a trial as much as a hanging. Adams himself saw the case differently. In fact, John Adams saw not just another case but the very cause for which he was already fighting, the creation of a new nation based on due process and principles of justice.

As in today's case, many of the facts were not in dispute in 1770. It was clear the British soldiers fired into the crowd, but Adams stopped the jury and challenged them to consider two questions: No. 1, whether the soldiers had acted with the required intent and malice; and, No. 2, whether the requested punishment—death—fit the crime.

It was also one of the earliest uses of the reasonable doubt standard ever recorded in our country. Proof and proportionality became the touchstone of that case and later cases that Adams helped bring into existence. In words that would echo through the ages, Adams warned the jury:

Whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence. The law will not bend to uncertain wishes, imagination or wanton tempers of men.

When the Framers turned to the Constitution, they sought to protect the judiciary from wanton and imagined offenses. In cases of impeachment, the Framers expressed fears that Congress would yield to passions over proof in the removal of Federal judges. James Madison, George Mason, and others carefully crafted the standard of impeachment to protect the independent judiciary, and Madison said expressly that they wanted to avoid standards ''so vague as to be the equivalent of tenure during the pleasure of the Senate.'' That is what they wanted to avoid.

They rejected ''corruption'' because they knew the term ''corruption'' could be used to mean most anything. For that reason, that term was adopted by the House in this case. It hasn't changed.

The Framers explicitly debated and rejected this vague standard of maladministration and instead demanded that a Federal judge could not be removed absent proof of treason, bribery or other high crimes and misdemeanors. Applying that standard, this Congress has refused to remove judges not because they agreed with their actions—every judge whose case was brought before Members of this esteemed body was worthy of condemnation, they had few friends—but this body drew a distinction between judges who have done wrong and judges who committed removable offenses.

I would like to tell you about the man who is on trial today, G. Thomas Porteous, Jr. He has spent virtually his entire life as a public servant. He served as an assistant district attorney, a State judge, and then a Federal judge. He served a total of 26 years, the past 16 as a Federal judge. When asked, all the witnesses in this case, without exception, described him as one of the best judges of Louisiana. As I will discuss later, however, his skills as a judge do not excuse his failings as a person. To the contrary, he has not contested many of the facts in this case and ultimately accepted severe discipline for the poor decisions he has made. He is here for you to judge now, to judge him, but he is not the caricature that has been described by the House.

Indeed, I don't know how the man described by the House avoided a criminal charge. After all, the Department of Justice got waivers to look into all these crimes. They investigated him and many other judges with ''wrinkled robes.'' When I was sitting here, I was thinking: My Lord, how on Earth could he avoid a criminal charge? The reason is because in the Department of Justice are professionals. They look for crimes, and they didn't find any crime that could be proven at trial; any crime, great or small, against this judge.

His son, Timothy, in the hearing, expressed the toll this has cost him and his family, ranging from the death of his wife, loss of his home in Katrina. One way or the other, this man is going to come to closure now. He will either be convicted or he will retire in a matter of months as he has already promised. What is clear, either way, Thomas Porteous will not return to the bench.

He has, however, remained silent for many months as newspapers and commentators have said grossly false things about his case and about his character. He waited for this moment for his defense to be presented, as have so many defenses in his courtroom, for impartial judgment—and he gave impartial judgment. Even the House's own core witnesses said Judge Porteous gave them a fair hearing, gave everyone a fair hearing. You can disagree with actions he took, but you don't have to turn him into a grotesque caricature. He is not. He may have been many things in the eyes of others, but he was never corrupt, and he loved being a Federal judge and, despite his failings, he never compromised his court, and he never broke the oath he took as a Federal judge in October 1994. That may seem a precious distinction to some, but he is here to fight for that legacy. He has accepted his failings, but he will not accept that.

This case is not, however, just about Thomas Porteous. All impeachments speak to all judges. This case presents Articles of Impeachment that are novel and they are dangerous. We discussed some of those issues this morning. Of course, the Constitution puts that incredible burden on you. It requires you to ignore the dictates of passion and wanton tempers described by John Adams. You must decide, after considering all the evidence, whether the actions that were taken in this case rise to the level of treason, bribery or other high crimes and misdemeanors.

I would like to return to something Senator DURBIN had asked about, which is the standard of proof. As we mentioned, in the past, many have cited ''beyond a reasonable doubt'' as the most obvious standard for impeachments because impeachment has many criminal terms that are incorporated and also many impeachments are crafted on articles taken directly from prior criminal cases.

We also noted and stressed that the Members of this body have two determinations to make. First, you must find these facts occurred and, second, you must find that those facts that did occur to your satisfaction rise to the level of removable offense. It is the first part of that determination that is difficult in this case because, as we noted, this is the first modern impeachment that has come to this body without a prior trial. This judge has never been allowed review from a judge. He has never challenged the things that have been said against him. Indeed, most of the things you just heard wouldn't be allowed in a Federal court, and we challenge the factual accuracy, as you will see. But that is part of the value of having criminal charges brought, because usually when this body has looked at a case, it has been siphoned through that filter of process and fairness.

Each Senator does have to establish what he or she will use as a standard of proof. But I have to say, I do not agree with Mr. SCHIFF when he says it is just up to you, whatever you decide is enough. Where I disagree with Mr. SCHIFF from this morning is where we distinguish between ''could'' and ''should.'' There is no question you can adopt any standard. The question is whether you should.

Obviously, the Framers did not want people just to take an arbitrary gut check on facts, particularly when there has been no criminal trial. They expected something more from you. What is expected is that you apply some consistent, cognizable standard, and we have talked about that standard applied in the House, which is ''clear and convincing.'' This body, in the past, has talked about a strict standard.

Indeed, Senator ARLEN SPECTER, who was vice chair of the Senate impeachment trial, at an earlier time stated the following to his colleagues—and I commend it to you:

> Where you have a judge up for removal, the issue of judicial independence requires a very strict standard. This is not a question of whether you would confirm him if he were before us today. It is not a question of whether we feel comfortable in going before him. But it is a question of whether we are going to oust him from office that comes into play.

What I believe Senator SPECTER was saying is that you do have an obligation to apply some objective standards because this is a legal proceeding. It might not be a criminal case, but you are sitting as the world's most unique jury and judges.

In this case, the Fifth Circuit itself did not consider the allegations in article II and article IV. The reason is simple, as the five judges I mentioned earlier wrote:

> Congress lacks jurisdiction to impeach Judge Porteous for any misconduct prior to his appointment as a Federal judge.

Plain and simple. The Federal judges of the Fifth Circuit wrote a detailed, 49-page opinion on the evidence in this case. Those judges declared the following:

> This is not one of those rare and egregious cases presenting the possibility of an impeachable offense against the nation.

They didn't approve of the decisions made, but they drew a line, and this fell far on the other side of an impeachable offense. Those judges, which included appellate and district judges, said:

> The evidence here does not support a finding that Judge Porteous abused or violated the Federal constitutional judicial power entrusted to him. Instead, the evidence shows that in one case he allowed the appearance of serious improprieties but that he did not commit an actual abuse, in violation of constitutional power entrusted to him.

These appearance controversies are routine in court. They are used here, however, as the basis for removal, to wipe away centuries of precedent. Perhaps for that reason the House managers are quoted in the media as encouraging the adoption of a new standard, to treat the impeachment process as merely an employment termination case. They would literally have this body adopt the standard Madison rejected, for judges simply to serve at the pleasure of the Senate, similar to at-will employees.

Unfortunately, this case proves one thing, the old military adage that if all you have is a hammer, every problem looks like a nail. It is not enough that Judge Porteous accepted sanctions from his court—unprecedented sanctions. It is not enough that he announced his resignation in a matter of months from the bench. It is not enough that no one has ever been removed for pre-Federal conduct. Staff and resources of impeachment had been committed and the House demanded removal.

Let's look at the basis for removal and let's turn to article I. In article I, the House impeached Judge Porteous on the theory that he deprived the public and litigants of his honest services, as we discussed this morning. We discussed the unique problem of the fact that it was crafted around a theory the Supreme Court rejected. It was a bad bet.

You will notice that in the opening statements again today, both Mr. SCHIFF and Mr. GOODLATTE kept on bringing up kickbacks again. I actually counted up to 20 and then I stopped. I pose the question to you. I don't know how many times you count the word ''kickbacks,'' but I ask you to look at articles and see how many times it is mentioned in the actual Articles of Impeachment, and that number would be zero. They allege a corrupt scheme and then came to you and said: You know what. This is going to be kickbacks.

But the reason the Framers rejected corruption is precisely because of what is occurring right now in front of you in the well of the Senate. Corruption can mean anything. Mr. SCHIFF could have stood and said: You know what this is? This the mail fraud or, you know, actually this is conspiracy. He could have said anything that constitutes corruption and rewrite the article here—not fulfilling the will of the House but fulfilling whatever is the passing will of the managers of the House.

That is a violation of the process the Framers created. In fact, we now hear five references to the signing of financial statements that were inaccurate. I suggest the Members look at the articles. How many times is that mentioned in the articles? Zero. But when you use ''corruption'' as a term, you just go to the well of the Senate and say: That is what this is all about. What that does for defense attorneys like myself and my colleagues is, we just stand here and try to keep track of what it is, the crime we are supposed to be defending against. It could be anything under the Criminal Code. Anything under the Criminal Code can form corruption.

Now it is financial records. That is why the House has the sole responsibility to articulate those articles.

When Mr. SCHIFF says they have a lot of discretion, they do. When they use that discretion poorly, Articles of Impeachment get rejected. That is what this body has said repeatedly in history. You cannot bring to us articles that present any possible crime, a crime de jour. That is what you are seeing today.

Notably, in article I, there is one fact that literally all of the House witnesses agree on: Judge Porteous was never bribed. But, more importantly, Judge Porteous was not bribable. Article I seeks to remove a judge based on a decision in a single case, and that decision was a single motion not to recuse himself in 16 years as a Federal judge.

The Lifemark recusal motion was the first and only such motion Judge Porteous was faced with in three decades as a judge. Now, allow me, please, to cut to the chase, and to deal with one allegation in article I which deals with this single gift to Judge Porteous by his longtime friend, Jake Amato. That is, in my view, the most serious allegation in article I. It was a colossal mistake. But I need to correct the record. The House stood up and said, you know, nobody called this a wedding gift except defense counsel. That is news to me.

In the hearing before the committee, Jake Amato described how he and the judge were on a boat on a fishing trip late at night drinking, and the judge got very emotional and was talking about the fact that he could not cover the expenses for his son Timothy's wedding. Amato was very close to Timothy. That was the context of this discussion.

But, more importantly, I asked Amato: In fact, the only money you recall ever going to Judge Porteous was this wedding gift? Right?

Amato's answer was: Correct.

Now, Judge Porteous never disputed that gift. What he disputes is the implications of the gift. Judge Porteous accepted responsibility because it created an appearance of impropriety, and it did. Accepting a very severe punishment by the Fifth Circuit, he publicly apologized and gave his ''sincere apology and regret'' that his actions had brought the court to address this matter. He also later said he would, in fact, retire from the bench.

Before delving into that gift, let me be clear what we are discussing. I think it is important to call things for what they are or in this case what they are not. This was not a bribe. All of the parties agree. This was not a bribe. It was not a kickback. They do not even allege in article I this was a kickback. So what was it if it was not a bribe and it was not a kickback? It was a gift.

Was it a dumb gift? Was it a gift he should not have accepted? You bet. But the Framers thought it was important to define things as they are. This is not a bribe and it is not a kickback. That is the key thing in looking at this impeachment.

The appearance of impropriety is a standard raised in Federal courts. Not uncommonly, courts of appeals will disagree with trial judges who refuse to recuse themselves. Hundreds of judges are faced with recusal motions. Sometimes they make mistakes. Recusals are usually based upon past relationships, financial interests. They extend under the entire waterfront of conflicts. When a judge gets it wrong, usually that is it; it is just a reversal.

Sometimes you will have a reprimand. Very rarely will you have any discipline at all. But consider the implications of accepting an appearance of impropriety as a standard of removal. This could be so easily used to strip our courts. An appearance of impropriety? Is that what we are going to substitute other high crimes and misdemeanors for, something that hundreds of judges are accused of. All of them would be capable to be brought before this body.

We talked a lot about this Lifemark case. I must tell you, it is exceedingly complex as a commercial case. It is between a subsidiary of a giant corporation called Tenet Healthcare or Lifemark and a family of pharmacists from Louisiana. I will tell you, I see no need to delve into the specifics, which I think you would be happy to know. It is sufficient to say this was a long running dispute between these two parties.

Lifemark was accused of delaying the case at any cost. It bounced from judge to judge and ultimately was assigned to over a dozen judges, one dozen in 3 years. That is the Lifemark case. Then, in 1996, it was randomly assigned to Judge Porteous. Defense witnesses stated, when asked, that Judge Porteous had a reputation for moving cases to verdict. He was a judge from Gretna. He was a State judge. He was a lawyer's judge. They tended to get cases done, and when he looked at this docket and saw a dozen judges in and out of this case and no trial, he promptly announced to the parties: I am the last judge you are going to see in this case. We are going to try this case.

I want to emphasize something. He said that to the parties before any friends were lawyers in this case, before anyone he had a friendship with was counsel in the case.

He said: I will be the last judge in this case, and we are going to go to trial.

So he was. Seven district court judges, three magistrates, and he ended that. They went to trial.

When he said that, lead counsel for Lifemark, Joe Mole, wanted to have him recused and to go to get another judge. He filed a motion to recuse, and he cited the fact that Judge Porteous was close friends with Jake Amato and Lenny Levenson. And indeed he was.

What we heard in testimony from witnesses is in Gretna, a very small town, like many small towns in which lawyers practice, judges preside in, most judges know the attorneys in their courtroom. If judges had to recuse themselves because they knew a lawyer in the courtroom, there would be no cases in these courts. These are small communities.

In Gretna, judges did not recuse themselves. In fact, our witnesses—actually, not our witnesses. Let me correct that. The House's witnesses said they had never heard of a judge recusing themselves in Gretna because they could not. That was the tradition that Judge Porteous came from, and many judges agree with that—that as long as you acknowledge you have a relationship, the relationship is not being hidden, you do not have to recuse yourself.

He was friends with Amato and Creely and Don Gardner. I will be returning to Mr. Gardner in a second. He was friends with Amato and Creely since the 1970s. Both Amato and Creely said they were best friends. They practiced law together. They hunted and fished together. They knew each other's families.

Timothy testified they were known as Uncle Jake and Uncle Bob. Creely taught him how to fish; Amato taught him how to cook. They were close friends. So was Don Gardner. In fact, Gardner was even closer. Gardner asked Porteous to be the godfather to one of his daughters.

Now, with this uncontested background, I would like to reexamine article I. First, the House asserts that Judge Porteous failed to disclose while he was a State judge that he engaged in a ''corrupt'' scheme with these attorneys. This is, of course, predicated on the fact that there is a corrupt scheme.

The problem with the House's case is the House's own witnesses denied the scheme. Both at trial and in a Senate deposition, Bob Creely expressly disavowed—expressly disavowed—that he had an agreement with Judge Porteous where he received curatorships in exchange for loans or gifts. Instead, Creely was adamant that there was no relationship between the gifts and the curatorships.

He said: I gave him gifts because we were friends. And he said: I gave him gifts before I ever got curatorships. Not only that, but he said he did not like the curatorships. He said he told Porteous that. Creely was a very successful lawyer. These curatorships were bringing in a few hundred dollars here and there. He said he hated them because they were more trouble than they were worth.

It is true, the House has portrayed Judge Porteous, frankly, as something of a moocher. I mean, that, I guess, was Congressman GOODLATTE's point when he pointed out with great emotion to you, Judge Porteous went to a lot of lunches with these men and he did not pay for his share of the lunches; he just paid for some of them.

Let me ask you, did you ever think you would be sitting on the floor of the Senate trying to decide whether that is

an impeachable offense, being a moocher? He paid for a few lunches; he did not pay for most of them. The witnesses said judges in Gretna routinely had lunches paid for them. In fact, the House's own witnesses said they could not remember—actually, that is not true; they could remember one judge on one occasion buying her own lunch. That is the record in this case.

So Creely is the guy in the House report who is the linchpin between this alleged scheme, between curatorships, and these gifts. Only problem? Creely came to the Senate and said: There was no agreement. He said he never gave any money to Judge Porteous as a bribe, never gave him a kickback, never expected to receive anything in return for the gifts. They were just friends. Not only that, he said he would have given those gifts without question regardless of the curatorships.

To drive the point further, he said Judge Porteous never asked him for any percentage or return from the curatorships. Not only that, but then the House's own witnesses said: By the way, all the judges in Gretna give curatorships to friends and acquaintances—all of them.

This has been discussed in Louisiana. But the Louisiana officials have decided they would allow that. Judges routinely would give curatorships to former partners, friends, acquaintances. It has been reviewed. We heard from the only expert in this case on Louisiana ethics, and that was Professor Ciolino, Dane Ciolino. He told the Senate: This is perfectly ethical under the rules. It is well known. It is a practice that has existed for a long time, and it still exists today. This does not mean that every judge in Louisiana is corrupt. It is just they do not view this as corruption.

Witnesses said that Judge Porteous gave curatorships to new attorneys, and he gave curatorships to Creely. The House never went and actually found the records of all the curatorships. You will notice, there is no discussion of any other curatorships. They had the ability. They could have come to you and said: Here are all the curatorships that were issued during this period of time. Here are the curatorships that went to Creely—or not. They did not do that.

But even if 100 percent of the curatorships went to his friends, it was perfectly ethical under the rules. The only testimony that the House was able to present attempting to establish a connection between the curatorships and gifts was Jake Amato. What the problem was is Creely saying there was not any relationship. That is a problem because the House report said Creely said that. So they went and got Amato, and Amato said on one occasion many years ago he remembers Creely saying there was a relationship. But the House was not deterred by the fact that Amato was giving this testimony with Creely in Washington denying he ever said that. But that did not deter the House. They just went ahead and had Amato say what they wanted Creely to say.

Then Amato said these figures that are being thrown around by the House were not figures he came up with. He said they were what he referred to as guesstimates—guesstimates—of the gifts and their relationship to the curatorships.

Now, Amato said actually the number you have heard here today did not come from him, did not come from Creely. In fact, they denied they could recollect. There is no record to establish this conclusively. Amato said the number actually came from FBI Agent Horner, who came up with an estimate of total gifts and just assumed—just assumed—that Porteous must have received half of it. They started pressing them to say: Wouldn't that be accurate?

So there is a Madisonian nightmare for you. The government gets guesstimates from witnesses, based on the figure that was just extracted by one of the investigators without documentary proof.

The second factual allegation in this article is that the judge should be removed for intentional misleading statements at the recusal hearing. I can simply end this by encouraging you: Please read the recusal hearing. It is not very long. Reach your own conclusions. Don't listen to me. Don't listen to the House. I think it speaks for itself. You will see that Judge Porteous actually gives them a hearing. A lot of judges don't. They just deny it. Instead, he gave them a full hearing, told them he understood why he was bringing this issue, acknowledged he had a relationship with these lawyers, and then he went and said: Tell me what I need to do to make sure you can appeal me because you have a right to appeal me, and he stayed the case to allow an appeal. Most judges just won't do that.

He did not say in detail what the relationship was. He understood that Mole was going to appeal. One thing he did want to correct on the record is that Mole said, incorrectly, that he had received campaign contributions from these individuals. He said that is just not true, and he corrected it on the record. He never denied the relationship. From his perspective, having a relationship, a friendship, particularly from his time in Gretna, was not a problem. It was just not a recusable issue. So he left it at that.

The third allegation is that Judge Porteous should be removed from office because he denied Lifemark's recusal motion. That is the most dangerous allegation in article I because that would remove a judge for the substance of his decision—in this case, a recusal motion. Can you imagine if you start to remove judges because you disagree with their recusal decisions? Judges are constantly appealed on recusal decisions. Sometimes they are upheld; sometimes they are not. But when you start to remove judges because you disagree with their conclusion, even though many judges share this view of recusal, then you open the Federal bench to virtually unlimited manipulation.

The evidentiary hearing in the Senate I do not want to tell you was a total bust. It was not. For those of you who were looking for a conspiracy, we found one, and it came out in live testimony—a scheme, a very corrupt scheme—but in that scheme Judge Porteous was the subject, not the beneficiary. The hearing saw extraordinary testimony from Mr. Mole, whom you heard the House repeatedly refer to as this paragon of a witness.

Mr. Mole brought this issue that he should recuse himself, and Mr. Mole was shocked he did not. In fact, I think Mr. GOODLATTE said Mr. Mole had no alternative but to proceed the way he did. But the House Members did not mention how Mole proceeded. After he lost the recusal motion, Mole decided he had to get this judge off the case. He was not going to have this West Bank judge rule in this case of Lifemark. It was going to be bounced to get another judge—a 14th reassignment of the case—if Mole had anything to do about it.

So he went and he talked to a guy by the name of Tom Wilkinson. Now, Tom Wilkinson is the brother of the magistrate who was assigned to the Lifemark case. So he went to the brother of the magistrate, and this is the former Jefferson Parish attorney. He was known as someone who could solve problems like this. He was known as the go-to guy to fix a problem with a judge you did not want. Wilkinson is now reportedly under investigation for corruption in Louisiana.

So Mole met with him, and then Wilkinson got Mole to meet with one of Judge Porteous's closest friends, Don Gardner. He went to Gardner and offered him an extraordinary contract, which we have put in the RECORD. That contract promised Mole $100,000 if he joined the case and offered him another $100,000 if he could get Porteous to recuse himself—$200,000. But that was not all. The contract actually said: By the way, once Porteous is gone, you are gone. So if you get him to recuse himself, I will give you $200,000 and you go away and we can then merrily go on bouncing this case through the court system.

The problem with this scheme by Mr. Mole is that it did not work because Don Gardner said: You do not want to go to Tom Porteous. You do not want me to go to Tom Porteous and tell him to recuse himself because he will react very negatively, and he refused to go—this is his own testimony—refused to go to Porteous to ask for his recusal.

Ultimately, the judge's decision cost his closest friend $200,000. Mole himself admitted he had never seen a contract like the one he wrote, and witnesses testifying said they were shocked to learn of a contract where someone actually put a bounty on a Federal judge

and offered $200,000 if you could get him off the case.

Nevertheless, when Gardner lost that case, he said the judge gave him a fair hearing. He said: Look, this judge is just not bribeable. He gave us a fair hearing. He disagreed with us, and we lost.

By the way, this is not mentioned by the House: Creely also practiced before the judge. By the way, he was not the counsel in Lifemark. But Creely actually did have a couple of cases in front of the judge, and the judge ruled against him and cost him a huge amount of money. In one case where he lost a great deal of money, Creely actually took his best friend on appeal and got him reversed. But his friendship did not stop the judge in one of Creely's biggest cases from ruling against him. He did not feel the need to recuse in those cases, and it did not influence his decision.

The article also talks about ''things of value,'' another general term. These are small, common gifts that both Creely and Amato admitted they gave to Porteous and said were very common in Gretna, as in many small towns. Yes, they had lunch together. They had lunch together for their whole 30-year relationship. A few of those lunches did continue while Lifemark was pending in front of the judge. The judge paid for an occasional meal, but Representative GOODLATTE is absolutely correct. He did not pay for enough meals. The House did not contest the only ethics expert in this case who said those lunches are permitted under State law, and they still are permitted today. Back then, they had the same rule the Senate had. Back then, the Senate allowed Senators to be bought lunches, not because it invited corruption. A lot of Senators did not view it as a source of corruption. Neither did the people of Louisiana when it came to lunches being bought for judges. It was just a courtesy.

There has been talk about Creely attending Tom Porteous's bachelor party in May 1999. I am simply going to note, if you look at the testimony, Creely said he was friends with Timothy. Timothy is a lawyer. He was very close to Timothy, and he had great love for Timothy. He expressed that in a hearing. He went to his friend's wedding. By the way, when he bought the lunch at his table, Porteous was not at the table, and he threw in with the other attorneys at that time.

Now, as I mentioned earlier, the wedding gift is, frankly, the most serious problem. It occurred 3 years after the recusal hearing. I am not trying to excuse it, but I do wish you would keep that in mind because these dates do get blurred. It was 3 years after the recusal hearing when this wedding gift was handed over.

And, yes, he went on this fishing trip. It was a very emotional thing. He was having trouble paying for his son's wedding, and it was a huge mistake. The judge admitted it. It was not a bribe, not a kickback; it was a gift. It was dumb to be offered, dumb to be accepted. But both Creely and Amato made clear it was not a bribe or a kickback.

In fact, Jake Amato testified he ''felt [Judge Porteous] was always going to do the right thing'' in the case. He did not see any connection in terms of influencing the outcome of the case.

Now, one question the House has never been able to answer—one which maybe the Senate would want to put to the House—that is, if Judge Porteous could be influenced for $2,000 and for some other ''small things of value,'' as the House alleges, why did he not just recuse himself so his close friend could collect $200,000? Why didn't he rule for Creely in those other cases? He had two friends in the case of Lifemark. He cost one $200,000. Why didn't he accept money like those other judges who were nailed in Wrinkled Robe?

The appearance of impropriety is a dangerous choice for this body to import in the impeachment standards. Professor Ciolino—this is not contradicted by the House—has said that State bars have continued to move away from the appearance of impropriety because they view it as a standard that is virtually meaningless. It basically says: Don't be bad. That is almost a direct quote from what Professor Ciolino said. He is a big critic of that standard. He said State bars are moving away from it at the time the House is asking you to adopt it as an impeachment standard.

Let's turn to article II.

Article II, we have already discussed, is the article that is the pre-Federal conduct allegation. I will leave that to your discretion. Since you have not ruled on the motion, I will try to address a few of the facts in this case.

But if the Senate agrees with the defense that a judge cannot be removed for pre-Federal conduct, then most of article II is gone. There is virtually nothing there in terms of Federal conduct. The evidence that is supported in article II in terms of Federal conduct is six lunches—six lunches—that took place over 16 years. So let me make sure we understand that. The evidence in article II of Federal conduct that you can remove a judge for is six lunches.

I should note that Judge Porteous attended several of these lunches, but there is no record that he attended all the lunches, so the six might be a high number. You see, the House had no record that he actually attended some of these lunches, but somebody at the lunch had Absolut vodka. I kid you not. So what the House is saying is that because Judge Porteous drank Absolut vodka, you should just assume he was at those lunches and use that as part of the evidence to remove a Federal judge. I am not overstating that.

Asked the committee just to take judicial notice that Judge Porteous is not the only human being in Louisiana who drinks vodka or even Absolut vodka. What they are inviting you to do again is to remove a judge on pure speculation.

By the way, the value of these lunches over 16 years was also not mentioned. They are less than $250 over 16 years. The individual meals benefited Judge Porteous—the average was $29.

As I mentioned, experts testified in this case, and were not contradicted, that judges were allowed and they are still allowed to have lunches purchased for them in this respect. The most the House could come up with is that by attending these lunches, Judge Porteous ''brought strength to the table''—that is one of the statements of their witness, Louis Marcotte, that he ''brought strength to the table''—and that is enough. Imagine if that was enough. If you are permitted to have lunches bought for you but someone at the lunch benefited from your being present, a third party, because you ''brought strength to the table,'' that would be enough for a charge of impeachment under this approach. The record shows that Senator John Breaux went to some of these lunches with the Marcottes. Does the House suggest that because Senator Breaux went to a lunch, he should be expelled from this body? That would be ridiculous.

Virtually every witness called by the House and the defense testified that judges dealt exclusively with the Marcottes as bail bondsmen. You heard the House say bail bondsmen would often deal individually with the judges. I just need to correct that. There weren't bail bondsmen—plural—at any practical level. This is a small town, and the Marcottes were it. The witnesses testified that the Marcottes controlled over 90 percent of the bonds. They were the bail bondsmen for Gretna. It is not a huge town. So, by the way, if you think about that, it means that every judge who signed a bond was almost certainly signing it for the Marcottes because they were the only bail bondsmen on a practical level.

Now, here is the thing you might find confusing. At the evidentiary hearing, the House conceded not only that they could not prove a linkage on these bonds but that they did not specifically allege a relationship between the size of the bonds and this relationship with the Marcottes. The House stated:

> The House does not allege that Judge Porteous set any particular bond too high or too low.

So all of the references just now about setting things too high and too low, how they benefited the bail bondsmen, the House stated that it was not alleging that they set these things too high or too low. So once again we find that the articles are being redesigned here in the well of the Senate irrespective of what was previously said by the House.

The House does little beyond noting that Judge Porteous often approved bond amounts by the Marcottes, and, as detailed in our brief, the House's

own witnesses demolish that allegation. The amount of a bond is set to reflect the assets of the defendant. The Senate staff summed this up in its own report in front of you on page 18: In many cases, the highest bond a defendant can afford may also be the socially optimum level so as to eliminate unnecessary detention while providing maximum incentive for the defendant to appear. That is the point of bond. You set it high enough that they are going to come back to court. There was very good reason.

The witnesses in this case testified that Judge Porteous was a national advocate for the use of bonds, and he connected the use of bonds to overcrowded systems. Gretna was subject to a series of Federal court orders that were releasing people, dangerous people, from their jails. Judge Porteous spoke nationally on the need for judges to use bonds, and he was correct. As we submitted in the record, studies have proven him correct, that if you get a bond on an individual, the chances that they will return and not recidivate are much, much higher. And Judge Porteous did speak to every judge he could find to say: Start issuing bonds because people are not showing up. Get them under a bond and they will.

You also saw that the House suggested somehow the Marcottes got special treatment from the judge. The fact is, they were the only bail bondsmen on a practical basis, so if you wanted to get bonds, you got bonds with the Marcottes. But, by the way, his secretary, Rhonda Danos, testified that the judge often told her not to let the Marcottes into his office. She said that on occasion he would say not to let them in. And she said they were not given any special treatment in access to the judge. She said Judge Porteous is a very popular judge and lawyers would gather in his office.

Let's turn very quickly to these two cases. I am afraid I am running short on time, so I will have to ask you or your staff to look at our position in our filing.

I want to note that on the Duhon expungement that has suddenly resurrected like a Phoenix on the floor of the Senate—we thought it was dead. The reason we thought it was dead is because it had been downgraded in the trial, because of testimony from witnesses, where the House simply referred to it as noteworthy. By the end of the trial, it had gone from a matter for removal to a noteworthy case. The reason is that witnesses testified that this was a routine administrative process. The witnesses showed—and there were no witnesses called by the House who were experts in this area. We called witnesses to talk about these types of setasides and expungements, and those witnesses said this was perfectly ethical and appropriate. Not only that, in the Duhon matter, Judge Porteous was following the lead of another judge. That was never revealed to the House. We revealed it in the hearing. It turns out that a prior judge had already taken steps in the case.

Louis Marcotte testified that he wasn't even sure he asked Judge Porteous for assistance on the Duhon matter. Nevertheless, the managers included the allegation in the article.

As for the Wallace setaside, the House could not call any expert to testify that it was improper, and we did call people who said it was perfectly proper. It was both legal and appropriate under Louisiana law.

Now, I want to address one thing about the Wallace setaside. The government, once again, is coming here—the House is coming here and saying: You know, he did this so you wouldn't know about it. He waited to take actions in the Wallace case after he was confirmed. And what do you think of that?

Well, I suggest what you think of that is it is not true. As we said here, this is why we were surprised to find it being mentioned on the floor of the Senate today. It is just not true. The judge held a hearing before confirmation and stated in the hearing: I intend to set aside this conviction. That is a pretty weird way to hide something. Before confirmation, he said: I am going to do this, and I need you to put a motion together. Why? Because it was the right thing to do. It is routine in this area. These types of things are very routine. What the attorney said is they just walk around with these forms in their briefcases.

Do you know what Mr. Wallace said? He said that Judge Porteous was a judge who was known as someone who would give someone a second chance, and he gave Wallace a second chance, and Wallace went on to become a minister and he is now a respected member of his community.

Now, a lot of this turns, of course, on Louis Marcotte, who also, by the way, admitted at trial—this is Louis Marcotte—he explained why he lied on one occasion, and he simply said: Well, I wouldn't have any reason to tell the truth. That is Louis Marcotte. Indeed, one of the witnesses told the committee that the House staff told them that the reason he was being called is because people wouldn't believe Louis Marcotte, that he lacked credibility.

Now, the Marcottes ultimately said that lunches would occur sometimes once a month; car repairs that were discussed here lasted about 6 to 8 months and consisted of a few minor repairs. We suggest you simply look at the testimony. You have to look at the testimony because there are not any documents of exactly what repairs were done. It is all testimonial. So this isn't a debate over the standard of proof; there is no proof.

Finally, the House has continually referred to other State judges who were convicted of crimes, including Judge Green and Judge Bodenheimer. I simply want to note that Judge Porteous, of course, never accepted cash or campaign contributions from the Marcottes. That put him in a small group, from what I can see. They gave as much as ten grand to judges, including judges who are still on the bench. They never gave Judge Porteous any cash. Why? They handed out cash to other judges. If he was so corrupt, if he was this caricature the House makes him out to be, why didn't he take the cash and run?

Judge Porteous, of course, was never accused of a crime, let alone convicted, and those men, Judge Green and Judge Bodenheimer—you just heard the House say: Look at these people; judge Judge Porteous by their conduct. They were convicted of mail fraud and planting evidence on a business rival.

Article II is a raw attempt to remove a judge for conduct before he was a judge. Article II, I submit to you, is nothing more than what Macbeth described as a ''tale full of sound and fury, signifying nothing.''

Article III is the only article that does not rely on pre-Federal conduct. What it relies on are a series of errors made in a bankruptcy filing that the judge made with his wife Carmella. I am not going to dwell on the intricacies of the Bankruptcy Code, which may be a relief to many. What the record establishes is not some criminal mastermind manipulating the Bankruptcy Code; it basically shows people who had bad records, little understanding of bankruptcy, which, by the way, is usually the type of people who go bankrupt. They sought a bankruptcy attorney of well-known reputation, Mr. Claude Lightfoot, and they were given bad legal advice.

But one thing the House doesn't mention today and did not mention to House Members when they got the unanimous vote: Judge Porteous paid more in bankruptcy than the average person in this country. He succeeded in bankruptcy. They filed a chapter 13 bankruptcy in 2001, and they paid $57,000 to the trustee, $52,000 repaid to their creditors. The only difference is that he was scrutinized a lot more. He had two bankruptcy judges, a chapter 13 trustee, and the Federal Bureau of Investigation and the Department of Justice.

By the way, I mention the FBI and DOJ because they raised these issues you just heard about while the case was pending. They didn't come into this case after it was done; they actually went to see the trustee and raised these issues with the trustee, and the trustee said he didn't feel any action would be appropriate, necessary. So he found that these actions actually wouldn't warrant an administrative action by a bankruptcy trustee, but the House managers would say that is still enough to remove a Federal judge under the impeachment standard.

By the way, after the DOJ and the FBI went to the bankruptcy trustee and said, look at all these things, and the trustees said, I don't think this really warrants any action on my part, the DOJ and FBI didn't take action either. All the sinister stuff about how

they found this, it was found before the case was closed.

None of Judge Porteous's creditors ever filed a complaint or an objection. That was also not mentioned in the case.

When they retained Mr. Lightfoot, they had never met him before, and it is true that Mr. Lightfoot did suggest that they file with the fake name ''Ortous'' instead of ''Porteous.'' That was a dumb mistake. To his credit, Mr. Lightfoot said: This was my idea. He said: I was trying to protect him.

Particularly, Judge Porteous's wife was upset about the embarrassment of the bankruptcy and the fact that, at that time, the Times Picayune published everyone's names in bankruptcy in the paper, and she was very embarrassed. And he thought he would help that by using ''Ortous,'' and then that was just for the first filing, correcting it so that no creditor would actually get that document or get that false name, and he did. Roughly 10 to 12 days later, he corrected it, and no creditor did get the misleading information.

By the way, in that first filing, he used the information, including the Social Security number, which is the primary way you track people, so he didn't falsify that.

It was a dumb mistake, but it was a mistake done by Mr. Lightfoot, at his suggestion, because he thought he could avoid embarrassment.

He said he regrets this. But it was his idea. In the fifth circuit, you are allowed to follow the advice of counsel. Should Judge Porteous have followed this advice? No. He should have known better. This is one of those things where yielding to temptation at a time like this was a colossal mistake.

But when the trustee was presented with this, with the FBI and the DOJ coming to his office, he said that he felt this was no harm, no foul. Why? Because nobody was misled, and because they changed it. No creditors were misled. He finished his bankruptcy filing. He did what most people don't do, he succeeded. He paid his creditors.

Henry Hildebrand, who is a standing chapter 13 trustee in Tennessee, said that he has seen bankruptcy petitions filed with incorrect names. He has seen it. He said that what you do is you require them to correct it, and you give notice to the parties. In this case, they didn't have to do that because the creditors already got the correct information.

Former U.S. bankruptcy Judge Ronald Barliant said that on the basis of the facts of that use of the pseudonym Ortous, he would not find any intent to commit fraud or otherwise impair the bankruptcy. He didn't see it. Neither did the trustee, and neither did the FBI or the DOJ, to the extent that they didn't charge it.

The House further alleged other errors and inaccuracies in the bankruptcy schedule as part of this dark and sinister plan to co-opt the bankruptcy system. Two empirical studies that were introduced at trial show that 95 to 99 percent of bankruptcy cases contain certain errors and inaccuracies. In fact, we had testimony from Mr. Hildebrand, who says he actually didn't believe that he had ever seen, in his 28 years as a chapter 13 trustee, a perfect filing.

Bankruptcy law professor Rafael Pardo also said that it has never been the standard to be perfect, that requiring these things to be perfect is unrealistic and unworkable, and that people make errors. The people who are filing bankruptcy are people who couldn't handle their records before. It is not surprising when they file bankruptcy and they have errors.

I want to talk quickly about these errors, where the judge is alleged, in the summer of 2000, to have given Mr. Lightfoot his May of 2000 pay stub, but he did not later supply an updated pay stub. What they left out was that the difference between those two pay stubs was $173.99 a month. Trustee Beaulieu said that it was such a small amount, and it ''would not [have] substantially increased the percentage paid to unsecured creditors.''

Mr. Lightfoot's file shows that Judge Porteous actually told his bankruptcy counsel that his net income was higher than listed on the pay stub, but that Mr. Lightfoot was using the information on the stale pay stub. He testified at trial that he failed to ask the Porteouses for the updated pay stub prior to preparing the bankruptcy filings. But now that is going to be part of a basis for the removal of a Federal judge.

Let's talk about that Bank One account. On that one, Mr. Lightfoot testified that he simply asked the Porteouses to approximate how much money they had in their account. The bankruptcy lawyer said, ''Give me a ballpark figure,'' and they did. There was no sinister plan here. How about the Fidelity Homesteads Association checking account just referred to? That account was omitted inadvertently. Judge Porteous testified before the fifth circuit that he thought he told Mr. Lightfoot there was this Fidelity account. However, it is undisputed that the value of that account was $283.42. That was the account that was mentioned here.

There is also reference to the fact that it said that occurred during the bankruptcy. There is no bar to incurring such debt by statute during bankruptcy. There is no bar to it.

Yes, the House made a great deal out of the fact that the Porteouses gambled. Gambling is legal. It was a problem. For Judge Porteous, it was an addiction. He dealt with it in a public way that few of us would want to deal with. He dealt with his drinking and addiction problems by going to seek professional help. Like many of us, he didn't do that until his life exploded on him. He went and got treatment for depression. Should he have done it before? Yes. But gambling is not unlawful.

More important, what was described to you about these markers is what the judges, Judge Dennis and his colleagues, objected to when they said that, ''Under Louisiana commercial law, markers are considered 'checks' as defined by Louisiana statute.''

Markers are uncashed checks, not debts for purposes of bankruptcy.

At trial, an FBI agent called by the House confirmed this interpretation—that a marker was a ''temporary check.'' In other words, these judges, who are not part of the sinister plan to undermine the bankruptcy laws of our country, all said they agreed with the interpretation that this is not debt. Some people might disagree with their interpretation. But at most, it is equipoise. They didn't believe it constitutes that, period. Should they have gambled in their bankruptcy? Of course not. That is not a failure as a judge. That was a personal problem that the judge overcame.

Let's move on to the last article. The fourth Article of Impeachment is the deliberate attempt by the House to resuscitate the pre-Federal charges, by trying to recycle them through the confirmation process. By the way, Senator LEAHY had asked about perjury in the confirmation process. I said that I do believe that perjury is a removable offense. Mr. SCHIFF stood up and said: Aha, then you do believe in the pre-Federal basis for removal. The answer is no. The confirmation process is part of the Federal process. It is part of your service as a judge. It is not pre-Federal in terms of what we are discussing. It is directly related to your being put on the Federal bench.

Obviously, if you acquit Judge Porteous on articles I and II, you have to acquit on IV, because that is basically article I and II recycled—the confirmation issue.

There are three questions that the House focuses on. I want to read you that question from the SF–86: ''Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause you an embarrassment to you or the President if publicly known?'' That is just one; it is a compound question.

I want you to put yourself in the shoes of Judge Porteous. He just answered 200 questions, and 100 of his closest friends had been interviewed, along with family, neighbors, and colleagues. This was the final question. I would like you to ask yourself how you would answer that question. Is there anything in your life someone could say that could be used to coerce or blackmail you? Would you answer that yes, would you answer it no, because you know you wouldn't be coerced and blackmailed? I am sure all of us have things we are not proud of, or that we don't want to be made public. That is the case with Judge Porteous. But we heard uncontradicted testimony that if

you just now said no to that question, you would not be alone. The FBI agent who testified said that in his 25 years in the FBI, he had never seen anyone answer yes to that question.

We brought in a leading expert on the confirmation process. He said that he was unaware of a single person ever saying yes to that question. It is so ambiguous that most people just say no. People have to sit there and wonder what would be embarrassing to President Clinton, and you are supposed to say, well, I can think of this or that. Maybe that would embarrass President Clinton. They don't say, look, I don't think my life is embarrassing to people.

These lunches that they keep citing were in public places, not in a house or underneath a car; they were held in open restaurants. He never tried to hide them; they were legal. There was actually a table set aside by the restaurant for lawyers and judges. The witnesses testified they had never seen any judge but one ever pay for those meals.

By the way, this was raised about Porteous's 2000 tax refund check. That was raised regarding things he was trying to hide. I believe the expression was, you know, that the 2000 refund check went right into his pocket. You know what. It is supposed to. Refund checks are not part of a bankruptcy filing in cases such as this. They always go into your pocket.

What they are asking you to do is to assume that Judge Porteous was embarrassed, and then remove him for that. Let me state that again. He was asked that question if anything would embarrass himself or the President, and they want you to say I think he was embarrassed and then you can remove a Federal judge on that basis—even though he didn't hide these things.

They keep on talking about these relationships. They are public relationships. Does that track with the constitutional standard, in your view? It is now down to embarrassment. He didn't hide the Creely relationship because Creely said there was no relationship of gifts to curatorships. Why would he hide that? Creely said it never happened. Once again, they are asking you to assume that and say the assumed facts must have embarrassed him, and therefore his answer to a compound question of ''no'' must be enough to remove him. This is not new.

All of you have been involved in the confirmation process. There are plenty of circumstances where facts have come forward that were embarrassing to a nominee that were not revealed. We saw that Bernard Kerick, who was nominated to be a member of the Cabinet, was actually criminally charged for saying there was nothing that would be embarrassing. He said: Not to my knowledge. The prosecutor said: You know what, that is a lie; we found something that would be embarrassing. That went to a Federal court and the Federal court said: ''Where a question is so vague as to be fundamentally ambiguous, it cannot be the predicate of a false statement, regardless of the answer given.''

The court went on to say: ''Plainly, the meaning of the word embarrassing is open to interpretation and that it's hard to believe that a Federal prosecution would follow.''

Here's my question: If it is hard to believe that a Federal prosecution would follow, how about an impeachment based on embarrassment? You cannot even use this in that Federal court. The judge cannot even base a charge on it. They are arguing you should now base the removal of a Federal judge on it. A judge in the third circuit was found to have lied in his confirmation hearing, but the third circuit said for discipline to be warranted, there had to be a showing of intent. The House didn't attempt to make that showing.

U.S. District Court James Ware had told people that his brother had been shot and killed in a racially motivated incident in Alabama in 1963. In 1997, when Ware was nominated to the ninth circuit, he listed family members, including Virgil Ware, who existed; it just wasn't his brother. A Ware had been killed, but it wasn't his brother. It was a lie. He was severely reprimanded by the court, and he should have been, but it is not an impeachable offense. He still sits on the district court in California. Also Hugo Black was mentioned.

We have plenty examples in the record. The fact is that if you start to remove judges for embarrassment, there will be no end to it. You will have House Members lining up to this open door to bring forth things that should have been mentioned in confirmations by judges that they disliked—and not just judges, but Presidents, Vice Presidents, and Cabinet members—if that is the standard. If you read the newspapers, you will see what I mean. There are articles in the newspaper, the Washington Post, where you have Members of Congress starting to make their case for the impeachment of Supreme Court Justices Thomas, Roberts, Kagan, and Sotomayor.

In fact, Congressman Peter Fazio said, ''They have opened the floodgates, and personally, I am investigating Articles of Impeachment against certain justices.''

If that is the standard, a President would have to raise nominees hydroponically in the White House basement if they have any hopes of surviving on the bench. You cannot possibly, I hope, consider replacing the impeachment standards with the wrong answer on that embarrassment question in confirmation.

Article IV is an open demand for Senators to engage in pure conjecture. If Senators can simply assume embarrassment to remove a nominee, there is no standard of proof, our day is over, and there is no standard of removal. They will serve at your pleasure, just as Madison feared. It is precisely what Adams worried about—uncertain wishes and imagination as a substitute for proof.

Before I sit down and I rest this case in the defense—before my voice gives out—I want to conclude by addressing one thing about this case, and that is the fact that Judge Porteous didn't testify, as some of you may be wondering about that. The reason can be found in the fifth circuit testimony. When the fifth circuit sought to question Judge Porteous about the allegations in article I and article III, Judge Porteous took the stand and did not deny many of the factual allegations. Somehow the House keeps citing that as if that is a major, sinister thing; that he actually said, I am not contesting these facts. And you know what, the House seemed to make fun of the fact that he couldn't remember details about what occurred with the $2,000. What was the point of that?

You had a judge who had, obviously, addictions. He had depression. He dealt with them. And when he showed up in the fifth circuit, his memory was not clear. But he didn't say that to say, and therefore these things didn't happen. He said the opposite. He said, if I were you, I wouldn't rely on my memory. If Creely and Amato were saying that, they are friends of mine. I don't think they lied. What is bad about that? He just is disagreeing with the implications of these things. So when they quote him and make fun of the fact that he tried to answer what happened with that money, he was doing his best. They seemed to leave out the fact that at the end he said, just assume it occurred and hold me to that standard. Ultimately, he accepted severe discipline from the fifth circuit for his poor decisions, and he announced that he will retire some months from today.

Did he betray his office? No. Maybe he betrayed himself, maybe his family, but not his office. His failings were that of being a human being—a man who was overwhelmed by addiction, the death of his wife, and financial troubles. Did he help bring those on? Perhaps. Whatever Judge Porteous may appear to you during this period, he was and he is proud of his nearly 30 years of public service as judge, but he believes that is for others to judge—judge now. He didn't feel it was appropriate in the fifth circuit to be contesting things that his friends had remembered, and he also doesn't think it is appropriate for him to beg you to excuse any of his actions. He wants you to judge his actions. He believes he can be judged harshly and he was judged harshly. He tainted his own legacy.

Judges are humans, and that humanity can make some of them the best of their generation. The life experiences of jurists such as Thurgood Marshall and Louis Brandeis made them towering symbols for lawyers and law students and the public. Others, such as

Judge Porteous, that humanity showed frailties and weakness. Some of the men and women who don these robes have those frailties and weaknesses. This is going to happen again. Judges will have bankruptcy problems. They only look inviolate in those robes. We elevate them in the courtroom. But beneath those robes are human beings, and some of them have problems and some of them make mistakes. But they shouldn't end up here on the Senate floor debating whether he was a moocher or whether he paid for enough lunches.

He will let the record stand and you judge him for it. He felt he deserved to be disciplined. Maybe he felt he deserves to be here, I don't know. But he doesn't deserve to be removed. He didn't commit treason, he didn't commit bribery or other high crimes and misdemeanors. He committed mistakes. But in the end, only a U.S. Senator can say what is removable conduct. It comes to you along a road that has been traveled by two centuries of your predecessors—a road that began with people such as James Madison, George Mason.

One Senator who sat where you sit now was Senator Edmund Ross of Kansas, who stood in the judgment of President Andrew Johnson. Many of what Ross's Republican colleagues wanted was Johnson out of office, for good reason. The public demanded his removal. He was viewed as a political enemy by Ross. He was the subject of John F. Kennedy's book ''Profiles in Courage.'' He was one of those profiles. Kennedy explained:

> The eleventh article of impeachment was a deliberately obscure conglomeration of all the charges in the preceding articles, which had been designed by Thaddeus Stevens to furnish a common ground for those who favored conviction but were unwilling to identify themselves on basic issues.

Does that sound familiar at all? While the record was filled with abuses and poor judgment by Johnson, Ross was forced to consider whether they amounted to an impeachable offense. And as the rollcall occurred, he found himself a key vote standing between Johnson and removal from office. Ross described the sensation as,

> Almost literally looking down into my open grave . . . as everything that makes life desirable to an ambitious man was about to be swept away by the breath of my mouth, perhaps forever.

He then jumped into that grave and he uttered the words of ''not guilty'' to the shock of his colleagues. His career ended. He was chastised at home, but he became a profile in courage not just for John F. Kennedy but, I hope, for many people in this Chamber.

No career will be lost with your vote today. Indeed, in a week of votes—of sweeping immigration changes and nuclear treaties—I think the world is in a bit of amazement and awe that we would have so many of you here today to just stop and decide the facts and the future of a Federal judge. It is a testament to this system. No matter what you do today, Judge Porteous will not return to the bench. He will be convicted or he will retire. No senatorial career will turn on his vote. But of course impeachment has never been about one president or one judge but all presidents and all judges. The Framers understood that.

What will be lost today is not a career but a constitutional standard that has served this Nation for two centuries—a standard fashioned by the very men who laid the foundation of this Republic; a standard maintained by generations of Senators who sat where you now sit in this very Chamber. We ask you to do as they have done and hold the constitutional line.

We ask you to acquit Judge G. Thomas Porteous.

The PRESIDENT pro tempore. Thank you very much, Professor. Representative SCHIFF will conclude the case for the House managers, and the House has 26½ minutes remaining.

Mr. Manager SCHIFF. Mr. President, Senators, let me begin this conclusion by some agreement with my colleague—this is a remarkable proceeding, and the true import of it is demonstrated by the fact of how much you have going on this week and the amount of time we are devoting to this today. It is a reflection of the seriousness, it is a reflection of the fact that these cases come around very rarely, and for good reason. The Constitution sets the bar high. It doesn't want either the House or the Senate to take the process of impeachment lightly. We in the House certainly do not, and we know in the Senate you don't take that responsibility lightly either.

We have set out the facts about why this judge needs to be removed from the bench, and I wish to take this opportunity to rebut some of the points my colleague has made. I think when you go through the evidence, and when you discuss it with the Senators who sat through the trial, you will find, on each of the articles as charged, that G. Thomas Porteous must be removed from office.

Counsel began by stating that the judge wasn't prohibited from being prosecuted for many of these crimes; that he signed tolling agreements with the Department of Justice. But this is what the Department of Justice said in its letter transmitting the case:

> Although the investigation developed evidence that might warrant charging Judge Porteous with violations of criminal law relating to judicial corruption, many of those instances took place in the 1990s and would be precluded by the relevant statute of limitations.

The tolling agreements that Judge Porteous signed contained this clause:

> I understand that nothing herein has the effect of extending or reviving any such period of limitations that has already expired prior to April 5, 2006.

So anything that was gone by then was gone for good, and he made no agreement to revive it. So the case was referred to the fifth circuit. The fifth circuit had 2 days of hearings and, according to Judge Porteous's counsel, provided unprecedented sanctions on the judge.

Do you know what those unprecedented sanctions are? That he has heard no cases and earned his entire salary for 3 years. He was paid his full salary for doing nothing. That is an enormous sanction that was placed upon him—a sanction I think many Americans would love to have, to be paid a Federal judicial salary for doing nothing. That was the sanction.

Counsel says he offered to retire. Well, why didn't he? Why didn't he 3 years ago retire from the bench? He could have. But the Judge's whole intent—which has been demonstrated throughout the procedural history by changing attorneys and moving for delays and continuances—has been to draw out the clock, to go another month with another Federal paycheck, to see if he can eke it out a little longer until he can get his full salary, his full retirement for life. There was nothing preventing this judge from retiring 3 years ago.

Turning to the claims made by counsel in article I, that the articles don't charge a kickback scheme, let me read from article I.

> While he was a State court judge in the 24th Judicial District in the State of Louisiana, he engaged in a corrupt scheme with attorneys Amato and Creely whereby Judge Porteous appointed Amato's law partner as a curator in hundreds of cases, and thereafter requested and accepted from Amato and Creely a portion of the curator fees.

It says right here, he sent them the cases and thereafter requested and received a portion of money from those cases. If that is not a kickback, I don't know what is.

I guess counsel's real argument is, well, why didn't they use the term kickback? And because they didn't use the term that counsel would use in the charging instrument, therefore, you must acquit. That is not the law in impeachment cases, that we have to charge using a particular word. What we do have to do is set out the conduct.

Senator LEAHY asked: Well, what about perjury? We don't use the word perjury in the fourth article, but we set out in the fourth article that he made material false statements before the Senate, knowingly, willfully, and deliberately. That is perjury. So we don't use that particular word. We don't have to use that word. We don't have to charge a particular criminal statute. When we do use particular words, counsel takes issue; when we don't use particular words, counsel takes issue. What is the requirement here? That we charge him with high crimes and misdemeanors. And yes, those words do appear in the articles.

Now the gift. The wedding gift, as counsel calls it. You will notice from the portion he read to you, Mr. Amato never calls it a gift. Mr. Turley does, in his question. In fact, after Mr. Turley

asked those questions, I asked both Creely and Amato: Was this a wedding present? Was this a wedding gift? And their answer was: Of course not.

Counsel has just said: Well, back in the fifth circuit, when Judge Porteous was explaining what happened, he didn't want to contradict his friends, or maybe he didn't have such a good recollection. So 3 years ago, during the fifth circuit when he said—he called it then a loan that he never paid back. But he didn't have as good a recollection 3 years ago as counsel does now when he calls it a wedding gift. Well, no one has ever referred to this as a wedding gift. It was not a wedding present. It wasn't something they registered for.

In fact, the conversation in the testimony at trial was, Amato says: We are out on a fishing trip and he says, look, I invited too many guests to the wedding—this is where the wedding comes in. I invited too many guests to the wedding. I can't afford this. You got to help me out. Can you get me 2,000. Can you give me 2,000. Can you find me a way to get 2,000?

Does that sound like a gift to you? And you don't have to take my word for this or counsel's word. There were 12 Senators who sat through these days of testimony. Ask them if this was a wedding gift.

Counsel says: Well, these were just really close friends of the Judge. This was Uncle Jake and Uncle Bob. These were just close friends. Yet, look at the transcript of that recusal hearing where the judge says—because at that point he wants to distance himself—I don't really know these attorneys. Have we had lunch? Yes. But I have lunch with all the lawyers in the courthouse.

Have I ever been to their house? No.

Well, that is odd. This is Uncle Bob and Uncle Jake. They are that close, according to counsel, but the judge has never been to their house? Clearly, from the point of the recusal hearing, where he is trying to show—trying to mislead the parties, he doesn't know these attorneys any better than any other attorneys he has lunch with. Then, it is one thing, but here it is Uncle Bob and Uncle Jake now.

Counsel says Creely denied that this was a relationship between the cash and the curators. That is simply not the case. If you look at Creely's testimony, he says the judge called him and was hitting him up for the curator money. When Creely says—the reason Creely doesn't like calling it a kickback, apart from the very self-serving and obvious reason, is, he says: I didn't ask for these curator cases; therefore, it can't be a kickback because I didn't want them. They were a nuisance. He says: The judge sent them to me because he wanted to hit me up for the money, but because we didn't have an agreement in advance, because he basically forced me to take these cases and then forced me to give him some of the money, therefore, it wasn't a kickback. I don't think that is how the definition of a ''kickback'' works.

Plainly, Creely testified that the judge understood the money was coming from the curatorships. Plainly, the judge knew it was a kickback, and if Creely doesn't want to admit it or call it that himself, that is exactly what it was. In fact, Amato testified that Creely came to him and said: Look, the judge is hitting me up for the curator money. What do we do?

Amato said: Well, let's just give it to him.

Basically, it wasn't going to cost them much. They are getting these cases. They are kicking back a portion of it, so they decide to do it.

Counsel makes the suggestion, again, he is being charged with being a moocher, he is being charged with having free lunches. Again, I encourage you to talk to the Senators who were there. As my comments about Senator JOHANNS earlier make clear, they are not about whether the judge was a moocher or had too many free lunches. This is about getting money from attorneys, this is about setting bonds not with the public interest in mind but to maximize the profit of a bail bondsman and get a lot of gifts and favors and trips and car repairs and everything else out of it.

Counsel makes the astounding claim that everybody in the case agreed that this is the best judge in Louisiana. God, I hope not. If that is the case, we are in much more serious trouble than any of us can imagine. But that was certainly not the testimony in this case.

Counsel says: Why weren't there records produced by the House of the curatorships? They could have gone and gotten the records. This is somewhat inexplicable because we did get the records. We went into the courthouse and got the boxes and found the record of these curator cases and we introduced records of hundreds of curator cases that were, in fact, assigned to Creely that were the subject of these thousands and thousands of dollars that were returned.

Counsel says: Well, the witnesses couldn't specify exactly how much—was it $20,000, was it $19,000, was it $21,000—and, therefore, you can't believe they actually got the money.

The judge himself doesn't deny getting the money. You know why we can't be precise about whether it was $19,000 or $21,000 or $20,000? Because as the witnesses said during the trial, they paid in cash so there would be no paper trail. I guess counsel is saying, if you pay in cash, you can never be charged or impeached because then the government can't prove exactly how many dollars went into your pocket.

Counsel then makes the claim that if you impeach him because he lied and misled people during the recusal hearing, what you are doing is impeaching a judge because of a judicial decision, and that erodes judicial independence, as if it were a disagreement with the case law on the motion, the case law on the opinion or his judicial philosophy. That is not what this is about. This is about taking money during a case. This is denying a motion, when you know you received money from the attorneys and lying about it. It is not about the merits of the cases you cite or your judicial philosophy or what the standard ought to be.

The judge set the right standard during the hearing. He understood exactly what was required of him. That is what makes it so egregious. He set out the standard, if you read that transcript, perfectly, and he said if anything should come up during the trial that should require me to take myself off the case, I will let you know and give you that opportunity.

So what happens? The case is under submission. As counsel points out, it was under submission for 3 years, and during that period does something happen that would cause an objective person to question his impartiality? Yes. He hits them up for 2,000 bucks and they give it to him. Does he do what he said he would do during that recusal hearing and give the parties a chance to ask him to get off the case? Of course not.

No, instead, counsel paints Porteous as a victim of this conspiracy to go through judge after judge in this hospital case. But, no, he is a hero. He is going to stay in there. He will not recuse himself. He will not let those parties manipulate the system. This is Judge Porteous as hero, occasionally as victim, but never as the abuser of the public trust that, in fact, he is. The fact that the opposing counsel who loses the recusal motion has to bring in another crony of the judge with an agreement that says: If you get the judge off the case, we will give you one hundred—100,000 bucks to start and 100,000 more if you get him off the case, it shows you how the system is corrupted by this judge. The other party has to bring in a crony for his side of the case.

Counsel says Mr. Amato testified that, well, he thought that Porteous was going to do the right thing—as if that makes it OK. I guess you have to ask: Well, what did Mr. Amato think the right thing was? I am sure he thought the right thing was he was going to rule for him. In fact, that is, of course, exactly what Judge Porteous does. He rules for Mr. Amato in an opinion that is excoriated by the court of appeals as being made out of whole cloth.

Counsel asks: Why didn't he recuse himself and that way his other crony would have gotten 100,000 bucks? If he did that, then Mr. Amato would lose $500,000 to $1 million because that is how much he stood to make in fees on the case. If he lost the case, he made nothing. If he won the case, he made $½ million to $1 million. So here the judge had to decide: Do I favor my one crony who stands to make 100 grand or my other crony who stands to make

$500 million. Well, he chose to stand by the crony who would make $500 million.

Article II, this is about six lunches, counsel claims. This is the same issue that was raised with Senator JOHANNS. This is not about six lunches. Not even the portion of article II which deals with Federal conduct is about six lunches. It is about a judge recruiting his successor into the same corruption scheme he was engaged in while he was a State judge, a recruitment that was successful. Judge Bodenheimer was recruited. He then went to work with the Marcottes, so he wouldn't deal with it until he was vouched to work by Judge Porteous, and then Judge Bodenheimer goes to jail. This is the character witness Judge Porteous calls during the trial, Judge Bodenheimer, who went to jail for almost 4 years for the same charges. If you look at the charges Judge Bodenheimer pled guilty to, it was having this arrangement with the bail bondsmen, where he would set bonds to maximize the profits of the bondsmen in exchange for these favors and gratuities.

Counsel says: Well, the House has said at one point it was not going to show that any particular bond was set too high or too low. Counsel did not mention the fact that what we were saying is, we weren't going to say this particular bond, in the case of Joe Smith, should have been $50,000 higher or $20,000 lower. No, we were not going to say in a particular case. What we were going to say was the arrangement with the bondsmen, as the evidence showed during trial, was that in each of the cases that went before the judge, the bondsman would say: This is where I can make the most money, set it at this point. That is what we said we would prove, and that is what we showed during the trial.

Counsel then says something to the effect that the Duhon expungement was downgraded. I don't know what that means. Mr. Duhon was called to testify. He testified about the fact—just like Wallace, the other expungement—he didn't hire an attorney, Mark Hunt did. He didn't tell the attorney anything. Mark Hunt arranged the whole thing. If you look at the transcripts of the expungements and the set-asides between the judge—when the judge sets aside these convictions of these two Marcotte employees, do you know what is striking about them? There is nothing said during the hearing. There is nothing said. There is no case made about why this person deserves to have their conviction set aside. The lawyer doesn't say: Judge, he has lived a good life, he has never had a problem with the law, he deserves this. It is silent. The judge just says: I am going to do this. I am setting aside this conviction under code section blah, blah, blah. There is no discussion; the judge doesn't want there to be. He doesn't want anybody listening or watching to read the transcript and to know what is going on.

Counsel can say: Well, there is nothing, per se, illegal about setting aside a conviction. In fact, the evidence during the trial showed the judge lacked the power to set aside one of the convictions because Louisiana law says you can't set aside a conviction where the person has already started their sentence, and this person, Wallace, had already finished the sentence. But regardless of that, even if you believe somehow he had the power to ignore Louisiana law, the question is why? Why did he exercise that power? On this issue, counsel has never had an answer. The uncontradicted testimony was, the reason he exercised that power was because Marcotte asked him to, because Marcotte was doing him favors, and more than that, Duhon and Wallace were doing him favors, picking up his car, getting it washed, filling it with gas, and fixing the transmission, leaving $300 buckets of shrimp for him, when he got back in his car, and bottles of vodka.

That is why he expunged the convictions, because Marcotte asked him to, because he was doing favors for the judge.

Counsel continues to make the assertion, which I can't understand, that somehow the conviction was not set aside after confirmation. The record is plain, that is exactly what happened. The conviction was set aside right after he was confirmed. There is no reason why that couldn't have been done before, except for the fact he didn't want you to find out about it. He didn't want you to know about his relationship with the Marcottes. That is the reason it was delayed, that is the reason it was concealed, that is the reason he said nothing about it, and that is the reason why the record corroborates exactly what Mr. Marcotte testified.

In article III counsel says: Yes, he filed under a false name. Variously, during the proceedings earlier, in his written pleadings, counsel calls it a pseudonym. He filed under a pseudonym, as if it is a romance novel and he is using a pen name. During the trial, counsel said it was a typographical error. Now he says it is the lawyer's mistake.

This is not a situation where you have a layperson going to an expert lawyer and being advised of some arcane provision of bankruptcy law. This is a Federal judge with 20 years of experience and the lawyer concocts this scheme: Well, let's use a false name, and why don't you go out and get a P.O. box so we don't have to list your address, and the judge does this.

This is not advice of counsel. This is collusion. What is the judge's explanation for why he is entitled to file under a fake name? He doesn't want to embarrass himself, and I guess he doesn't want to embarrass his wife.

What does this mean; that if you are a Federal judge, you have a right to file under a false name under penalty of perjury because you don't want to be embarrassed? If you are an ordinary citizen, you don't have that right. Is it only judges who are embarrassed by bankruptcy? You don't think a teacher who files bankruptcy is embarrassed or a banker who files bankruptcy or a baker or anyone else would be embarrassed if their neighbors or their employer or someone else finds out they have had to file bankruptcy? It is a very painful, embarrassing process for anyone, and a Federal judge doesn't have any more right than anyone else to use a fake name.

Counsel says: Well, no harm, no foul because he finished his bankruptcy proceeding and creditors got paid. He didn't want the notice in the paper, but the creditors all found out about it anyway.

Yes, the creditors found out about it because it went public. The hope was it never would. What the judge also wanted, in addition to avoiding the embarrassment, he didn't want the casinos to know. He didn't want the casinos to know because if the casinos knew—and they weren't listed as creditors, even though he continued to hand out his gambling chits and gamble—if they knew, they would deny him credit, and they wouldn't let him keep gambling, which is exactly what he did during the rest of the bankruptcy.

On article IV, counsel concedes that prior conduct can be impeached as long as it is during the confirmation process. So I guess they have waived any objection constitutionally to impeach on prior conduct for the purpose of article IV because, of course, article IV, the lying to the Senate, is during the confirmation process.

He says: Well, these questions were brought out, though. They were about embarrassing facts. He is focused on one word ''embarrassing.'' But when you look at those forms and the questions you asked in the Senate, it is not just about embarrassment, it is: Are you aware of any negative information that may affect your confirmation? He answers: To the best of my knowledge, I am not aware of any negative information that might affect my confirmation. That is what he told you, and it will be your decision: Is that truth or is that a lie?

Now, counsel implies that it is impossible to know what that question really means. So I asked his own expert this during the trial: If information came out before confirmation that a candidate for judge took kickbacks from attorneys in exchange for the official act of sending curator cases, would, in your expert opinion, that be unfavorable information that would affect that nomination?

This was Professor Mackenzie:

If it were true, yes, it would be.

Question. It would kill the nomination, wouldn't it?

Answer. I think it probably would, yeah.

Question. And a reasonable person would understand that, wouldn't they?

Answer. Yes, I think so.

Question. That wouldn't require a level of insight of which no ordinary person is capable?

No, I agree with that. Yeah.

Question. If information came up before confirmation that the candidate set bail at amounts to maximize the profits of a bail bondsman—et cetera

Same answer to each of those questions. Their own expert said plainly that information is called for by that question. Their expert said: You have no right to lie. If you do not want to suffer the humiliation of revealing that you are corrupt, you know what you do—you withdraw your nomination. And, in fact, that is why these cases are rare. It is rare, frankly, that you do not find this information during the vetting process. But when it comes out, when the White House nominates someone and it comes out that there is a problem, do you know what happens? They withdraw. Now, they may withdraw and say, I have had second thoughts, or, I want to spend more time with my family, or for whatever reason. They do not have to say why. But that is what happens.

The confirmation process should not be a game of hide and seek with the Senate where if you can keep your illicit conduct or your corruption hidden from the Senate and get by that confirmation hearing, you are set for life. That is not the precedent we want to set. That was the view, the unanimous view, of the House of Representatives.

It will be for all of you to decide to what degree you want nominees in the future to feel that they can mislead the Senate, that they can conceal information about corrupt activity; if they can just get through the confirmation, they will be home free, they will be beyond the reach of impeachment. I think that is a careless path to go down as well.

When counsel summed up, he asked: Did he betray his office? I think that is the right question. I think hitting up attorneys, when you have a pending case worth millions, for $2,000 cash, that is betraying your office. I think recruiting other judges into a corrupt scheme is betraying your office. I think lying to the Senate is a betrayal. I think lying to the bankruptcy court is a betrayal.

In the most plain terms, what does this mean, to violate the public trust? Let's say you do not impeach. What is someone walking into Judge Porteous's courtroom or any other judge in New Orleans or California or anywhere else to think? Do they think: Well, I guess I can file something under a false name because the judges do and that is all right. I guess maybe I need to see if I can pay the judge some cash or fill up his car or fix his radiator if I want them to rule in my favor.

Can anyone seriously go into Judge Porteous's courtroom after this without wondering those very things? Is that not the kind of abuse of the public trust the Framers intended to provide a remedy for so that we would not have to continue to suffer someone on the bench who would damage the institution in that way?

We believe this conduct is beneath the dignity of anybody to serve on the bench. That is not only toward Judge Porteous, but it is toward all who serve with him and has raised profound questions certainly in one courthouse and probably many others about just who is sitting on the bench.

The remedy of impeachment is not punitive. It is not designed to punish Judge Porteous. Instead, it is designed to protect the institution. And I believe, on behalf of the House, it is not possible to protect the institution by deciding that this level of corruption is OK, that solicitation of cash is OK, that striking deals with bail bondsmen that don't take official acts in the public's best interest or public trust but on how to enrich the judge is OK. These things are not OK. These things are not just an appearance problem, as counsel suggests. This is unethical. This is criminal. And for the purposes of an impeachment proceeding, it is also a high crime and misdemeanor warranting removal.

Thank you.

The PRESIDENT PRO TEMPORE. All time has expired.

Questions have been submitted in writing. The clerk will now report the questions.

The legislative clerk read as follows:

Senator Franken to Mr. Turley: Isn't what happened before he was a Federal judge relevant if he subsequently lied about it?

Mr. TURLEY. Senator FRANKEN, what I would say is that we have agreed that if those lies occurred during a confirmation hearing, it was an act of perjury, then certainly you would have a potential impeachable offense.

I think that the line being drawn here is—I think this may be the thrust of your question—that if it is pre-Federal conduct, the answer is no. This body has stated in cases like Archbald that it will not consider pre-Federal conduct for a very good reason. The Constitution guarantees life tenure for good behavior in office. That is how the Framers defined it.

If you allow for the House to go back in this case three decades—three decades—and say: Look at all of these things you did before you became a judge, we are going to have a do-over. We think that now you should be removed because of those things, not because of what you did as a Federal judge. And I think there is a distinction. I believe that if there was perjury in the confirmation hearing—I don't think Mr. SCHIFF and I would disagree on that point. But there is a big difference. That is the constitutional Rubicon. That is where this body has never gone. And I do believe, if you look at it objectively, you can see that the perils on that path are obvious and that this body should not go there. There are articles here that refer to Federal conduct, and you have every right to judge this man, but you should judge him as a judge for what he did to the office you gave him, and I think that is what the Framers intended.

The assistant legislative clerk read as follows:

Senator Specter to Mr. Turley: Why did Judge Porteous waive the statute of limitations? Did he think the move was a realistic possibility that he would have been exonerated?

Mr. TURLEY. Thank you, Senator SPECTER. I want to emphasize that with regard to statute of limitations, he waived the statute of limitations he was requested to waive. And the House has come forth and said:—they said they still could not proceed in this area or that area. As I mentioned, they were able to do that with Bodenheimer. The statute of limitations was not a limitation.

The reason he did it is the same reason he went to the Fifth Circuit and said: I am not going to contest these facts. Whether I remember specifically how the money was given to me, as I recall, I was given money, and it was a gift, and it was a mistake. He said: I am not going to contest that, I am not going to fight that because it was wrong. And the same thing with the statute of limitations. He said: I am a judge, and if you can find a crime to charge me with, then you should do it.

That is the point of waiving a statute of limitations. There is no other point of waiving a statute of limitations. You take a risk. And, you know, you yourself, as a well-known defense attorney—well, a well-known litigator, I should say, as are many people in this room, usually you encourage people not to waive a statute of limitations because you don't know where it will lead. This judge decided he would. And ultimately, the Justice Department found that, in looking at all of the evidence, they couldn't bring a charge, and they certainly could not secure a verdict on that basis.

But I don't think there was anything sinister about waiving a statute of limitations. I mean, to the extent that you believe he waived it because he didn't think he could be charged with a crime, the answer, I think, is yes, he doesn't think he did commit a crime, and he waived it.

The legislative clerk read as follows:

Senator Merkley to Mr. Turley. Judge Porteous, while he had the Lifemark case under advisement, solicited a cash gift from an attorney (Amato) who represented one side of the dispute. He then accepted a $2,000 gift from this attorney.

You have referred to this gift as only an appearance of a conflict of interest. How can parties to a case expect fair treatment from a judge if the judge solicits and receives a gift from an attorney on one side in a case?

Doesn't such a solicitation during a trial constitute a complete abandonment of impartiality and a fundamental abuse of the judge's position and a betrayal of the public trust?

Mr. TURLEY. Senator, first of all, I believe I agree with the sentiments that were expressed in that question. He should not have accepted the gift. That is why he accepted discipline. But it was an appearance of impropriety. That is how the court treated it. You

can read the opinion by the dissenting judges and look into whether an appearance of impropriety should be an impeachable offense.

There is no suggestion it was a bribe. It is not alleged it was a bribe. And so what you have then is something that is classified as an appearance of impropriety, and an appearance of impropriety does all of the things that the question suggests. That is why you do not want appearances of impropriety, because it makes people uncertain as to whether the judge is being fair and unbiased. And he admitted to that. It was a mistake. But it was not during the trial. The trial was long over. This was years after the trial. But it was still a mistake. The case was still pending. And he should have realized that.

And, yes, we do refer to it as a wedding gift. I am not so sure why we are having the dispute because it was Amato who said—he raised the fact that he needed money to pay for his son's wedding, and the result of that is that Amato and Creely gave him $2,000 cash. And it is true that they are friends with Timothy. It is true, you know—I am not surprised to hear a suggestion that Creely—that there might be an overstatement of the relationship. I suggest that you read the record. But they were very close to Timothy. But it does not excuse anything. That is why he accepted the punishment.

But words mean things in impeachments. You know, Mr. SCHIFF points out, why did we have to actually say ''kickback''? Why are you making us say ''kickback''? Just look at how these words hold together. Is this not what a kickback is? Well, yeah. And it can also be conspiracy, it could be mail fraud, it could be wire fraud, it could be a number of other things when you talk about corruption.

The reason we want you to say ''kickback'' or ''bribe'' is because it is a specific allegation. And one of those is mentioned actually in the Constitution itself.

By the way, the House managers knew that the issue before the Supreme Court was whether you are going to allege a kickback. So they knew that courts, in fact, turn down honest services for the failure to allege kickbacks, and they still did not mention it. Why? Because they wanted to use corruption.

So the point is, in answer to this question, that if it is not a kickback and it is not a bribe, it is what the Court said it was in the Fifth Circuit—an appearance of impropriety. And that is not good. And Mr. SCHIFF and I will agree on this. No attorney wants a judge to do what was done in this case, and that is why he was disciplined, and he was disciplined harshly. That is the most severe discipline this court has handed down.

Mr. SCHIFF might, in fact, say: What is that? You do not get to be a judge? That is a lot because you are reprimanded by your colleagues. You are held up for ridicule. And I got to tell you, it is not something most people would want for themselves. It was an appearance of impropriety, and he was severely disciplined for it.

The PRESIDENT pro tempore. Are there any more questions?

The Chair recognizes the majority leader.

CLOSED SESSION

Mr. REID. Mr. President, I move that pursuant to impeachment rule 10, the Senate now close its doors to commence deliberations on the motions and impeachment articles and ask unanimous consent that floor privileges during the closed session be granted to the individuals listed on the document I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The list is as follows:

IMPEACHMENT CLOSED SESSION

FLOOR PRIVILEGES

Parliamentarians: Alan Frumin, Elizabeth MacDonough, Peter Robinson, Leigh Hildebrand.

Legislative Clerks: Kathie Alvarez, John Merlino, MaryAnne Clarkson.

Journal Clerks: Scott Sanborn, William Walsh, Ken Dean.

Official Reporters: Valentin Mihalache, Pam Garland, Joel Breitner, Mark Stuart, Rebecca Eyster, Patrick Renzi, Julie Bryan and Paul Nelson.

Executive Clerk's Office: Jennifer Gorham.

Majority Leader: Gavin Parke, Mike Castellano, Serena Hoy, Gary Myrick.

Republican Leader's Office: John Abegg.

Democratic Secretary's Office: Tim Mitchell, Tricia Engle, Meredith Mellody.

Republican Secretary's Office: Laura Dove, Jody Hernandez.

The PRESIDENT pro tempore. The Senate will now close its doors and only Members and staff granted floor privileges shall remain.

The Sergeant at Arms will ensure the Chamber, the galleries, and the adjoining corridors are cleared of unauthorized persons.

(At 5:45 p.m., the doors of the Chamber were closed.)

At 7:56 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now move to legislative session.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WALT RULFFES

Mr. REID. Mr. President, I rise today to recognize the lasting achievements of the Walt Rulffes. His recent retirement from the post of Superintendent of Clark County School District means that southern Nevada is losing one of its most versatile leaders. Walt's impressive ability to lead, while often having to make tough decisions, has garnered the respect of all Nevadans. His guidance of one of the Nation's fast-growing school districts through good times and bad, will never be forgotten.

Born in Long Island, NY, Walt was raised on a ranch in Washington State. He grew up with a love for literature and learning. Although childhood dreams revolved around becoming a cowboy, he went on to obtain his M.B.A. from Gonzaga. Walt developed a background in Finance, which laid the foundation for later success. He also developed the ability to act decisively in a moment of need. Serving first as deputy superintendent of finance, then as interim superintendent, Walt eventually became the superintendent for the Clark County School District.

The Clark County School District is one of the country's largest local education agencies, serving over 300,000 students from a variety of backgrounds. Its superintendent, therefore, must be able to proficiently manage immense day-to-day activities as well as oversee financial affairs. Mr. Rulffes not only met these demands, but in fact exceeded all expectations. His success is mainly due to this fact: Walt has never forgotten the most important part of his job—the students. In one occasion, unsatisfied with the inconsistency of math teaching practices and tests, he implemented districtwide math textbooks and uniform testing to equip students with necessary mathematics skills for college. Scores improved and students are now much better prepared for college and careers. His focus on the development of career and technical schools likewise improved students' possibilities for education. Walt further implemented English language learning, ELL, programs and was a champion of the ''Empowerment Schools,'' a program that grants school principals greater autonomy.

Serving as the head of Clark County School District, Walt was also forced to master the art of adaption. From year to year, the issues faving the school district were never quite the same. CCSD went from building over 100 new schools to accommodate new

residents, to dealing with over $250 million in budget cuts when the economic downturn hit. Through the highs and lows, Walt Rulffes has worked to give the school district, its teachers, and students the consistency that must accompany a quality education.

The recognition of his work has gone far beyond the borders of the Silver State. Just this year, he was one of the four finalists for National Superintendent of the Year, awarded by American Association of School Administrators. In making their selection, the judges cited student achievement, his empowerment program, fiscal responsibility, and staff development in the nation's fifth largest school district. I congratulate him on this honor and appreciate all the improvements he has brought to the district.

I join with my fellow Nevadans in honoring Walt for his great work as Superintendent of Clark County Schools. ''My whole obsession in Nevada has been to increase the number and quality of our graduates,'' he once noted. For that, we will always be grateful.

DREAM ACT

Mr. CORNYN. Mr. President, I rise today to discuss the upcoming cloture vote on the motion to proceed to the DREAM Act. I have great sympathy for students brought to the United States at a very young age who have no moral culpability for being in this country in violation of our laws. I have listened to many stories about how our broken immigration system has failed these students, and I have discussed this issue with many Hispanic leaders in Texas and across the Nation.

Last week, we learned that the unemployment rate went back up to 9.8 percent in November—and more than 15 million Americans cannot find a job. In the Hispanic community, things are even worse. The unemployment rate is up to an astonishing 13.2 percent the highest rate in 27 years. And it has been above double digits every month since the stimulus bill became law in February 2009.

That's why I agree with my Republican colleagues that the only items on our agenda during this lameduck session should be time-sensitive issues focused on the economy. Those time-sensitive issues include passing a continuing resolution to keep the government running, as well as preventing the largest tax hike in U.S. history. Everything else that can wait should wait until the new Congress convenes in January.

Nevertheless, I do have sympathy with students who would benefit from the DREAM Act. And that is why I voted for a version of this legislation in the Judiciary Committee in 2003. But as I said then and continue to say today: it is important to get the details right with sensitive legislation like this.

Unfortunately, the version of the DREAM Act before us has several problems we have identified previously over the last several years. Under this version of the DREAM Act, a 30-year-old illegal immigrant with only 2 years of post-high school education would be eligible for a green card—regardless of whether he or she ever earned a degree.

Under this version of the DREAM Act, a thirty year old illegal immigrant who has been convicted of two misdemeanors would be eligible for a green card—and let's remind ourselves that many misdemeanors are not minor offenses. In many States, they include: driving under the influence; drug possession; burglary; theft; assault; and many other serious crimes. In New York, ''sexual assault of a minor in the third degree'' is a misdemeanor offense. Someone with two convictions for any of these crimes would be eligible for a green card under this legislation. And that doesn't even include people who are prosecuted for felonies—but who plead guilty to a misdemeanor as part of a plea agreement.

This version of the DREAM Act also has very weak protections against fraud. As we saw in 1986, any time we expand eligibility for an immigration benefit we will create a new opportunity for fraud if we are not careful. Yet this bill actually protects the confidentiality of a DREAM Act application—even if it contains false information.

These are just some of the problems in this version of the DREAM Act that should have been debated in the Judiciary Committee, and subject to amendment under the regular order. None of these concerns with the DREAM Act are new, by the way. Like other Senators, I have made clear for years my concerns about loopholes for convicted criminals as well as protections against fraud.

Washington's credibility is the obstacle to broader immigration reform and rushing a flawed version of the DREAM Act in a lameduck session will only weaken Washington's credibility even further.

I also believe that these tactics show a lack of respect for those of us who want to see credible immigration reform. We all know that the majority—as well as the White House—have not kept their promises on immigration reform. They clearly hope a last-minute push for the DREAM Act during a lameluck session will outweigh 2 years of inaction and broken promises on this issue. These tactics clearly represent political gamesmanship: a cynical attempt to play on the hearts and minds of those who want real reform.

I continue to believe that our Nation would benefit from the DREAM Act being introduced and debated in committee; amended to address concerns with the bill; and incorporated into a credible immigration reform package that begins with border security and can win the support of the American people.

That is the kind of approach we need—the kind of approach I hope we can get once the new Congress takes up its responsibilities in January.

TAX CUTS

Mr. CASEY. Mr. President, last weekend I voted for legislation that would extend tax cuts for all Pennsylvanians. This legislation also included a continuation of expired unemployment insurance, a series of tax incentives that have created jobs in Pennsylvania like the R&D tax credit, the biodiesel tax credit which is essential to companies like Hero BX in Erie, the new markets tax credit and the payroll tax credit known as the HIRE Act. I also voted for permanent extensions of the enhanced child tax credit and earned income tax credit and the expanded adoption tax credit that I included in the health care reform law, all of which place money back into the pockets of working people across the Commonwealth.

According to the Pennsylvania Department of Revenue, out of 6.5 million filers in the Commonwealth in 2008, 98 percent had adjusted gross income below $250,000. There is a consensus in Congress to extend tax cuts for these families. We should pass the middle income tax cuts, renew the job creation tax cuts and preserve unemployment insurance. We can then have a debate about the upper income tax breaks without using middle-income families and those laid off through no fault of their own as political bargaining chips. However, a long-term extension of tax cuts for upper income taxpayers, multimillionaires and billionaires, is not fiscally responsible for one reason: it adds hundreds of billions to the deficit without creating jobs or stimulating economic growth.

In recent months, I spoke to both business owners and economists to get their views on how Congress should handle the expiring tax provisions. What I learned is that certainty and consistency are needed when the economy is in such a fragile condition. We must reach a compromise. At most however, this might entail a short-term extension of upper income tax cuts and other ideas that could bring certainty without unduly increasing the deficit.

BOYS & GIRLS CLUBS

Mr. LEAHY. Mr. President, November and December bring with them a contagious holiday spirit. During a time when many Vermonters are struggling to feed their families and heat their homes, community members across Vermont are stepping forward to provide a helping hand to their neighbors. I am proud that Vermont takes to heart our country's great tradition of offering a helping hand to those in need.

While many of us were at home with our families this Thanksgiving, the

staff and volunteers at the Vermont Boys & Girls Clubs of America were busy organizing food donations and cooking meals for the holiday to provide hot meals to those who might not otherwise have had a Thanksgiving dinner at all. In Rutland alone, the Boys & Girls Club cooked enough food to feed 100 people, with many of the ingredients donated by local farms. In Montpelier, the Washington County Youth Service Bureau and Boys & Girls Clubs staff and volunteers prepared turkey dinners to feed homeless Vermonters and financially secure residents alike, producing a real community dinner.

In these tough economic times, community resources are vital to the well-being of all Vermonters. As these resources become scarcer, donations and volunteers become indispensible. Rutland and Montpelier are just a few examples of where Vermonters are volunteering in their communities this holiday season. I am proud to call Vermont home and to count these volunteers among my friends and neighbors. I commend them and all those who donated food for Thanksgiving meals, and I applaud all those who voluntarily step forward throughout the year to take the time to attend to the support and safety of Vermont's children and families.

I ask unanimous consent that press articles detailing the work of the Vermont Boys & Girls Clubs and volunteers be printed in the RECORD. These articles include ''Boys and Girls Club serves local Thanksgiving dinner'' published by the Rutland Herald on November 24, 2010, and ''Thanksgiving Volunteers deliver—with community spirit—in Montpelier,'' published by the Times Argus on November 26, 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Nov. 24, 2010]

BOYS AND GIRLS CLUB SERVES LOCAL THANKSGIVING DINNER

(By Lucia Suarez)

The Boys and Girls Club of Rutland County hosted the annual Thanksgiving dinner as part of its food program, serving traditional Thanksgiving foods using local ingredients on Tuesday. Chef Ian Vair, food coordinator for the Boys and Girls Club, used mostly local ingredients donated through the Rutland Area Farm and Food Link as part of this year's Localvore Challenge.

Radical Roots Farm, Boardman Hill Farm in West Rutland, and Clark Farm in Wells donated all the food, he said.

Vair served roasted turkey, garlic mashed potatoes, stuffing, kale au gratin (in bechamel cream sauce), butternut squash casserole and Dutch apple pie to more than 50 hungry kids and their families. ''We made enough for leftovers, enough food to feed about 100 people.'' Vair said. ''It's two days of work.''

Using the local ingredients for the dinner is part of the club's Localvore Challenge in collaboration with Sustainable Rutland. The challenge for Thanksgiving is to see how much of people's holiday dinner is from local ingredients, said Jim Sabataso, coordinator for Sustainable Rutland. Local is defined as a 100-mile radius. ''Thanksgiving is so much about the harvest,'' Sabataso said.

Thirty families have signed up for the Localvore Challenge in Rutland, Sabataso said. Using local foods is key for Vair, who tries to incorporate healthy carbohydrates and fresh vegetables to the meals he prepares at the club every day, he said. ''I try to have fresh veggies in every meal,'' Vair said. ''A lot of these kids are used to canned crap and they try fresh stuff and like it more.''

Vair said the casserole is traditionally made with sweet potatoes but he used the butternut squash because it was available locally. Twelve-year-old Chyna Cast thought the food was great, her favorite being the garlic mashed potatoes, she said. ''I think it's really good,'' Chyna said. ''Actually, I think it's amazing.''

The mashed potatoes seemed to be the biggest hit of the night. ''I can have a mountain of potatoes on my plate for Thanksgiving,'' said Brooke Nuckles, director of the Center, an outreach program for 16-to-21-year-old members.

Through the food, Vair teaches the club's youths, especially those from the ages of 16 to 21, skills about cooking and the importance of healthy eating, he said. For the Thanksgiving dinner, kids from the 6-to-15-year-old group helped chef Vair make the pies and slice the bread for the stuffing. ''It's great to see the kids, with their aprons on five nights a week in the kitchen,'' Nuckles said. ''We are so thankful to the farmers of Vermont and lucky to have access to all the food.''

[From the Times Argus, Nov. 26, 2010]

THANKSGIVING VOLUNTEERS DELIVER—WITH COMMUNITY SPIRIT—IN MONTPELIER

(By Peter Hirschfeld)

Montpelier—For 364 days a year, the Washington County Youth Service Bureau/Boys and Girls Club operates programs that bring stability to the lives of local children and teenagers. But every Thanksgiving, the organization's 40-member staff transforms into a full-service catering crew.

Since 1972, the Youth Service Bureau has cooked up one of the best-attended free dinners in the state on a holiday devoted to food. On Thursday, in the festively decorated basement of the Bethany Church in Montpelier, diners enjoyed a meal made possible by hundreds of hours of volunteer labor.

''Look at this place—it's absolutely full,'' said Montpelier City Councilor Jim Sheridan. ''Especially in these times, there's a need for something where the disabled, the disadvantaged, the needy, can come together, socialize and enjoy a good meal. It's just a wonderful thing.''

Karena LaPan, a receptionist at the Youth Service Bureau, was the organizing force behind this year's meal. More than 200 people ate turkey and all the traditional fixings at Bethany Thursday afternoon. The Youth Service Bureau delivered another 290 prepared dinners to residents across the city. ''It's unbelievable how many people are willing to donate time, money or food to making this possible,'' LaPan said ''We all get a lot of enjoyment out of it.''

Volunteers roasted about 35 turkeys this week to get ready for the event. On Wednesday, Youth Service Bureau staff spent the day in the Bethany kitchen over steaming kettles of potatoes, squash and other Thanksgiving standbys. Kreig Pinkham, executive director of the Youth Service Bureau, said the all-inclusive meal draws financially secure residents eager to break bread with neighbors, as well as more vulnerable people who wouldn't be able to afford it otherwise.

''It's a wonderful mix we get here,'' Pinkham said. ''We get the homeless population coming in as well as families who don't want to make a full meal at home. It creates a really rich environment that's satisfying to be a part of.''

Washington County Senator Bill Doyle had a full turkey leg with lots of gravy on his plate shortly after noon Thursday. It was his 12th consecutive Thanksgiving dinner at Bethany and he said that difficult economic times have made efforts like these even more important. ''You can see the difficult times reflected in the number of people here today and the enthusiasm they have for a meal like this,'' Doyle said. ''It says something about the community, this church and the Washington County Youth Service Bureau that this is available for whoever wants to come enjoy it.''

Sheridan said events like the one Thursday are part of what make him proud to live in the Capital City.

NATIONAL ALZHEIMER'S PROJECT ACT

Mr. BAYH. Mr. President, I rise today to commend members of the Senate Committee on Health, Education, Labor, and Pensions and Members of the Senate for their support of the National Alzheimer's Project Act, S. 3036. In particular, the committee was helpful in strengthening the National Alzheimer's Plan and the annual reporting requirements to Congress that include the articulation of goals, benchmarks, priorities, recommendations, and tracking outcomes.

This legislation is focused on changing the devastating trajectory of Alzheimer's disease for our families and our economy. Alzheimer's disease is a debilitating illness that affects more than 5 million Americans and their families every day. The growing number of Americans expected to be affected by this disease, which is estimated to reach up to 16 million people by 2050, will continue to place an enormous burden on families and loved ones, not to mention the serious fiscal consequences to consider if we do not act now to address this disease. If nothing is done, studies report that Alzheimer's disease will cost the United States $20 trillion over the next 40 years.

With no current plan to address Alzheimer's, this important piece of legislation would lay the foundation to coordinate all Federal Alzheimer's programs and initiatives, including research, clinical care, institutional cared home- and community-based programs. The bill also ensures that a national Alzheimer's plan will be implemented by the agencies and Congress.

This bill will leverage existing leadership to offer real solutions to the Alzheimer's crisis. The National Alzheimer's plan called for in this bill will, for the first time, articulate what outcomes the Federal Government is seeking to reduce the impact of this crisis. It would allow Congress to assess whether the Nation is meeting the challenges of the disease for families, communities, and the economy. It

would give all stakeholders an answer the fundamental question, ''Was this a good or a bad year in the fight against Alzheimer's?''

The National Alzheimer's Plan will include appropriate performance measures and benchmarks to allow legislators to evaluate progress in the fight against Alzheimer's. The assessment and priority recommendations will likely address issues such as the underinvestment in Alzheimer's research. By addressing Alzheimer's disease and dementia directly, the National Alzheimer's Plan will also call attention to the many steps that can be taken to improve recognition, diagnosis and care for people with these conditions, reduce symptom severity, support family caregivers, and encourage ''healthy brain'' behaviors that may reduce risk for these conditions.

With the leadership of the Federal Government and input from all stakeholders, including Alzheimer's patient advocates, health cafe prodders, State health departments, voluntary health associations, and researchers, this bill would allow an opportunity for all worthy entities addressing Alzheimer's, including organizations at the State and at the national level, to come together on advisory council to make recommendations and implement a national strategic plan to overcome this dreadful disease. The advisory council will also ensure buy-in, leadership, and coordination of all related Federal agencies conducting Alzheimer-related care, services, and research.

One of the principal objectives of the advisory council is to represent a broad range of expert stakeholders within the Alzheimer's community to provide input and recommendations to the Federal Government on a national strategic direction for combating Alzheimer's disease. When crafting this legislation, the sponsors were careful to include patient advocates, caregivers, and providers who serve at the front lines of Alzheimer's care and who understand on a personal level the toll of this disease on patients and their families. Additionally, sponsors of S. 3036 included representatives of State health departments and Alzheimer's researchers who have expertise regarding the impact of this disease on public health as well as the state of the science in discovering prevention methods, treatments, and cures. Lastly, sponsors sought to include national voluntary health associations on the council, who provide invaluable research, care, support services, and advocacy tools for patients, caregivers, and local organizations throughout the country. It is our intent that two national organizations have representation on the council.

The threat that Alzheimer's disease poses to the health and wellbeing of our Nation demands an aggressive and well-coordinated response. This bill creates the first-ever national plan to combat Alzheimer's and ensures that every dollar spent on the disease will be used to get the best possible care for patients. At a time when medical research funds are too scarce and we are struggling to provide quality health care for all Americans, for the first time we will be able to assess all Federal efforts related to Alzheimer's disease, ensure existing resources are maximized, enhance the delivery of quality care, and support the kind of research that will one day result in a cure for this devastating disease.

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–8339. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–8340. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spiroxamine; Pesticide Tolerances'' (FRL No. 8850–9) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8341. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metrafenone; Pesticide Tolerances'' (FRL No. 8854–6A) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8342. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''N,N,N',N,'-Tetrakis-(2-Hydroxypropyl) Ethylenediamine (NTHE); Exemption from the Requirement of a Tolerance'' (FRL No. 8851–8) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8343. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyoxyalkylated Glycerol Fatty Acid Esters; Tolerance Exemption'' (FRL No. 8852–2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8344. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Establishment of New Agency; Revision of Delegations of Authority'' (RIN0524–AA63) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8345. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five Selected Acquisition Reports (SARs) for the quarter ending September 30, 2010; to the Committee on Armed Services.

EC–8346. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–113, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–8347. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Atlanta, Georgia 1997 8-Hour Ozone Moderate Nonattainment Area'' (FRL No. 9234–2) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC–8348. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Stage II Vapor Recovery'' (FRL No. 9234–4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC–8349. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction'' (FRL No. 9235–5) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC–8350. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Greensboro-Winston-Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction'' (FRL No. 9235–4) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC–8351. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Addition of National Toxicology Program Carcinogens; Community Right-to-Know Toxic Chemical Release Reporting'' (FRL No. 9231–5) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8352. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards'' (FRL No. 9230–4) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8353. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution'' (FRL No. 9230–3) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8354. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Industrial Solvent Cleaning Operations; Withdrawal of Direct Final Rule'' (FRL No. 9231–9) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8355. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Portion of the Cincinnati-Hamilton Area; 8-hour Ozone Maintenance Plan'' (FRL No. 9232–2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8356. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Clean Air Interstate Rule'' (FRL No. 9232–3) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8357. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Idaho'' (FRL No. 9231–1) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8358. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oklahoma; State Implementation Plan Revisions for Interstate Transport of Pollution, Prevention of Significant Deterioration, Nonattainment New Source Review, Source Registration and Emissions Reporting and Rules of Practice and Procedure'' (FRL No. 9230–2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8359. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Disapproval and Promulgation of Air Quality Implementation Plans; Indiana; Addition of Incentive for Regulatory Flexibility for its Environmental Stewardship Program'' (FRL No. 9231–8) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8360. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Idaho'' (FRL No. 9231–2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC–8361. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards'' (FRL No. 9234–6) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC–8362. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases'' (FRL No. 9234–7) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC–8363. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 2142. To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1275. A bill 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.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 4011. A bill to establish the Western Hemisphere Drug Policy Commission; to the Committee on Foreign Relations.

By Mr. KOHL:

S. 4012. A bill to improve the employability of older Americans; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, and Ms. STABENOW):

S. 4013. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. BEGICH):

S. 4014. A bill to provide for the replacement or rebuilding of a vessel for the non American Fisheries Act trawl catcher processors that comprise the Amendment 80 fleet; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 696. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2982

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3797

At the request of Mrs. GILLIBRAND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3797, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of quality universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 3881

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3881, a bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes.

S. 3919

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 3919, a bill to remove the

gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes.

S. 3978

At the request of Mr. JOHNSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3978, a bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral.

S. 3984

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) 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. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. BEGICH):

S. 4014. A bill to provide for the replacement or rebuilding of a vessel for the non American Fisheries Act trawl catcher processors that comprise the Amendment 80 fleet; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce a technical corrections bill relating to the replacement of vessels in the Washington and Alaska non-pollock groundfish trawl catcher-processor fleet.

In Washington State, our history is based on a rich maritime tradition that contributes as much as $3 billion to the State's economy each year. There are 3,000 vessels in Washington's fishing fleet that employ 10,000 fishermen. Seafood processors employ another 3,800 Washingtonians. And fish wholesalers employ an additional 1,000 people.

Each year thousands of fishermen risk their lives on the high seas attempting to provide food for American families and for the world. All too often, however, the vessels fishermen use are old, antiquated, and sometimes even unsafe.

It's that very concern about fishing safety that moved this Congress to pass new, more stringent fishing vessel safety requirements through the Coast Guard Authorization Act of 2010, which was signed into law by President Obama on October 15 of this year.

Our work, though, is far from done.

The bill I am introducing today is designed to clarify an ambiguity in the law that some believe could prevent fishermen in the Washington and Alaska non-pollock groundfish trawl catcher-processor fleet from replacing old, unsafe vessels with new ones. The North Pacific Fishery Management Council and U.S. Department of Commerce are currently taking action to promulgate regulations that would allow vessel replacement in this fleet. The Federal Government believes it has that authority, and I agree with that conclusion. Because of ambiguity in the law, however, my colleagues and I are introducing this legislation today to erase any uncertainty or ambiguity on whether the Government has the legal authority and ability to embark on its current course of action. Congress certainly never meant to prevent the replacement of old, unsafe vessels with new or refurbished ones, and where additional clarity is sought on that question, Congress should provide it.

By adopting this bill, we can improve fishing safety by providing the legal and financial clarity necessary for these vessels to be rebuilt and replaced. In a rapidly-aging fleet that has already experienced the tragedy of ships and men lost at sea, it is the least that we owe them—the means to prevent such tragedies from happening again in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 4014

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

SECTION 1. REPLACEMENT VESSEL.

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 188 Stat. 886–891).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 696—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 696

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, Ms. Collins, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Kirk.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, Mr. Graham, and Mr. Kirk.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4735. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3991, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4736. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table.

SA 4737. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4738. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4739. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4735. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3991, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 4, no collective-bargaining obligation may be imposed on any political subdivision or any public safety agency, and no contractual provision may be imposed on any political subdivision or public safety agency, if either the principal administrative officer of such public safety agency, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 4736. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. USE OF NONAPPROPRIATED FUND INSTRUMENTALITY ACTIVITIES OF THE UNITED STATES NAVAL ACADEMY BY THE PUBLIC.

(a) USE OF ACTIVITIES AUTHORIZED.—Section 6971 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) USE OF ACTIVITIES BY THE PUBLIC.—(1) Except as provided in paragraph (2), the Superintendent may authorize the utilization by non-Department of Defense persons of the Naval Academy activities referred to in subsection (b), and any other nonappropriated fund instrumentalities of the Naval Academy, to the extent that the utilization of such activities or instrumentalities by such persons does not interfere with the mission of the Naval Academy.

''(2) A Naval academy activity or nonappropriated fund instrumentality may not be utilized by a person under paragraph (1) for any fund-raising activities.

''(3) Any use of a Naval Academy activity or nonappropriated fund instrumentality by a person under paragraph (1) shall be on a reimbursable basis.''.

(b) CREDITING OF REVENUE.—Subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by inserting '', including any reimbursements under subsection (c),'' after ''in subsection (b)''.

(c) CONFORMING AMENDMENT.—Subsection (e) of such section, as so redesignated, is further amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

SA 4737. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. REPORT ON ACTIONS TO ADDRESS FORCE PROTECTION DEFICIENCIES AT THE JOINT SPECTRUM CENTER.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken to address vulnerabilities and other force protection deficiencies identified at the Joint Spectrum Center in the Balanced Survivability and Integrated Vulnerability Assessment (BSIVA) conducted by the Defense Threat Reduction Agency in January 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the actions taken to address vulnerabilities and other force protection deficiencies identified at the Joint Spectrum Center in the assessment referred to in subsection (a).

(2) A listing of each action proposed in the assessment that has not been completed as of the date of the report, and, for each such action, a plan to complete such action and a schedule for the completion of such action.

(3) A description and estimate of the costs of various options to ensure adequate levels of antiterrorism protection and force protection for military personnel and civilians at the Joint Spectrum Center, including appropriate adjustments of leases and the relocation of the functions of the Joint Spectrum Center onto a military installation.

(4) A certification by the Secretary of Defense whether the antiterrorism and force protection measures undertaken at the Joint Spectrum Center, and the associated risks, are consistent with the levels of protection, and associated risks, of other Department of Defense personnel.

(5) A description of actions taken to implement the finding of the Defense Base Closure and Realignment Commission that increased military value would be realized through the relocation of the Joint Spectrum Center to Fort Meade, Maryland, including, as applicable, an explanation of the reasons such relocation has not occurred.

(6) A description of any long-term plans to relocate the Joint Spectrum Center.

SA 4738. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2704. TRANSFER OF NEW BEGINNINGS YOUTH DEVELOPMENT CENTER AS PART OF REDEVELOPMENT OF WALTER REED ARMY MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The Walter Reed Army Medical Center in the District of Columbia is scheduled to close by September 15, 2011, as part of the 2005 round of defense base closure and realignment, and will be divided into three sections for transfer out of Army control.

(2) Approximately 34 acres of the Walter Reed Army Medical Center are scheduled to transfer to the Government Services Administration and approximately 18 acres are scheduled to transfer to the Department of State as part of the closure.

(3) The remaining approximately 61 acres will transfer out of Federal control via the local redevelopment authority (LRA) process.

(4) The District of Columbia Office of the Deputy Mayor for Economic Development is acting as the LRA for the Walter Reed Army Medical Center, with all actions overseen by an LRA board consisting of public officials and private citizens.

(5) The District of Columbia LRA is in the process of developing a redevelopment plan that recommends how the buildings and land at the Walter Reed Army Medical Center are to be reused. The redevelopment plan is required to be submitted to the Army for approval by December 5, 2010.

(b) TRANSFER OF NEW BEGINNINGS YOUTH DEVELOPMENT CENTER.—

(1) REQUIREMENT TO INCLUDE TRANSFER AS PART OF REDEVELOPMENT PLAN.—Not later than December 5, 2010, the Office of Deputy Mayor for Economic Development of the District of Columbia, in its capacity as the local redevelopment authority in connection with the closure of the Walter Reed Army Medical Center as part of the 2005 round of defense base closure and realignment, shall include as part of the redevelopment plan for such facility the complete transfer to the facility of the New Beginnings Youth Development Center, operated by the Department of Youth Rehabilitation Services of the District of Columbia, currently located in Laurel, Maryland.

(2) SECRETARY OF THE ARMY APPROVAL.—The Secretary of the Army may not accept or approve a redevelopment plan for the Walter Reed Army Medical Center that does not provide for the transfer described in paragraph (1).

SA 4739. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4478) is amended by striking ''12 months'' and inserting ''18 months''.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, December 8, upon the conclusion of the impeachment trial, the Senate stand in recess subject to the call of the Chair; that upon reconvening, the Senate then resume consideration of the motion to proceed to Calendar No. 661, S. 3991, and that the time until 12:30 p.m. be equally divided and controlled between the leaders or their designees; that at 12:30 p.m., the Senate stand in recess until 3:30 p.m.; that upon reconvening at 3:30 p.m., there be an additional 30 minutes of debate, divided as specified above; further, that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to Calendar No. 661; further, if there are back-to-back votes with respect to the cloture motions, that there be 4 minutes of debate equally divided and controlled in the usual form prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 673.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3199) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, 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 ''Early Hearing Detection and Intervention Act of 2010''.

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

*(1) in the section heading, by striking ''**INFANTS**'' and inserting ''**NEWBORNS AND INFANTS**'';*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''screening, evaluation and intervention programs and systems'' and inserting ''screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,'';

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

''(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.''; and

(C) by adding at the end the following:

''(3) Other activities may include developing efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider, and State agencies shall be encouraged to adopt models that effectively increase the rate of occurrence of such follow-up.'';

(3) in subsection (b)(1)(A), by striking ''hearing loss screening, evaluation, and intervention programs'' and inserting ''hearing loss screening, evaluation, diagnosis, and intervention programs'';

(4) in paragraphs (2) and (3) of subsection (c), by striking the term ''hearing screening, evaluation and intervention programs'' each place such term appears and inserting ''hearing screening, evaluation, diagnosis, and intervention programs'';

(5) in subsection (e)—

(A) in paragraph (3), by striking ''ensuring that families of the child'' and all that follows and inserting ''ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program placements, and other options for their child from highly qualified providers.''; and

(B) in paragraph (6), by striking '', after rescreening,''; and

(6) in subsection (f)—

(A) in paragraph (1), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015'';

(B) in paragraph (2), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015''; and

(C) in paragraph (3), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015''.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment 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 related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 3199), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MUSEUM AND LIBRARY SERVICES ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 671.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3984) to amend and extend the Museum and Library Services Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill 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 related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3984) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3984

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Museum and Library Services Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Responsibilities of Director.
Sec. 103. Personnel.
Sec. 104. Board.
Sec. 105. Awards and medals.
Sec. 106. Research and analysis.
Sec. 107. Hearings.
Sec. 108. Administrative funds.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purposes.
Sec. 202. Authorization of appropriations.
Sec. 203. Reservations and allotments.
Sec. 204. State plans.
Sec. 205. Grants.
Sec. 206. Grants, contracts, or cooperative agreements.
Sec. 207. Laura Bush 21st Century Librarian Program.
Sec. 208. Conforming amendments.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Authorization of appropriations.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Repeal.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

''(2) DIGITAL LITERACY SKILLS.—The term 'digital literacy skills' means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.''.

SEC. 102. RESPONSIBILITIES OF DIRECTOR.

Section 204 (20 U.S.C. 9103) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) DUTIES AND POWERS.—

''(1) PRIMARY RESPONSIBILITY.—The Director shall have primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

''(2) DUTIES.—In carrying out the responsibility described in paragraph (1), the Director shall—

''(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

''(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

''(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

''(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.'';

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(3) by striking subsection (e) and inserting the following:

''(e) INTERAGENCY AGREEMENTS.—The Director may—

''(1) enter into interagency agreements to promote or assist with the museum, library,

and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

''(2) use funds appropriated under this Act for the costs of such activities.

''(f) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

''(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

''(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

''(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

''(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

''(g) INTERAGENCY COLLABORATION.—The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

''(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

''(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

''(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.''.

SEC. 103. PERSONNEL.

Section 206 (20 U.S.C. 9105) is amended—

(1) by striking paragraph (2) of subsection (b) and inserting the following:

''(2) NUMBER AND COMPENSATION.—

''(A) IN GENERAL.—The number of employees appointed and compensated under paragraph (1) shall not exceed ⅕ of the number of full-time regular or professional employees of the Institute.

''(B) RATE OF COMPENSATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(ii) EXCEPTION.—The Director may appoint not more than 3 employees under paragraph (1) at a rate of basic compensation that exceeds the rate described in clause (i) but does not exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.''; and

(2) by adding at the end the following:

''(d) EXPERTS AND CONSULTANTS.—The Director may use experts and consultants, including panels of experts, who may be employed as authorized under section 3109 of title 5, United States Code.''.

SEC. 104. BOARD.

Section 207 (20 U.S.C. 9105a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively;

(B) in paragraph (2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''(1)(E)'' and inserting ''(1)(D)''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''(1)(F)'' and inserting ''(1)(E)''; and

(C) in paragraph (4)—

(i) by inserting ''and'' after ''Library Services,''; and

(ii) by striking '', and the Chairman of the National Commission on Library and Information Science'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Except as otherwise provided in this subsection, each'' and inserting ''Each''; and

(ii) by striking ''(E) or (F)'' and inserting ''(D) or (E)''; and

(B) in paragraph (2), by striking ''INITIAL BOARD APPOINTMENTS.—'' and all that follows through ''The terms of the first members'' and inserting the following: ''AUTHORITY TO ADJUST TERMS.—The terms of the members'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''relating to museum and library services, including financial assistance awarded under this title'' and inserting ''relating to museum, library, and information services''; and

(B) by striking paragraph (2) and inserting the following:

''(2) NATIONAL AWARDS AND MEDALS.—The Museum and Library Services Board shall advise the Director in awarding national awards and medals under section 209.''; and

(4) in subsection (i), by striking ''take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government'' and inserting ''coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 204''.

SEC. 105. AWARDS AND MEDALS.

Section 209 (20 U.S.C. 9107) is amended to read as follows:

"SEC. 209. AWARDS AND MEDALS.

''The Director, with the advice of the Museum and Library Services Board, may annually award national awards and medals for library and museum services to outstanding libraries and museums that have made significant contributions in service to their communities.''.

SEC. 106. RESEARCH AND ANALYSIS.

Section 210 (20 U.S.C. 9108) is amended to read as follows:

"SEC. 210. POLICY RESEARCH, ANALYSIS, DATA COLLECTION, AND DISSEMINATION.

''(a) IN GENERAL.—The Director shall annually conduct policy research, analysis, and data collection to extend and improve the Nation's museum, library, and information services.

''(b) REQUIREMENTS.—The policy research, analysis, and data collection shall be conducted in ongoing collaboration (as determined appropriate by the Director), and in consultation, with—

''(1) State library administrative agencies;

''(2) national, State, and regional library and museum organizations; and

''(3) other relevant agencies and organizations.

''(c) OBJECTIVES.—The policy research, analysis, and data collection shall be used to—

''(1) identify national needs for and trends in museum, library, and information services;

''(2) measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs authorized under this Act;

''(3) identify best practices; and

''(4) develop plans to improve museum, library, and information services of the United States and to strengthen national, State, local, regional, and international communications and cooperative networks.

''(d) DISSEMINATION.—Each year, the Director shall widely disseminate, as appropriate to accomplish the objectives under subsection (c), the results of the policy research, analysis, and data collection carried out under this section.

''(e) AUTHORITY TO CONTRACT.—The Director is authorized—

''(1) to enter into contracts, grants, cooperative agreements, and other arrangements with Federal agencies and other public and private organizations to carry out the objectives under subsection (c); and

''(2) to publish and disseminate, in a form determined appropriate by the Director, the reports, findings, studies, and other materials prepared under paragraph (1).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

''(2) AVAILABILITY OF FUNDS.—Sums appropriated under paragraph (1) for any fiscal year shall remain available for obligation until expended.''.

SEC. 107. HEARINGS.

Subtitle A (20 U.S.C. 9101 et seq.) is amended by adding at the end the following:

"SEC. 210B. HEARINGS.

''The Director is authorized to conduct hearings at such times and places as the Director determines appropriate for carrying out the purposes of this subtitle.''.

SEC. 108. ADMINISTRATIVE FUNDS.

Subtitle A (20 U.S.C. 9101 et seq.), as amended by section 107, is further amended by adding at the end the following:

"SEC. 210C. ADMINISTRATIVE FUNDS.

''Notwithstanding any other provision of this Act, the Director shall establish one account to be used to pay the Federal administrative costs of carrying out this Act, and not more than a total of 7 percent of the funds appropriated under sections 210(f), 214, and 275 shall be placed in such account.''.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSES.

Section 212 (20 U.S.C. 9121) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) to enhance coordination among Federal programs that relate to library and information services;'';

(2) in paragraph (2), by inserting ''continuous'' after ''promote'';

(3) in paragraph (3), by striking ''and'' after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(5) to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;

''(6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;

''(7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;

''(8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

''(9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 214 (20 U.S.C. 9123) is amended—

(a) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated—

''(1) to carry out chapters 1, 2, and 3, $232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and

''(2) to carry out chapter 4, $24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.''; and

(b) by striking subsection (c).

SEC. 203. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) (20 U.S.C. 9131(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''$340,000'' and inserting ''$680,000''; and

(B) by striking ''$40,000'' and inserting ''$60,000'';

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 204. STATE PLANS.

Section 224 (20 U.S.C. 9134) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) after paragraph (5), by inserting the following:

''(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

''(A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

''(B) early childhood education, including coordination with—

''(i) the State's activities carried out under subsections (b)(4) and (e)(1) of section 642 of the Head Start Act (42 U.S.C. 9837); and

''(ii) the activities described in the State's strategic plan in accordance with section 642B(a)(4)(B)(i) of such Act (42 U.S.C. 9837b(a)(4)(B)(i));

''(C) workforce development, including coordination with—

''(i) the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d)); and

''(ii) the State's one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)); and

''(D) other Federal programs and activities that relate to library services, including economic and community development and health information;''; and

(2) in subsection (e)(2), by inserting '', including through electronic means'' before the period at the end.

SEC. 205. GRANTS.

Section 231 (20 U.S.C. 9141) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon the following: ''in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills'';

(B) in paragraph (2), by striking ''electronic networks;'' and inserting ''collaborations and networks; and'';

(C) by redesignating paragraph (2) (as amended by subparagraph (B)) as paragraph (7), and by moving such paragraph so as to appear after paragraph (6);

(D) by striking paragraph (3);

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

''(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 224(b)(6), for the purpose of improving the quality of and access to library and information services;

''(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and

''(B) enhancing efforts to recruit future professionals to the field of library and information services;'';

(F) in paragraph (5), by striking ''and'' after the semicolon;

(G) in paragraph (6), by striking the period and inserting a semicolon; and

(H) by adding at the end the following:

''(8) carrying out other activities consistent with the purposes set forth in section 212, as described in the State library administrative agency's plan.''; and

(2) by striking subsection (b) and inserting the following:

''(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the priorities described in subsection (a) as appropriate to meet the needs of the individual State.''.

SEC. 206. GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a) (20 U.S.C. 9162(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

''(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

''(B) dissemination of information derived from such projects;''; and

(2) in paragraph (3)—

(A) by striking ''digitization'' and inserting ''digitizing''; and

(B) by inserting '', including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster'' before ''; and''.

SEC. 207. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

Subtitle B (20 U.S.C. 9121 et seq.) is amended by adding at the end the following:

''CHAPTER 4—LAURA BUSH 21ST CENTURY LIBRARIANS

''SEC. 264. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

''(a) PURPOSE.—It is the purpose of this chapter to develop a diverse workforce of librarians by—

''(1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;

''(2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and

''(3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

''(b) ACTIVITIES.—From the amounts provided under section 214(a)(2), the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), and other entities that the Director determines appropriate, for projects that further the purpose of this chapter, such as projects that—

''(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

''(2) recruit future professionals, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in library and information science;

''(3) develop or enhance professional development programs for librarians and the library workforce;

''(4) enhance curricula within nationally accredited graduate library and information science programs;

''(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

''(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

''(c) EVALUATION.—The Director shall establish procedures for reviewing and evaluating projects supported under this chapter.''.

SEC. 208. CONFORMING AMENDMENTS.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) in section 4(a) (20 U.S.C. 953(a)), by striking ''Institute of Museum Services'' and inserting ''Institute of Museum and Library Services''; and

(2) in section 9 (20 U.S.C. 958), by striking ''Institute of Museum Services'' each place the term appears and inserting ''Institute of Museum and Library Services''.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 272 (20 U.S.C. 9171) is amended—

(1) in paragraph (3), by inserting ''through international, national, regional, State, and local networks and partnerships'' after ''services'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(7) to encourage and support museums as a part of economic development and revitalization in communities;

''(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and

''(9) to support efforts at the State level to leverage museum resources and maximize museum services.''.

SEC. 302. DEFINITIONS.

Section 273(1) (20 U.S.C. 9172(1)) is amended by inserting ''includes museums that have tangible and digital collections and'' after ''Such term''.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 274 (20 U.S.C. 9173) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', States, local governments,'' after ''with museums'';

(B) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) supporting the conservation and preservation of museum collections, including efforts to—

''(A) provide optimal conditions for storage, exhibition, and use;

''(B) prepare for and respond to disasters and emergency situations;

''(C) establish endowments for conservation; and

''(D) train museum staff in collections care;

''(4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to improve and maximize museum services through the State;

''(5) stimulating greater collaboration, in order to share resources and strengthen communities, among museums and—

''(A) libraries;

''(B) schools;

''(C) international, Federal, State, regional, and local agencies or organizations;

''(D) nongovernmental organizations; and

''(E) other community organizations;'';

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking ''broadcast media'' and inserting ''media, including new ways to disseminate information,''; and

(E) in paragraph (9) (as redesignated by subparagraph (B)), by striking ''at all levels,'' and inserting '', and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals,''; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

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

''(2) GRANT DISTRIBUTION.—In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United States''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''awards''; and

(ii) in subparagraph (B), by striking '', but subsequent'' and inserting ''. Subsequent''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 275 (20 U.S.C. 9176) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $38,600,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.'';

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

''(c) FUNDING RULES.—Notwithstanding any other provision of this subtitle, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than $10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 274 to carry out the State assessments described in section 274(a)(4) and to assist States in the implementation of such plans.''.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. REPEAL.

(a) IN GENERAL.—The National Commission on Libraries and Information Science Act (20 U.S.C. 1501 et seq.) is repealed.

(b) TRANSFER OF FUNCTIONS.—The functions that the National Commission on Libraries and Information Science exercised before the date of enactment of this Act shall be transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act (20 U.S.C. 9102).

(c) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—The personnel and the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available for the functions and activities vested by law in the National Commission on Libraries and Information Science shall be transferred to the Institute of Museum and Library Services upon the date of enactment of this Act.

(d) REFERENCES.—Any reference to the National Commission on Libraries and Information Science in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the Institute of Museum and Library Services when the reference regards functions transferred under subsection (b).

TRUTH IN FUR LABELING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that we now discharge the Commerce Committee from further consideration of H.R. 2480 and have that matter now brought before the Senate for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2480) to improve the accuracy of fur product labeling, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, 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 bill (H.R. 2480) was ordered to a third reading, was read the third time, and passed.

AMENDING THE WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. REID. Mr. President, I ask unanimous consent that we proceed to H.R. 6184.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6184) to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, 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 bill (H.R. 6184) was ordered to a third reading, was read the third time, and passed.

MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of S. Res. 696, which was submitted earlier today.

I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 696) was agreed to, as follows:

S. RES. 696

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, Ms. Collins, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Kirk.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, Mr. Graham, and Mr. Kirk.

ORDERS FOR WEDNESDAY, DECEMBER 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 8; that following the prayer and

the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume the Court of Impeachment of Judge G. Thomas Porteous, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should be on the floor at 9:30 tomorrow morning for a mandatory live quorum to resume the impeachment proceedings. Once a quorum is established, there will be a series of up to five rollcall votes on the motions and Articles of Impeachment.

Under a previous order, the Senate will recess from 12:30 to 3:30 p.m. to allow for the Democratic caucus meeting. At 4 p.m. the Senate will proceed to a series of up to four rollcall votes.

Mr. President, it will be a courteous thing to do for all Senators for everybody to be here on time or close to it; otherwise, we are waiting around to get a quorum established.

We need to get those votes out of the way because we have a ton of votes tomorrow evening also after we do the caucuses.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:17 p.m., adjourned until Wednesday, December 8, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF COLONEL JOAL WOLF AND HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions of Colonel Joal E. Wolf. On behalf of New Jersey's First Congressional District and the entire nation, I would like to thank Colonel Wolf for his service and dedication.

Colonel Wolf was commissioned in the Active Component Army as a Field Artillery Officer through ROTC scholarship at Pennsylvania State University. He graduated with a Bachelors of Science degree in finance and has a Masters in Business Administration. After graduation, his initial military assignment was with the 6th Battalion, 14th Field Artillery, 1st Armored Division, Germany as Battery Fire Direction Officer, Battery Executive Officer, Battalion S2, and Assistant Battalion S3.

Upon release from active duty in 1988, Colonel Wolf entered the U.S. Army Reserves and served as Battery Commander, Battalion S1, and Battalion S4 in the 4th Battalion, 92nd Field Artillery Regiment in Erie, Pennsylvania.

In 1993, Colonel Wolf was recruited by the 308th Military Intelligence, MI, Detachment based in Erie, Pennsylvania, where he supported the Africa Branch and Executive Support Office at the Defense Intelligence Agency, DIA. While assigned, Colonel Wolf served as S3, Executive Officer, and Commander. During his command, the unit was credited for creating the Iraqi "55 Most-Wanted" deck of cards at the beginning of Operation Iraqi Freedom in 2003. In 2008, Colonel Wolf assumed duties as the Commander of the 3300th Strategic Intelligence Group in support of the Defense Counterintelligence & HUMINT Center and the National Media Exploitation Center at the Defense Intelligence Agency.

Colonel Wolf participates in several civic and business organizations, and is the former President of the French Creek Valley Chapter of the Military Officers Association of America. He currently resides in Conneaut Lake, Pennsylvania and is President and Proprietor of Conneaut Cellars Winery, Inc., a state of the art winery that produces 20,000 gallons of national award-winning wine.

Madam Speaker, Colonel Joal E. Wolf's commitment to the United States must be recognized. I wish him the best in his future endeavors and thank him for his continued service and dedication to our country.

HONORING DR. ANTHONY DI STEFANO, THE 2010 RECIPIENT OF THE DISTINGUISHED SERVICE AWARD FROM THE VISION CARE SECTION OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SESTAK. Madam Speaker, I rise today to congratulate Dr. Anthony Di Stefano, the 2010 recipient of the Distinguished Service Award from the Vision Care Section of the American Public Health Association. Dr. Di Stefano has dedicated his life to educating others, as is evident by his impressive academic resume and his professorship at Salus University in Elkins Park, Pennsylvania. Dr. Di Stefano recognized a need for vision care in rural and urban areas and addressed it by serving on the Helen Keller Worldwide Medical Advisory Board. Helen Keller once said, "Alone we can do so little; together we can do so much." Dr. Di Stefano heeds Ms. Keller's advice and spends countless hours working for children not only in the United States, but all across the world though his participation in the development of international optometric educational programs. Now, because of Dr. Di Stefano, countless children have access to the vision care denied to them for so long.

Madam Speaker, I ask that we recognize and show our strong appreciation for Dr. Di Stefano and Salus University and his remarkable leadership and commitment to public health.

REPRIMANDING REP. CHARLES RANGEL OF NEW YORK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. WAXMAN. Madam Speaker, I rise in support of Rep. BUTTERFIELD's motion for a resolution to reprimand Rep. CHARLES RANGEL of New York.

I do not have any doubt about the thoroughness of the review or the accuracy of the findings of the Committee on Standards of Official conduct, nor do I doubt that Mr. RANGEL violated the rules of the House of Representatives.

I disagree, however, with the Committee's judgment that the weight of evidence in this case and the "cumulative nature of the violations" cited in the Committee's report warrant censure of Mr. RANGEL.

Precedent does not support the punishment of censure—specifically, as cited in the Committee report, because Mr. RANGEL's actions did not result in "any direct personal financial gain."

There have been lesser punishments for much more serious transgressions. When the Committee found a Speaker of the House, former Rep. Newt Gingrich, to have engaged in "activity involving 501(c)(3) organizations that was substantially motivated by partisan, political goals," and that Mr. Gingrich's provision of "material information . . . was inaccurate, incomplete, and unreliable," the Committee did not vote for a resolution of censure, but of reprimand. Mr. Gingrich was still Speaker in 1997 when the House approved a reprimand, and he continued serving as Speaker after he was punished. Mr. RANGEL was removed earlier this year as Chairman of the Ways and Means Committee well before the Committee sent its report to the House.

There are many other precedents in which the House has issued letters of reproval—a punishment less serious than reprimand—for activities that can be viewed at least as serious as those engaged in by Mr. RANGEL, including sexual transgressions, impermissible campaign solicitations, misappropriation of campaign funds, and acceptance of personal gifts, among many others.

Madam Speaker, I do not condone what Mr. RANGEL did, but I believe that justice requires punishment proportionate to the offenses that have been proved. By the standards and precedents of the House, and particularly taking into account that there was no personal financial gain involved, I believe a punishment of censure as proposed by the Ethics Committee is excessive.

I will therefore support, in furtherance of upholding the rules and standards of the House of Representatives, a reprimand of Mr. RANGEL.

RECOGNIZING THE SEATTLE SOUNDERS FOOTBALL CLUB FOR THEIR VICTORY IN THE 2010 U.S. OPEN CUP

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize the Seattle Sounders Football Club for their successful season and their back-to-back U.S. Open Cup Championships.

The Seattle Sounders joined Major League Soccer as an expansion team and played their inaugural match on March 19, 2009. The Sounders have since been a successful team having sold out every league match and set Major League Soccer records for average attendance, leading the league in ticket sales. The Seattle Sounders have also made the record books by winning the Lamar Hunt U.S. Open Cup for a second consecutive time, being the first Major League Soccer team and the first team in 27 years to repeat as champions. The Seattle Sounders finished the regular 2010 season with 14 wins and has lost fewer matches in their first two seasons than any club in the league's 15-year existence. A

record crowd of 31,311 filled Qwest Field to witness the Seattle Sounders 2–1 victory over the Columbus Crew to win the 2010 Open Cup for the second consecutive time on October 5, 2010.

The Sounders have won the hearts of the Greater Seattle Community through their dedication and passion for the game. The players have been great role models for our community. In their ongoing commitment to the community and fans, minority owner Drew Carey established The Alliance, which is the Seattle Sounders Football Club Members Association. The Alliance is the only United States professional sports members association that allows its fans to vote on the direction and decisions of the team. The Alliance establishes true Democracy in sports.

The Seattle Sounders Football Club earned their championship through hard work, commitment, and support. Coach Sigi Schmid, who now leads Major League Soccer in career victories, leads the team of 28. Team members include Osvaldo Alonso, Terry Boss, David Estrada, Brad Evans, Alvaro Fernandez, Michael Fucito, Leo Gonzalez, Taylor Graham, Alex Horwath, Jhon Kennedy Hurtado, Patrick Ianni, Nate Jaqua, Kasey Keller, Roger Levesque, Tyrone Marshall, Miguel Montano, Fredy Montero, Blaise Nkufo, Pat Noonan, Sanna Nyassi, Jeff Parke, James Riley, Zach Scott, Mike Seamon, Peter Vagenas, Tyson Wahl, O'Brian White, and Steve Zakuani.

Madam Speaker, I ask that my colleagues to join me in congratulating the Seattle Sounders Football Club for their successful season and their second consecutive U.S. Open Cup Championship.

CONGRATULATING MAURICE J. McDONOUGH HIGH SCHOOL RAMS ON THEIR VICTORY IN THE MARYLAND 2A FOOTBALL STATE CHAMPIONSHIP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, I rise to congratulate the Maurice J. McDonough High School Rams from Charles County on their victory in the Maryland 2A football State championship. In the December 4 championship game, the Rams defeated Middletown High School by a score of 21–14 at M&T Bank Stadium in Baltimore.

Congratulations are especially due to coach Luke Ethington, who led an outstanding group of athletes to their first championship since 1990, to the players, and to all of the fans. This championship is the product of exceptional athletes and coaches, untold hours of hard work, and the passionate support of the community. I'm very proud of this team, and I congratulate all those involved in bringing home the championship title.

IN RECOGNITION OF PATHWAYS PA FOR 32 YEARS OF SERVICE IN THE GREATER PHILADELPHIA AREA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SESTAK. Madam Speaker, I rise to honor Pathways PA which this year celebrates 32 years of service to low-income women, children and families in the Greater Philadelphia area by helping them achieve economic independence and well-being. In these times of extraordinary economic hardship, this organization had stood tall to better equip disadvantaged families with the skills and tools needed to succeed in the workplace and create a safe and secure home.

This dedicated group also offers job skills program wherein participants receive career counseling, computer and job training, and job placement services. For those transitioning from temporary assistance programs to the workforce, Pathways PA's EARN Center offers free services and incentives to prospective employers and employees. In addition to offering General Adult Education and Adult GED classes, Pathways PA is also a founding member of Families That Work, an organization that offers adult literacy classes.

In addition to offering support and services, Pathways PA also publishes reports on issues important to Pennsylvanians such as Self-Sufficiency Standard for Pennsylvania, Ready to Compete? Pennsylvania's Community Colleges, and Elder Economic Security Initiative for Pennsylvania. These reports help raise awareness about issues that are imperative to the well-being and success of working families throughout the Greater Philadelphia region.

This superbly led organization provides invaluable services to more than 6,000 displaced and disadvantaged families in Southeastern Pennsylvania every year. They provide a prescription drug discount program, which offers discounts of up to 85%, to help people who don't have prescription drug coverage or who take prescription drugs not covered by their insurer.

The work that Pathways PA has dedicated 32 years to is absolutely vital and ensures that all Pennsylvanians have the opportunity to become self-sufficient. I speak for all residents of the Seventh Congressional District of Pennsylvania in thanking Carol Goertzel, President and CEO, and the remarkable staff of Pathways PA for their unyielding and compassionate dedication to helping working families in Southeastern Pennsylvania.

IN HONOR OF REB MONACO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. FARR. Madam Speaker, I rise today to honor Reb Monaco, a model public servant on the occasion of his retirement from the San Benito County Board of Supervisors. I have had great pleasure in working with Reb. I am proud to honor my friend and thank him for his service.

Reb is a second generation Californian. He grew up in Santa Clara County. He graduated from Santa Clara High School and went on to pursue an undergraduate degree from San Jose State University. He also holds a Masters Degree from the University of California Santa Cruz.

In 1968, Reb decided to settle in San Benito County and began his career in public education. He taught grades 6th, 7th, and 8th to special education students in the Hollister School District for 32 years. He also served as adjunct faculty at Gavilan Community College for 14 years teaching health education to college students.

While Reb retired from teaching he still had no desire to stop working. Instead he ventured into a new career in politics. He ran for County Supervisor and was successfully elected to the San Benito County Board, District 4 on November 5, 2002. Reb was subsequently reelected to serve a second term in 2006. During his tenure he served as Chairman of the Board in 2005 and 2010. He has also served on various committees during the past 8 years including, County Supervisors Associations of California, Local Agency Formation Commission, Monterey Bay Unified Air Pollution Control District and the Veteran's Park Commission. He also served on the Hollister Hills Advisory Committee, National Association of Counties and the following sub-committees: New County Courthouse Project Advisory Group, Courthouse Security Project, In Home Support Services Negotiations, Budget, General Plan Element-Economic Development, Southside Building Use, Juvenile Justice Commission, and the Redevelopment Agency Revolving Loan Fund Board, to name a few.

It has been a pleasure working with Reb on legislation to elevate the Pinnacles National Monument into a full fledged national park. Reb has been the Godfather behind the proposal and every time I see him he reminds me of the work that must be done. Reb has personal connections to the lands in the Pinnacles area and understands the economic development that the park will bring to the region. I admire his tenacity and persistence to continue to push for a Pinnacles National Park.

Reb was a founding member of the California Blacksmith Association, which is composed of diverse group of men and women who have a common interest in working on hot iron metal. The group is dedicated to keeping the art and tradition of blacksmithing alive. Reb is also a 32 Mason one of the highest honors for this national an international freemasonry organization. Reb has many other hobbies and I hope he uses this time to indulge in those things that he likes the most. I know that his wife Jill, two children and grandson are all looking forward to spending more family time together.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude to Reb Monaco for all of his years of service. He is retiring from the board but I know that he will continue to be involved in the community in other capacities.

SUPPORTING DESIGNATION OF A NATIONAL VETERANS HISTORY PROJECT WEEK

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. SUTTON. Mr. Speaker, I rise in support of H. Res. 1644. This resolution expresses support for the designation of a National Veterans History Project week, recognizing a truly incredible program that honors our veterans.

The National Veterans History project collects the personal narratives and mementos of our veterans, in order to preserve a rich history of the brave men and women who have so honorably served our country. The project—administered by the American Folklife Center of the Library of Congress—allows veterans and interested parties to register and acquire a free field kit to participate.

This year marks the 10th anniversary of a project that has already collected more than 70,000 oral histories—ensuring the preservation of these stories for generations to come. This educational project provides people of all ages the opportunity to learn an important history of the meanings of service, sacrifice, and democracy—directly from many of those who have honored those values.

I am honored that so many veterans of the 13th district of Ohio have shared their incredible stories with me—all of which are deserving of being shared with the world. Our support for the National Veterans History project will help make that happen.

A TRIBUTE TO DEREK PHILLIPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Derek Phillips.

Derek Phillips received his Master's Degree in African American Studies from the State University at Albany, NY and later received another Master's Degree in School Building Leadership from Mercy College. He completed his undergraduate studies at the State University at New Paltz.

An Educator by profession, Derek taught History at Park West High School for one year. He went on to teach Math and History for eight years at the New York City Public School Repertory Company, a school for ''under-credited'' high school students. While at PSRC, he also served as the college advisor. Derek taught at the Eight Plus Learning Academy for region ten at Wadleigh High School in Harlem, NY for four years. The Eight Plus Program was a school for ''at-risk'' eighth graders who failed to fulfill the necessary requirements for promotion to high school. While at Eight Plus, he served as Math teacher, Dean and Site Coordinator. He also taught Social Studies and Global History at the Choir Academy in Harlem. Currently, he is an Assistant Principal at Queens Academy High School, a school for under-credited and over-aged young people.

In addition to being an educational leader, Derek is the Founder and Executive Director of the Real Dads Network—an organization that is committed to educating, supporting and empowering Black fathers. The Real Dads Network received national recognition in Ebony magazine, June 2010 as one of the top ten resources for dads. Additionally, Derek serves as a spokesperson for fatherhood in several ways: by appearing as a guest on radio such as 98.7 Kiss FM's Open Line and Al Sharpton's Hour of Power, as a guest on the BET Special, Black Men the Truth, and as a panelist at the Congressional Black Caucus Foundation's Annual Legislative Conference on Fatherhood. Derek was also featured in the New York Daily News' ''Spotlight on Great People,'' and created the Daddy Daughter Valentine's Dance, which has been adopted in other major cities. He contributed to the best-selling book I Got Your Back: A Father and Son Keep It Real About Love, Fatherhood, Family and Friendship, by Eddie Levert Sr. and Gerald Levert with Lyah Beth leFlore and co-directed and produced the award-winning documentary ''Black Men on Fatherhood'' with commentary by the late Ossie Davis.

Derek is an active member of Alpha Phi Alpha Fraternity Inc. and through his works, words and actions, he is committed to educating, uplifting, and empowering our youth. His motto is ''if everyone does a part, then no one is left doing the whole thing.'' He resides in Peekskill, NY with Maria, his loving wife, and Jordyn and Maya, his two beautiful daughters.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Derek Phillips.

RECOGNIZING FARRELLI'S WOOD FIRE PIZZA FOR WINNING THE NATIONAL RESTAURANT ASSOCIATION'S 2010 RESTAURANT NEIGHBOR AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize Farrelli's Wood Fire Pizza in Tacoma, Washington, for receiving the National Restaurant Association's 2010 Restaurant Neighbor Award.

The National Restaurant Association is a nonprofit organization that represents thousands of restaurants across the nation. The Restaurant Neighbor Award was created through a collaboration with the National Restaurant Association and American Express to celebrate the philanthropic spirit of the restaurant industry, to raise awareness about the restaurant industry's contributions to local communities across the country, and to inspire other restaurant operators and owners to make even greater contributions to their communities.

Established in 1995, Farrelli's has grown to five Washington State pizzerias and the Irish-Inspired McNamara's Pub & Eatery. Located near Joint Base Lewis-McChord, Farrelli's has become a staple among soldiers and their families. Farrelli's Wood Fire Pizza gives back to our troops by sending signs, uniforms, and other Farrelli's memorabilia to soldiers stationed in Iraq, allowing them to transform their overseas break area into a satellite Farrelli's of their own. The restaurant also offers their Washington-based soldiers weekly discounts, farewell events, and welcome back parties.

Farrelli's customers also have a hand in community involvement by voting on which cause the restaurant should take up next. Recently, Farrelli's created a campaign to fight diabetes by joining the Dining for Diabetes fundraiser for the Juvenile Diabetes Research Foundation and incorporated a wholegrain pizza to their menu named after Elliott, a regular customer who was recently diagnosed with Type 1 diabetes and who was in search of a healthier dining option. The restaurant has also raised more than $150,000 for organizations such as the Muscular Dystrophy Association, Susan G. Komen Foundation, and the local Boys and Girls Club.

The National Restaurant Association recognized Farrelli's Wood Fire Pizza in Tacoma with the 2010 Restaurant Neighbor Award in the mid-size business category. Farrelli's owner Jacque Farrell was flown to Washington, DC, to receive the award and a $5,000 donation during a National Restaurant Association ceremony held in September 2010.

Madam Speaker, I ask that my colleagues join me in recognizing Farrelli's Wood Fire Pizza for receiving the 2010 Restaurant Neighbor Award.

HONORING THE ACHIEVEMENTS OF LOU XIONG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today to recognize the achievement of Lou Xiong on the occasion of receiving the 2010 Milken Educator Award from the Milken Family Foundation. The Milken Family Foundation's Milken Educator Award seeks to celebrate, elevate, and activate exemplary K–12 educators and has been hailed as the ''Oscars of Teaching.'' Ms. Xiong was one of 55 educators across our Nation, and one of only three in the State of California, to be honored this year.

Lou was born in Laos as the fifth of 12 children to Chong Sue Xiong and Khou Moua. In 1980, Lou and her family immigrated to the United States from Laos in search of a better life. After attending high school in the Fresno area, Lou enrolled at California State University, Fresno, and graduated in 1999 with a Bachelors of Arts degree in Liberal Studies. Upon graduation, Lou joined the staff at Balderas Elementary School in Fresno, California, to follow her dream of becoming a teacher.

Over the last 11 years at Balderas Elementary School, Ms. Xiong has taught a variety of subjects to students in the fourth, fifth and sixth grades and contributed immensely to both her students and the school. In addition to her teaching duties, Lou has volunteered her time in school site responsibilities serving as Grade Level Chair, participating in the Leadership Team, serving on the School Site Building Committee and acting as Coordinator of the Hmong New Year Celebration. Outside of the classroom, Lou has served as a Math Coach for the Fresno Unified School District, helping fellow teachers and assisting in creating a pacing guideline program which is now used throughout the district.

Lou has also been actively involved in Fresno Unified School District's Superintendent's English Learner Task Force to ensure that language barriers do not keep students from succeeding in school. Lou's life story serves as a positive example for her students, demonstrating that despite the obstacles she has had to overcome as an immigrant, anything is possible with hard work and determination. The community of Fresno is very fortunate to have such a dedicated individual who continues to inspire students to believe they can achieve anything.

Lou is married to her husband Shue Vue, a civil engineer for the State of California Department of Transportation. Lou and Shue Vue have three children together and hope that the success they have achieved in their chosen professions provides inspiration for their children to achieve their own personal success in life and give back to their communities.

Madam Speaker, I ask my colleagues to join me in honoring the achievement of Lou Xiong in the field of education as she is recognized as one of a select few top educators in our country by the Milken Family Foundation.

HONORING OPERATION IRAQI FREEDOM SCOUT SNIPER AND SOUTH EL MONTE NATIVE USMC SGT. ERIC B. SANDOVAL

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, United States Marine Corps Sgt. Eric B. Sandoval, who passed away on Nov. 12, 2010, at the young age of 30. My heart goes out to his wife, Sandy; his stepson, Isaiah Salcedo; his parents, Roberto and Gloria; his brothers and sisters, Robert, Danny, Gabby, Alejandra, Jonathan and Steven; and the rest of his family and friends.

Born in Los Angeles, Eric spent nearly all of his life in South El Monte and later Covina, attending Dean L. Shively Middle School and later South El Monte and Pomona high schools. A patriot who loved his country, he enlisted in the United States Marine Corps right out of high school at just 17 years of age, and spent the next 8 years as a scout sniper, serving in our nation's conflict in Iraq as part of Operation Iraqi Freedom.

Within days of his arrival in Iraq, Eric's platoon came under attack The attack was so brutal that Eric was the only one of his group to survive, and had to undergo extensive surgery to repair his damaged eye and ear.

Sergeant Sandoval received numerous awards and commendations for his bravery in the face of terrible odds, including the Navy & Marine Achievement Medal; Global War on Terrorism Expeditionary Medal; Afghanistan Campaign Medal; Global War on Terrorism Service Medal; Humanitarian Service Medal; Sea Service Deployment Award; Armed Forces Expeditionary Medal; Navy Meritorious Unit Commendation; and Good Conduct Medal, among others.

After recovering from his injuries, Sergeant Sandoval's undying patriotism led him to return to Iraq, this time as a contractor for the government, helping to support his former comrades at arms until the time of his passing. And despite the hardships and difficulties presented by his war injuries, Eric still managed to attend college and graduate with a bachelor's degree in accounting and a master of arts degree in business administration, with honors.

Eric B. Sandoval's generosity and kindness are an inspiration to his family and our entire community, and he lived his life with integrity and bravery. Our nation owes him a debt of gratitude that cannot be repaid. So I urge all my House colleagues to join me in honoring our community hero, Sgt. Eric B. Sandoval, for his remarkable service and contributions to our country.

A TRIBUTE TO DONNA R. DICKERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Donna R. Dickerson.

Ms. Dickerson is the Education Director for the Genesis Academy, where she has worked since 1997. The Genesis Academy is one of the leading after-school programs in the Brownsville community of Brooklyn, New York. The institution's goal is to academically, socially and culturally enrich the community's youth. Over the years, Ms. Dickerson has emerged as a leader in youth development, implementing programs for children in the Genesis Academy and the community at large.

At the age of sixteen, Ms. Dickerson took an opportunity to work at a daycare center. Facing her own childhood adversity, at this job she realized her destiny: to work with children. The joy of the classroom inspired Ms. Dickerson to work at this daycare center for longer than she had initially intended.

In 1991, a fire devastated Ms. Dickerson and her family. Within a three month span, they were living in a shelter and dealing with the death of six family members. The situation became more than Ms. Dickerson could handle and she had no idea where to turn next; adapting to this new way of life taught Ms. Dickerson how to survive.

In the heart of East New York, there is a place called Genesis Homes. Here, new beginnings are possible, all you have to do is believe and go get it. A program was offered, called T.E.P.P., where a participant would get paid to work. Ms. Dickerson was offered a position as a recreation aide and accepted it. She worked with every age group over the years, leaving a positive mark on all the children she interacted with. During this time, Ms. Dickerson realized that she was a role model and needed to always act as such. She was no longer responsible for just her own children, but for thousands of children who, at times, appeared to depend on her more than their own family.

Ms. Dickerson is grateful for several important people in her life. Her parents, for teaching her and her siblings to love one another, respect all and treat people like they would want to be treated. Her sisters, for always being there, no matter the time of day she called on them. Most importantly, Ms. Dickerson is grateful for her children: Brandon, Corey and Charisma.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Donna R. Dickerson.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. WAXMAN. Mr. Speaker, there are not many Holocaust survivors left in the world. Each year as the number dwindles, we worry about how people will remember the evils of the Holocaust when there are no longer eyewitnesses to give their personal accounts. We promote remembrance and teach tolerance. We fight Holocaust deniers and those who grotesquely glorify the Holocaust and denigrate the memory of the six million.

But while we focus intently on ensuring awareness of the tragedy of the past we are losing sight of a tragedy in our midst: Many Holocaust survivors are living their final days in poverty.

According to the Jewish Federations of North America, more than half of the 127,000 Holocaust survivors living in the United States fall beneath 200 percent of the federal poverty threshold, meaning they live on less than $21,660 per year. Holocaust survivors are five times more likely to be living below the poverty line than the general senior population.

In Los Angeles, one in six survivors requires community assistance. In the past year, the LA Jewish Federation has seen the number of survivors needing emergency assistance for basic housing, food, medical, dental and transportation needs rise by 20 percent.

The vast majority of these survivors are now in their 80's and 90's and two-thirds of them live alone. Very few have any family support network, which is not surprising considering that so few had family that survived the war. As a result, many are forced into institutional care because they cannot afford to receive care in their homes.

While institutionalized care settings are beneficial for many older adults, Holocaust survivors react poorly and can be prone to emotional suffering and physical deterioration from sights, sounds and routines that may resurrect Holocaust experiences. Research indicates that survivors, in particular, benefit tremendously from access to social service programs that allow them to age in place in their current residences. It is a solution that is both cost-effective and humane.

As one of the original sponsors of the U.S. Administration on Aging grant program now known as the Community Innovations In Aging In Place, I am hopeful that we can find the resources to help these survivors in their time of need.

I urge my colleagues to support H. Con. Res. 323 and I look forward to working with them to achieve its goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

CONGRATULATING FRENCHTOWN HISTORIC FOUNDATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate and commend the Frenchtown Historic foundation for their steadfast commitment to completing the Frenchtown Historic Site designation.

Just West of the Whitman Mission National Historic Site and among the rolling hills of wheat outside of Walla Walla, the 27 acre site set to open on December 11, 2010 will preserve an important part of our Northwest History. The Frenchtown Historic Site commemorates an area with rich historical heritage dating back to the famous expedition of Lewis and Clark in the early 1800s.

Frenchtown was originally established by French-Canadians associated with the Hudson's Bay Company trading post at Fort Nez Perce along the Columbia River. My family first settled on a plot of land near Walla Walla and the Frenchtown Historic Site in 1853, shortly before the Yakima War broke out tearing the farmers, natives, loggers, and pioneers apart and away from their homes. This designation coincides with the 155th Anniversary of the Battle of Walla Walla—the longest sustained battle in Northwest history. Twenty three years later, in 1876, the St. Rose of Lima Mission Church and cemetery were established that still exist to this day.

The Frenchtown Historical Site designation culminates over five years of cooperative coordinated efforts by numerous local, state, and federal parties all orchestrated by the Frenchtown Historic Foundation, with special efforts made by Daniel Clark, Sam Pambrun, and Karen Bergevin Zohner.

Madam Speaker, I urge all of my colleagues to join me in congratulating the Frenchtown Historic Foundation for its job well done.

RECOGNIZING COUNCILMAN JOHN PAUL LEDESMA FOR HIS SERVICE TO THE CITY OF MISSION VIEJO

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ISSA. Madam Speaker, I rise to recognize the exemplary service of Mission Viejo City Councilman John Paul Ledesma, who has faithfully kept the public trust since he joined the Mission Viejo Council in 1998.

During his 12 year tenure, John Paul distinguished himself as a proponent of fiscal restraint and responsible public budgeting, a fierce advocate for personal property rights and a vocal opponent of excessive taxation.

His efforts on behalf of the people of Mission Viejo have contributed significantly to the public safety and their quality of life. John Paul spearheaded the effort to make Mission Viejo the first city in Orange County to adopt an ordinance requiring its employees and contractors to participate in the federal E-verify system to insure that documents presented to establish employment eligibility are valid.

He fought to protect the rights of citizens to religious expression and to protect children using computers in the City library from the dangers of the Internet. As Mission Viejo's representative on the Orange County Vector Control District he worked cooperatively with representatives of surrounding communities to protect public health.

John Paul also served terms as Mayor in 2003 and Mayor Pro Tem in 2007. City ordinance limits council service to 12 years, and John Paul completes that term having maintained the trust of its citizens and leaving the community better off for his service.

It is with gratitude and appreciation for work well done, that we commend John Paul Ledesma for his public service and wish him well in future endeavors.

A TRIBUTE TO DR. SALLYE GRANBERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Sallye Granberry.

Dr. Sallye Cranberry was born in 1958, the first child of Yvonne Walker, a single high school graduate from Nashville, Tennessee. She was raised in Harlem one block north of the Apollo Theater, and attended the Harriet Tubman School, a public elementary school on 127th Street. She was awarded a scholarship from the organization A Better Chance, to attend Walden, a private school on the upper west side. This school ignited a passion in Sallye for the sciences, and encouraged her to tutor fellow classmates in the anatomy lab. She graduated from Walden in 1976 and won a scholarship to attend Northwestern University in Evanston, Illinois. She entered Northwestern as a biology major ready to pursue teaching, but graduated in 1980 as a pre-med student, after volunteering at Planned Parenthood and realizing her deep interest in women's health. She attended Medical School at SUNY Upstate Medical Center in Syracuse, NY, and graduated in 1984 to pursue a Radiology residency in Brooklyn, New York, at Maimonides Medical Center. She was Chief Resident at Maimonides in 1989, and completed a Body Imaging fellowship at St. Luke's Roosevelt Hospital in New York City in 1990. She achieved Board Certification in Diagnostic Radiology in 1990. She has worked at several hospitals here in Brooklyn, but has remained in the public hospital system at Woodhull Medical Center for almost 10 years. As a Diagnostic Radiologist, Sallye has pursued her interest in women's health through the subspecialties of Mammography and Ultrasound.

Dr. Granberry's dedication to community service started early in her life when she joined the Junior Elks Club in Harlem. She volunteered at Planned Parenthood while in high school and in college. There she learned that there was an urgent need to provide medical care to women, especially pregnant teens and women of color. While attending Northwestern she joined the sisterhood of Delta Sigma Theta Sorority, a community service organization. She was one of the founding members of One Step Before, a minority student organization composed of premedical students. During her medical school training she was a member of UMPA, Upstate Medical and Paramedical Association; this minority student organization was a precursor of the SNMA, Student National Medical Association Chapter in Syracuse, NY.

Currently Sallye is Vice President of the Medical and Dental Staff at Woodhull Medical Center, where she has held office since 2005. She is section chief of Mammography and Ultrasound at Woodhull, a position that gives her an opportunity to provide excellent care to women of all ages, regardless of their ability to pay. She educates her patients to promote self-awareness and preventive care.

Dr. Granberry resides in Canarsie, Brooklyn with her husband Michael LaMont and their two teenage sons, Akil and Jawan. She is a member of the Radiologic Society of North America, the American Institute of Ultrasound in Medicine and the New York Breast Imaging Society. She attends church regularly at Church of the Rock in Canarsie and is a member of the Schomburg Society in Harlem. She enjoys traveling with her family, and attending educational seminars.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Sallye Granberry.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mrs. MALONEY. Madam Speaker, I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act, a bill that provides a historic investment in the health of our nation's children. This bill will help address the severe concerns of both obesity and hunger that severely impact them.

In my home state of New York alone, the statistics are staggering:

32.9 percent of children in New York are overweight or obese and New York taxpayers spend an estimated $6.1 billion on Medicaid and Medicare each year to treat obesity-related chronic diseases.

16.7 percent of children under 18 in New York are at-risk of being hungry. This bill will expand access to the child nutrition programs and fill nutrition gaps when family resources are tight.

1,813,000 of New York's children participate in the National School Lunch Program, NSLP, each year and will receive healthier school meals provided by the Healthy, Hunger-Free Kids Act. 1,147,000 of those kids are low-income children, who will benefit from better access to free school meals through promotion of and improvements to direct certification.

New York will receive up to $17.5 million to improve the nutrition quality of school lunches because of this bill.

281,500 children in New York participate in the Child and Adult Food Care Program and will benefit from increased resources, more training to childcare providers to serve healthier meals and snacks and increased physical activity.

The Healthy, Hunger-Free Kids Act will streamline certification periods in the WIC program and provide New York's 514,500 participants with better nutrition services coordination, increased opportunities for nutrition intervention, and more support and counseling time.

New York has 110 Farm to School programs. The Healthy, Hunger-Free Kids Act provides dedicated funding to help schools to support local agriculture and provide children with more health and nutrition education opportunities.

The Healthy, Hunger-Free Kids Act goes a long way toward improving the nutrition of our school meals and strengthening accountability to produce healthier results for our children. Finally, S. 3307 is fully paid for and will not add to the deficit.

HONORING MARK COVALL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. STARK. Madam Speaker, I join with my colleague and friend DAVE CAMP (R–MI) to recognize Mr. Mark Covall, president and CEO of the National Association of Psychiatric Health Systems, NAPHS, who marks 25 years of service with the association this year.

NAPHS advocates for behavioral health and represents provider systems that own or manage more than 600 psychiatric hospitals, general hospital psychiatric and addiction treatment units and behavioral healthcare divisions, residential treatment facilities, youth services organizations, and extensive outpatient networks.

Over the course of the past quarter century, Mr. Covall has worked with diligence and integrity to bring the expertise of the association's member organizations to bear on policy development in support of the needs of Americans of all ages who experience serious mental and addictive conditions. The longevity—of both the association (founded in 1933) and the tenure of Mr. Covall—are rare in a field that has seen dramatic changes over the past decades.

Mr. Covall has overseen and influenced these changes. He has initiated and helped lead effective model coalitions bringing together the public and private sectors with consumers and families in support of landmark legislation, including the Paul Wellstone Mental Health and Addiction Equity Act. His collaborative leadership has also moved forward the development and implementation of the first publicly reported core measures for inpatient psychiatric services, now embedded in hospital accreditation.

We would like to take this opportunity to thank Mark Covall for his leadership, dedication, and advocacy through the National Association of Psychiatric Health Systems on behalf of the individuals and families throughout our Nation who are dealing with serious mental and addictive disorders.

IN HONOR OF DONALD W. HODGES FOR 50 SUCCESSFUL YEARS AS AN INVESTMENT BROKER AND SMALL BUSINESSMAN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MARCHANT. Madam Speaker, I rise today to honor Donald W. Hodges, the co-founder of First Dallas Securities and Hodges Capital Management and the co-manager of Hodges Fund and Hodges Small Cap Fund. For 50 years Don has brought financial success to investors. Along with his three children—all of whom hold positions within his company—and 36 area employees, Don has made his business the gold standard of the investment industry.

Many people work until retirement age and begin to settle down. Don has only grown his business since he reached retirement age over 10 years ago, by adding Hodges Small Cap Fund in 2007 and Blue Chip; Equity Income; and Pure Contrarian funds last year. He is the epitome of the small business men and women who make up 80 percent of our nation's job creators.

Don began working with Merrill Lynch in 1960, and in 1974 joined Rauscher Pierce Refsnes, now Dain Rauscher. In 9 years he became President of Rauscher, and in 1981 was named one of the top 20 brokers by Registered Rep magazine. Six years ago he was profiled by CNN Money, where he was noted for both his outstanding business practices and the financial success he has enjoyed.

Don has worked hard to improve his community even beyond his businesses. One of his more prominent positions is on the Foundation Board of Directors for West Texas A&M University, where he encourages students to attend WTAMU because of the values the institution professes.

Small businesses are a critical component to our economy, and Don has done more than most to increase the size of the pie for all who have been associated with him for his five decades in the investment business. It is for this reason I ask all of my colleagues to join me in honoring Donald W. Hodges on this day.

NATIONAL MEDIA SHOW BIAS ON TAXES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Texas. Madam Speaker, the national media have framed the tax debate from a liberal perspective.

For example, the media frequently say Republicans favor extending tax ''cuts,'' which implies lowering tax rates from their current level.

In fact, Republicans support extending the existing tax rates to avoid a $3.9 trillion tax increase on every taxpaying American.

Furthermore, the media often say that Republicans support tax cuts for the rich. However, they rarely mention that the country's top earners already pay a disproportionately large share of the nation's taxes.

In fact, the top 1 percent of earners pay a larger share of the income tax burden than the bottom 95 percent of earners combined. And many of the top 1 percent are small business owners who create jobs and stimulate the economy.

The national media should give Americans the facts on taxes, not tell them what to think.

A TRIBUTE TO MS. FRANKEE COOPER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Frankee Cooper.

Ms. Cooper was born on October 10, 1992, in Brooklyn, New York. She is the daughter of two proud parents, Mary and Steven Cooper; the granddaughter of Bertha and Charlie Johnson; and holds the loving support of her mother's fiancé, and future stepfather, Wilbert Tee Lawton.

Ms. Cooper is a very dedicated student that excels at everything she puts her mind to. Ms. Cooper attended various private schools during her academic career in Brooklyn: Emanuel Baptist Church Christian School, Saukofa Academy, Saint Paul's Community Christian School and Bishop Loughlin Memorial High School. Ms. Cooper always strived toward academic excellence. Among her many accomplishments, Ms. Cooper maintained her honor roll status throughout high school and successfully graduated with an Advanced Regents Diploma. Ms. Cooper was also inducted into the National Society of High School Scholars.

Beyond Ms. Cooper's dedication to academics, she has a clear commitment to philanthropy. Throughout high school, she volunteered at food banks, nursing homes and hospitals. In total, she donated over 100 hours of her personal time for the benefit of others. Involvement in community service enabled Ms. Cooper to realize her leadership potential; she later became Vice President of her school's Leadership Council and a member of her school's student government. She single-handedly managed an annual school fundraiser for her high school's sister school, St. Mary's, in Kenya. At graduation, Ms. Cooper was surprised with an honor bestowed to only two seniors every year: a place on Bishop Loughlin Memorial High School's Wall of Who's Who, an honor also bestowed upon the Hon. Rudolph W. Giuliani, former Mayor of New York City.

Ms. Cooper has dreamed of becoming a doctor since she was two years old. In 2007, she was accepted into the Arthur Ashe Program at Downstate Medical School in Brooklyn, New York. This highly competitive program was designed to provide opportunity for inner-city students who exemplify outstanding academic success and show an interest in the medical field. From a pool of 5,000 applicants, Ms. Cooper was one of only twenty-five students accepted into this prestigious program. She graduated at the top of her class in 2010.

Today, Ms. Cooper is a freshman biology major at Howard University in Washington, D.C. She is already an active member of the Howard community; recently, Ms. Cooper was

elected President of her residence hall, the Bethune Annex Residence. When Ms. Cooper graduates, she plans to continue her education at Howard University Medical School. She hopes to live her dream of one day becoming a doctor.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Frankee Cooper.

A TRIBUTE TO THE LIFE OF LAWRENCE ''LARRY'' G. HUEBNER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to Lawrence ''Larry'' G. Huebner who passed away on November 28, 2010 at the age of 79. Larry Huebner was an extraordinary man who lived each day to the fullest and whose contributions to the game of tennis as a player, teacher, and advocate are unmatched in the community. He is survived by his wife of 56 years Gretchen, daughter Karin, sons Jim and John, and five grandchildren.

Larry Huebner graduated from Fresno High School in 1949 and went on to attend the University of California, Los Angeles, where he earned a Bachelor's Degree in Business. While attending UCLA, Larry won an NCAA doubles title in Men's Tennis and was captain of two Bruins National Championship teams. After graduating from UCLA, he joined the U.S. Navy, where he volunteered as a ship Chaplain and would later become a Lieutenant while stationed in Hawaii. During Larry's service in the Navy, he played in high-level exhibition tennis matches while developing friendships that would last a lifetime.

After his service in the Navy, Larry returned to Fresno, California, where he joined his father, Jim Sr., to manage Huebner Sports. In 1963, he helped found the Fig Garden Swim & Racquet Club, continuing his passion for the sport of tennis and giving the community a welcoming place to enjoy the game. Larry's passion for tennis was passed on to his children as he won national senior parent/child doubles championships with all three of his children in 2003.

In recognition of those momentous victories, Larry and his wife Gretchen were flown to the 2004 U.S. Open in Flushing Meadows, New York. It was at the 2004 U.S. Open that he was presented with a heavy, 10-inch-high crystal Tiffany trophy which is still displayed with pride at the Huebners' home in Fresno. In 2007, Larry and his daughter Karin played together in what would be his final competitive tournament. Larry and Karin would win the Super Senior Father-Daughter grass court title at the Longwood Cricket Club in Chestnut Hill, Massachusetts.

Larry's health took a turn for the worse in May 2010 when he was diagnosed with stomach cancer. Despite his diagnosis, he continued to give back to the game of tennis in his final days. Two weeks before Larry had made his final serve, he was giving lessons to a 10-year-old girl. It was Larry's love for the game of tennis that bonded his family together and will always remain his legacy.

Madam Speaker, I ask my colleagues to join me in remembering the life of this remarkable man as we offer our condolences to his family and celebrate his memory and service to our community and California.

IN HONOR OF BISHOP MARSHALL S. MCGILL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. BISHOP of Georgia. Madam Speaker, in recognition of Kingdom Metropolitan Worship Center's 15th Pastor Appreciation & Church Anniversary Celebration, I rise today to honor my friend and constituent, Senior Pastor Bishop Marshall S. McGill.

Bishop McGill is the Founder and Senior Pastor of Kingdom Metropolitan Worship Centre, a non-denominational church located in Columbus, Georgia. Through Bishop McGill's faithful stewardship, the church has become one of the most progressive congregations in Columbus.

He is a native of Dayton, Ohio. He was educated in Biblical Counseling and Pastoral Care in Ohio and Alabama, respectively. In addition, Bishop McGill received his Doctorate of Humane Letters.

For over twenty years, Bishop McGill has been blessed with a loving wife, First Lady, Pastor Teresa Y. McGill, from Huntsville, Alabama. Along with committing their lives to God, they have raised four wonderful sons, who serve in the ministry with their parents.

He is the Founder and Superintendent of Kingdom Christian Academy and Preparatory School—a school for students in grades K–12 with three locations in the Columbus area. He is also the Founder of Bainbridge Christian Centre in Bainbridge, Georgia, as well as the Overseer of Grace Church in Barcelona, Spain. He also is the Founder and President of The Good Samaritan Counseling & Resource Institute.

Bishop McGill is a sought-after International Conference Speaker and Teacher. As part of his global ministry he has been called to Europe, Ghana, India, Israel, South Africa, Spain, and Swaziland. He is overseer of ''Go Ye Nations'' in Nagercoil, India, with over 200 pastors and missionaries under his leadership and care. India also is home to the ''Marshall McGill's Children Home,'' an orphanage and school for disadvantaged and physically impaired children.

Locally, Bishop McGill has served as Chaplain for the City Council of Columbus. Currently, he is the active Chaplain for the Columbus Marshal and Sheriff Departments.

Bishop McGill possesses an incredible love for children and young adults, a desire to help the needy and to empower people to reach their full potential. His dedication is evident as he is often quoted as saying, ''We have often failed generations of the past because we failed to educate and train up leaders qualified to carry the torch for tomorrow.''

Madam Speaker, Bishop McGill has ministered on both local and global levels, striving to improve the world for the next generation. His spiritual guidance is an asset to our community and to the world and he is a constant reminder of what it means to be a child of God.

HONORING THE LONG AND DISTINGUISHED CAREER OF CONGRESSMAN IKE SKELTON OF MISSOURI

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. DELAURO. Madam Speaker, on the eve of his retirement, I rise today to honor the long legislative career of a true Missouri statesman and a close personal friend, IKE SKELTON.

From his first day in Congress in 1977, and from the chambers of the Armed Services committee to union halls all over his home state, IKE always served the people of Missouri's Fourth District with intelligence and conviction. I came to the House 20 years ago, he was already an institution in these halls, and in the years since IKE has become a mentor and dear friend to me.

IKE, as many of you know, has always been very fond of his fellow Missourian, Harry Truman. At the age of 17, IKE attended Truman's inauguration, and the battle flag of the USS *Harry Truman* hung in his office. And I know I do not need to tell many of you, but, boy, IKE could give 'em Hell! He was always a true Missouri gentleman, of course. But when the chips were down, nobody fought harder for our men and women in uniform. As chair of the Armed Services Committee, he never forgot the many sacrifices our troops make to protect our families and our Nation.

You can hear this dedication to our soldiers ring out in IKE's farewell address. As he well reminded us, ''Men and women in uniform are not chess pieces to be moved upon a board. Each and every one is irreplaceable. Issues of national security and war and peace are too important to lose sight of the real men and women who answer our Nation's call and do the bidding of the commander-in-chief.''

That is IKE—A true statesman, and one who's always cognizant of what's really important. Like his hero, he has always been well-grounded and plain-spoken—qualities too often missing in this institution. IKE calls it as he sees it, no more and no less. President Truman once said that ''America was built on courage, on imagination and an unbeatable determination to do the job at hand.'' IKE listened well, and he brought those qualities to this chamber in earnest for 34 years.

Thank you, IKE, for your leadership and your friendship. And thank you for all your hard work for the people of Missouri and for our Nation. We will miss your wisdom, your good humor, and your tenacity in the coming Congress. And I will miss you very much. I wish you, and Patty, a long and happy retirement.

MIDDLE CLASS TAX RELIEF OF 2010 (H.R. 4853)

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. MCCOLLUM. Mr. Speaker, I rise in strong support of the Middle Class Tax Relief Act of 2010 (HR. 4853). This important legislation will extend middle class tax cuts, help

spur economic growth in America, and assist the vast majority of Americans, many of whom are struggling through a recovering economy.

In January 2001, when I was sworn-in as a new member of Congress, President Clinton was ending his second-term, and the Federal Government was projected to run a 10-year surplus of $5.6 trillion. During the eight years of the Clinton administration, the U.S. economy created 21 million private sector jobs and incomes of middle-class families were rising. It was a time of economic prosperity. Tax rates allowed America to grow, fully pay for the cost of the Federal Government, and reduce the national debt. These years proved that responsible fiscal policymaking and a strong economy were not compatible with the Republican governing ideology we see today.

Only weeks into my first-term, President George W. Bush Republican leaders in Congress made cutting taxes and massive increases of federal spending their priorities. In 2001 and 2003, Republicans in Congress passed the Bush tax cuts at a cost to the federal budget of $2.3 trillion. I voted against these tax cuts because they were fiscally irresponsible and unnecessary. During the Bush presidency, I also voted against the preemptive war in Iraq and the Medicare Part D giveaway to the pharmaceutical industry. Combined these irresponsible policies added $4 trillion to our national debt in less than 10 years.

Today, our country is slowly recovering from a severe economic recession, private sector jobs are starting to be created, and families across America are fighting to get ahead. President Obama and Democrats in Congress have taken aggressive actions to create and save jobs while preventing a second Great Depression from crippling our economy.

The 2001 and 2003 Bush tax cuts are scheduled to sunset at the end of this month. Republicans included a sunset in those laws because exposing the real cost of making them permanent threatened congressional support. In other words, the cost of the tax cuts were so fiscally unsustainable that Republicans were forced to allow them to expire, placing their fate in the hands of a future Congress.

With these tax cuts about to expire and the federal budget in crisis, it is time for honesty with the American people and responsible policymaking. At a time when federal taxes are the lowest share of GDP since 1950 and the budget deficit is at $1.3 trillion, we should all have concerns about our country's fiscal future. At the same time, we have a fragile economy and high unemployment which is squeezing middle-class families. Congress has hard choices to make on taxation, spending, and entitlements that will impact our economy, our federal budget, and the long-term security of our families.

To protect the economy until robust job growth returns, I will vote in favor of the Middle Class Tax Relief Act of 2010 (HR. 4853), which extends the middle-class tax cuts on taxable earnings of up to $250,000 and up to $200,000 for individuals. Under this legislation, 97 percent of American families and small businesses will receive a tax cut. It includes an extension of marriage penalty relief, the earned income tax credit, and the $1,000 child tax credit. In addition, the bill also permanently extends the reduced rates on capital gains and dividends for middle income families.

For the wealthiest 3 percent of Americans, I do not support extending the Bush tax cuts. The cost of extending these cuts would cost the American taxpayer $700 billion dollars over the next 10 years. History shows that tax cuts for the wealthiest Americans are the wrong way to strengthen the economy and do not create jobs. President Bush had the worst jobs record of any President since the Great Depression, actually shrinking the private sector by and losing 4.6 million American manufacturing jobs over eight years. At a time when we have soaring budget deficits, our country simply cannot afford to borrow the $700 billion cost of these tax giveaways just to give the most fortunate Americans another tax break.

The passage of H.R. 4853 will help millions of middle class families all across the nation weather the economic storm, while letting the tax cuts for wealthiest Americans expire. Congress has an obligation to work to sustain this economic recovery, help the private sector create jobs, and ensure the long-term fiscal well-being of the Federal Government. This is a critical time for our country and I believe we must work together to provide tax relief to the middle class families hit hardest by the recession. I urge my colleagues to join me in voting for the Middle Class Tax Relief Act of 2010.

A TRIBUTE TO JASMINE DANIELLE VELAZQUEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jasmine Danielle Velazquez.

Jasmine Danielle Velazquez is a natural born leader. Growing up in Bushwick, Brooklyn in her grandmother's three-family house, she realized at an early age the effects of economic disparities. She saw her grandmother at her ripe age of 70 remain a staple in the community, making sure that the community was treated with dignity and respect by all its inhabitants and visitors. Jasmine noticed that families were simply doing what it took to survive and experienced the real meaning of ''it takes a village to raise a child.''

That village helped Jasmine stay on a focused track. She was accepted into a specialized middle school in East Harlem, Manhattan East Junior High School, where she developed her love of the arts and leadership, becoming Vice President of the Student Body in 8th grade. Jasmine went on to attend a prestigious Catholic school in the Bronx, Mt. St. Ursula. Catholic school was a very unique experience. Although Jasmine was not used to the structure of Catholic education, she blossomed academically.

At the age of 17, Jasmine had an unexpected life altering decision to make—she was pregnant. Jasmine decided that she would not become a statistic as another African American/Latina teen mother. She gave birth to her daughter, graduated from high school early, and enrolled into Fordham University.

During her tenure at Fordham, Jasmine was incredibly active. She became the President of the Black Student Union her junior year, where she advocated for students' rights. Jasmine was awarded the W.E.B. DuBois Award for Academic Excellence as well as the Senior Leadership Award for Outstanding Leadership. She received her Bachelor's of Arts at Fordham University, majoring in African and African American Studies as well as Communications and Media Studies in 2008.

Jasmine was accepted into the esteemed Teach for America program where she taught as a Special Education Teacher at P.S. 165 in Brownsville, Brooklyn. Jasmine currently teaches at Geoffrey Canada's Harlem Children's Zone Promise Academy Upper Elementary/Middle School, where she is a Learning Specialist teaching students with special needs in small groups. Jasmine loves her job and wants to advocate for families on a larger scale.

This year, Jasmine ran for District Leader/State Committeewoman in Brooklyn's 50th Assembly District, which covers Greenpoint, Williamsburg, Fort Greene, and Clinton Hill. She ran against longtime incumbent Linda Minucci who has been serving as District Leader for over 26 years. Jasmine did not win the race, but she will continue advocating for people in her community and advance her political career.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Jasmine Danielle Velazquez.

HONORING BILL BANKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. DUNCAN. Madam Speaker, I wish today to honor one of the most well-known and respected attorneys from my district.

Bill Banks recently passed away at the age of 82. He practiced law in Knoxville for more than 50 years, and I do not know another person who respected and honored the profession more than Bill.

He graduated from the University of Tennessee Law School in 1950 when there were many fewer attorneys than there are today. As the legal profession grew and more law practices opened, Bill became a leader among his peers.

I have nothing but fond memories of him from my own time as a lawyer and judge in Knoxville.

Bill's love of the law and government was not just limited to his practice. He also served on the Knox County Election Commission for many years and was instrumental in the transition from paper to machine voting in Knox County.

He also served admirably in the Korean War as an officer with the United Nations War Crimes Commission. His work during the war earned him a citation for meritorious service.

Those who knew Bill knew a humble and kind man devoted to his family and faith. He was a long-time member of Washington Pike United Methodist Church.

His community involvement included the Knoxville Elks Lodge, where he rose to the rank of Exalted Ruler and Trustee. He was also an active Mason and was a member of the Burlington Masonic Lodge, the Scottish Rite and Kerbela Temple in Knoxville.

I had the privilege of knowing Bill Banks personally and considered him to be a good friend for almost 40 years.

He was one of the finest men I have ever known, and he touched thousands of people in good and positive ways throughout his life.

I extend my condolences to Bill's daughter and son, Betsy and David; four grandchildren; brother, John; and sister, Allene. His absence will surely be felt in Knoxville, but Bill's life will be celebrated as an example of one lived with a dedication to what truly matters: God, family, and community.

HONORING STEVEN M. WOODSIDE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. WOOLSEY. Madam Speaker, I rise today, with my colleague, Congressman MIKE THOMPSON, to recognize Steven M. Woodside who is retiring after 11 years as Sonoma County Counsel.

The 43-person County Counsel office, provides legal services to county departments, more than 25 special districts, as well as to the Board of Supervisors, the Grand Jury, Agricultural Preservation and Open Space District, Sonoma Marin Area Rail Transit District (SMART), Sonoma County Water Agency (SCWA), Sonoma County Retirement Association (SCERA), Local Agency Formation Commission (LAFCO), and the Sonoma County Transportation Authority (SCTA).

County Counsel attorneys regularly appear in court on behalf of County departments on such matters as juvenile dependency cases, code enforcement actions, bail recovery, and mental health competency hearings.

During his tenure, Mr. Woodside reduced his department's operating costs and dependency on county general funds and organized the office into four practice teams, Land Use, Health and Human Services, Litigation and Justice, and Infrastructure. He encouraged his staff to become involved in state-wide issues and many of his team are now recognized leaders and experts in child dependency issues, land use and energy independence programs, endangered species and natural resource protection.

Mr. Woodside has served as a member and Chair of the Statewide County Litigation Coordination Committee from 1992 through the present and in this capacity, helped coordinate the participation of California's 58 counties in litigation of statewide significance. As Chair of the State Assessed Property Tax Committee of the California Association of Counties, he was the chief negotiator on a successful billion dollar property tax settlement action.

His other professional affiliations include serving as President and member of the Board of Directors of the County Counsels' Association of California and Adjunct Professor of Law and member of the Board of Visitors at Santa Clara University School of Law.

Mr. Woodside has a dual Bachelor of Arts degree from the University of California, Davis and Santa Cruz and a Juris Doctor from University of California at Berkeley School of Law (Boalt Hall). Upon graduation from law school, he joined the Santa Clara County Counsel's office and eventually was named head of the department.

Madam Speaker, Steven Woodside has spent most of his career in public service to the people of the State of California. It is therefore appropriate that we recognize and honor him today and wish him well in his retirement. him well in his retirement.

A TRIBUTE TO MS. MARITZA RODRIGUEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Maritza Rodriguez, for her dedication to the field of education.

Since 1971, Mrs. Rodriguez has nurtured her neighborhood, church and community. With over thirty years of her professional and personal life dedicated to public service, Mrs. Rodriguez represents the best qualities of excellence in education.

Mrs. Rodriguez is the Supervising School Aide at P.S. 950, The Eastwood School. She is tasked with overseeing school aides, a responsibility she has skillfully carried out for over ten years. In addition to this, Mrs. Rodriguez endlessly contributes to school initiatives. Whenever a stage needs to be designed for a school production, Mrs. Rodriguez is always ready and willing to assist. When the school building needs to be decorated for an event or holiday, she takes the lead until the task is complete. Mrs. Rodriguez's sense of commitment is strong; even when a task involves working above and beyond her work schedule, she undertakes it without reservation. Her discipline and work ethic have been honored by numerous awards and commendations.

In addition to her professionalism, Mrs. Rodriguez has outstanding interpersonal skills; she is known for her great sense of humor and positive attitude. According to Mrs. Rodriguez, "the most important things in life aren't things." She embodies this motto by selflessly serving others and being a constant source of inspiration to those around her.

It should be noted that Mrs. Rodriguez was born in New York City, where she has spent most of her adult life, and is a product of the city's educational system. Mrs. Rodriguez has been married to Mr. Daniel Rodriguez for thirty-one years and is the proud mother of two children: Baron and Alexandra. She is also proud to be the grandmother of her first grandchild, Nikoleta Danielle Roussinos.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Maritza Rodriguez.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KIND. Madam Speaker, I rise today in strong support of S. 3307, the Healthy, Hunger-Free Kids Act. It's a well known fact that children in this country are not as healthy as they need to be. We have a responsibility to provide our children with the opportunity to lead a healthy lifestyle and this includes increasing their access to healthy foods. This bill makes historic strides toward providing nutritious lunches in schools and will ensure that we give children the opportunity to get a healthy start early in life.

Obesity is a serious threat to the health of our nation's children. Nationally, more than 23 million children are obese or overweight. Over 24 percent of children ages 2 to 5 are already overweight or obese. With obesity beginning at such an early age, it is becoming ever more important to intervene early. Obese kids are increasingly likely to become obese adults and are more susceptible to the chronic diseases that are costing our health care system billions of dollars each year. Childhood obesity is also a national defense concern as more and more young adults are ineligible for military service.

Kids that learn healthy eating habits early in life are likely to carry them into adulthood. Healthy eating also increases concentration during the school day. The Healthy, Hunger-Free Kids Act will address the issue of childhood by applying nutritional standards to all food sold in schools, strengthen school-wellness policies and improve the overall health of school environments for the first time. It also streamlines the process for enrollment in the free and reduced lunch program, making it easier for low- income families to enroll and participate in this program, ensuring that a healthy meal is provided to the children who need it most.

Not only does this bill increase access and improve the quality of foods in the school lunch program, it also reauthorizes the Women, Infants and Children (WIC) program and makes historic reforms to the Child and Adult Care Food Program (CACFP). The CACFP helps provide funding for meals and snacks served to children and adults receiving day care and youths participating in after-school care programs. The Healthy, Hungry-Free Kids Act includes provisions from my Healthy CHOICES Act that for the first time will increase healthy eating and wellness in child care through the establishment of higher nutrition standards for providers participating in CACFP.

The bill will also expand after-school dinner programs for at-risk children nationwide by reimbursing states for providing meals. In total, this will provide an additional 21 million meals to at-risk children annually. CACFP program administration will be streamlined, reducing paperwork and increasing efficiency for providers. There are currently 4,435 CACFP sites in Wisconsin that serve over 22 million meals and snacks to children and adults each year. The reforms in the Healthy, Hunger-Free Kids Act will allow CACFP in Wisconsin to provide healthier meals to a greater number of individuals.

I urge all of my colleagues to come together to put our kids first by passing this bill today. The Healthy, Hunger-Free Kids Act contains the most significant improvements to child nutrition programs in more than 30 years and is fully paid for. We owe it to the health and well-being of our children to come together today and do what is right, pass this bill.

HONORING STEVEN M. WOODSIDE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today, with my colleague, Congresswoman LYNN WOOLSEY, to recognize Steven M. Woodside who is retiring after 11 years as Sonoma County Counsel.

The 43-person County Counsel office, provides legal services to county departments, more than 25 special districts, as well as to the Board of Supervisors, the Grand Jury, Agricultural Preservation and Open Space District, Sonoma Marin Area Rail Transit District (SMART), Sonoma County Water Agency (SCWA), Sonoma County Retirement Association (SCERA), Local Agency Formation Commission (LAFCO), and the Sonoma County Transportation Authority (SCTA).

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Mr. Woodside has served as a member and Chair of the Statewide County Litigation Coordination Committee from 1992 through the present and in this capacity, helped coordinate the participation of California's 58 counties in litigation of statewide significance. As Chair of the State Assessed Property Tax Committee of the California Association of Counties, he was the chief negotiator on a successful billion dollar property tax settlement action.

His other professional affiliations include serving as President and member of the Board of Directors of the County Counsels' Association of California and Adjunct Professor of Law and member of the Board of Visitors at Santa Clara University School of Law.

Mr. Woodside has a dual Bachelor of Arts Degree from the University of California, Davis and Santa Cruz and a Juris Doctor from University of California at Berkeley School of Law (Hoak Hall). Upon graduation from law school, he joined the Santa Clara County Counsel's office and eventually was named head of the department.

Madam Speaker, Steven Woodside has spent most of his career in public service to the people of the State of California. It is therefore appropriate that we recognize and honor him today and wish him well in his retirement.

PERSONAL EXPLANATION

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SHULER. Madam Speaker, my vote on rollcall No. 607 on December 2, 2010 was not recorded. My intention was to vote "aye" on this measure.

A TRIBUTE TO MS. SHARLENE BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Sharlene Brown.

Ms. Brown has over eight years of professional experience in leadership, strategic planning, budgeting, marketing, and fundraising. She also has a strong academic record. Ms. Brown received a Bachelor of Science in Organizational Management, with distinction, and a Masters in Organizational Leadership from Nyack College; she is a graduate of the YMCA of Greater New York's Executive Leadership Institute and is currently pursuing a Doctorate of Management at the University of Phoenix.

As a leader, Ms. Brown constantly seeks innovative ways of promoting dynamic working environments, high quality service and organizational growth. Ms. Brown's accolades serve as a testament to her abilities. She holds several awards in Superior Performance from the YMCA of Greater New York, for her work at the Bedford-Stuyvesant YMCA, is a recipient of the Black Achievers in Industry Award 2010 and received a Proclamation from myself, congratulating her in honor of Women's History Month.

Ms. Brown demonstrates strong commitment to her community in addition to her leadership and academic success. She served as Advisor to the Ella McQueen Detention Center, Director of Rush Temple African Methodist Episcopal Zion Church's Young Adult Christian Ministry; and is now the Executive Director of the Bronx YMCA. In her current position as Executive Director, she is developing and implementing employee guidance initiatives to enhance people's skills for the achievement of organizational goals.

Among all of her success, let it not be forgotten that Ms. Brown is the proud mother of Donald Broughton, Jr. and is excited to be a 2010 Honoree of the Concerned Women of Brooklyn, Inc.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Sharlene Brown.

LE VAN BA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to commemorate the life of Le Van Ba who passed away on Saturday, November 23rd, 2010.

Mr. Le and his family left Vietnam and came to the United States in 1979, and he risked everything for a chance to live freely and provide better opportunities for his family.

In 1981, Mr. Le and his family bought their first catering truck and began serving sandwiches in the community.

In 1983, Mr. Le founded Lee's Sandwiches and today, Lee's Sandwiches is among the top 50 largest bakeries in the U.S., employing thousands of workers in northern and southern California and across the country.

He was a community leader of his Hoa Hao Buddhist church and the An Giang Association of Northern California.

He and his family have given back to the community, assisted victims of 9/11, Hurricane Katrina, the floods in Vietnam, the South Asia tsunami and other local charities.

Throughout Orange County, he made it a point to donate food and sponsor community and nonprofit events annually.

Today, I commend this man and urge my colleagues to join me in recognizing Mr. Le's extraordinary lifetime achievements.

I want to offer my sincere sympathy to his wife, Nguyen Thi Hanh, his family, friends, and loved ones.

WILL THE WEST GIVE UP CYPRUS TO PLACATE AN IRRITABLE TURKEY?

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. BILIRAKIS. Madam Speaker, I would like to commend to my colleagues an article written by Ted Galen Carpenter, vice president for defense and foreign policy studies at the Cato Institute, in the Washington Times on November 19, 2010. Mr. Carpenter has written an excellent article, warning of the danger in recent rumblings led by former British Foreign Secretary Jack Straw that Cyprus should be divided into two nations. The territorial integrity of Cyprus must never be sacrificed for the sake of healing relations with Turkey—a move that would only reinforce the Turkish governments disregard for international standards.

[From the Washington Times, Nov. 19, 2010]

CARPENTER: SACRIFICING AN ISLAND

(By Ted Galen Carpenter)

It's no secret that relations between Turkey and its Western allies have become quite testy over the past year or so regarding an assortment of issues, including policy toward Iran and the Israeli-Palestinian dispute. Western leaders are understandably eager to heal the breach with Ankara because Turkey is a significant regional power. Unfortunately, it seems increasingly likely that the small nation of Cyprus will end up being a sacrificial pawn in that effort.

The latest indicator is an article by former British Foreign Secretary Jack Straw arguing that it is time for Britain and other governments to consider the formal partition of Cyprus, if the latest round of U.N.-brokered talks do not achieve a breakthrough. The northern portion of Cyprus has been occupied by Turkish troops ever since the 1974 invasion of that country. Following the invasion, Ankara set up a puppet government (which is recognized only by Turkey) in the

occupied territory and brought in more than 250,000 settlers from the Turkish mainland. Periodic U.N. mediation efforts have failed to resolve the division of the island.

As yet, neither London nor Washington has embraced Mr. Straw's proposal, but it has all the characteristics of a prominent trial balloon. Over the years, numerous members of the foreign policy communities in both Britain and the United States have privately toyed with the idea of imposing a formal partition.

Going down that path would be a mistake—for both practical and moral reasons. The practical consideration is that the U.S. and the leading EU countries already set a dangerous international precedent in 2008 when they encouraged and then formally recognized Kosovo's unilateral declaration of independence from Serbia. At the time, NATO troops occupied Kosovo, preventing Belgrade from doing anything to thwart that secession.

Numerous governments warned that the move trampled on Serbia's sovereignty and created a highly destabilizing precedent. That fear was soon realized when Russian troops implemented the secession of two restless provinces from Russia's small neighbor, the Republic of Georgia.

Now the Western powers may be flirting with the notion of forcibly dividing Cyprus against the will of the Cypriot government and a majority of the Cypriot people. Such a move would reinforce the unhealthy recent precedents set with respect to Kosovo and Georgia—and would encourage nations and movements with secessionist agendas around the world.

The moral case against partitioning Cyprus to curry favor with Ankara is even stronger. Turkey committed an act of aggression when it invaded its neighbor in 1974, and that violation of international law is made worse by the continuing occupation and the colonization effort using Turkish settlers. That should be unacceptable behavior by any country, but it is even more outrageous coming from a NATO member and aspirant to join the European Union.

The tepid reaction over the decades by Washington and its democratic allies to Ankara's rogue conduct on the Cyprus issue is troubling. Those countries should not further reward Turkey's aggression by making the division of Cyprus permanent.

There are other actions the West can take to help repair the fraying relationship with Turkey. In particular, the U.S. must show greater understanding that its policies in Iraq—especially the creation of a de facto independent Kurdistan in the north—create major problems for Ankara because of Turkey's own restless Kurdish population. Likewise, the push for ever tighter economic sanctions against Iran poses major economic and strategic dilemmas for Turkey.

Those issues need to be addressed squarely, and efforts should be made at least to cushion the adverse impact on Turkey. But it would be wrong to adopt the cynical approach of using Cyprus as a convenient sacrificial pawn to ease overall tensions with Ankara. Such a move would betray important Western values and, in the long run, likely undermine important Western interests.

A TRIBUTE TO MS. SHARONNIE M. PERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Sharonnie M. Perry.

Ms. Perry was born in the Bedford Stuyvesant section of Brooklyn, New York. She is the mother of two sons, DaShawn and Jah-Son. She is also the proud grandmother of Jaylin and Jah-Son, Jr. Ms. Perry is a woman of faith; she believes if you put God at the head of your life and Jesus at the center, you will not fail.

Ms. Perry lives her life by one of her favorite sayings, ''I have come to serve and not to be served.'' In this spirit, she worked as a community activist for over thirty-five years, fought against decentralization of public schools and founded Parents on the Move, a self-help organization for homeless parents and children. Ms. Perry also advocated for affordable housing, education, and employment of New York City's homeless population.

In 1982, Ms. Perry saw a need that became one of her greatest passions to date: HIV/AIDS activism. She has traveled the country to inform people about the health care and services offered to individuals living with HIV/AIDs; she also advocates on behalf of individuals living with this difficult disease. In addition, it should be noted that Ms. Perry is a valued political consultant. In various capacities, she has helped elect countless elected officials at all levels of government.

Ms. Perry attributes her success in life to the Creator, first and foremost; her parents, Dolly and James; family; mentors; spiritual advisors; and friends Father Jim Goode, Bishop Albert Janiison, Carmuela Rodriguez, Annette Robinson and Mama Lola. She also never forgets the ancestors whose shoulders she stands on: Baba MezeeMoyo, Queen Empress Akwcke, Thomas Faulkner, Charles Pinn and all those who have passed this way.

It comes as no surprise that Ms. Perry has been recognized across the country for her commitment to the underserved people in our society. In summarizing her own devotion to family, church and community, Ms. Perry would say, ''If I can help somebody along the way, then my living would not have been in vain.''

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Sharonnie M. Perry.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. PUTNAM. Madam Speaker, on Thursday, December 2, 2010, I was not present for 12 recorded votes. Had I been present, I would have voted the following way: Roll No. 596—''nay''; Roll No. 597—''nay''; Roll No. 598—''yea''; Roll No. 599—''yea''; Roll No. 600—''yea''; Roll No. 601—''yea''; Roll No. 602—''yea''; Roll No. 603—''yea''; Roll No. 604—''nay''; Roll No. 605—''yea''; Roll No. 606—''nay''; Roll No. 607—''yea.''

HONORING STEPHEN C. DUBOIS OF TULAROSA, NM

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TEAGUE. Madam Speaker, I rise today to recognize a constituent of mine that is very special to me and my fellow southern New Mexicans.

Stephen C. DuBois is a resident of Tularosa, New Mexico. He is 89 years old and is a veteran. But over six decades ago today, Mr. DuBois was stationed in Hawaii, and he survived one of the worst and most cowardly attacks on our Nation in our country's history—the attack on Pearl Harbor.

When the attack occurred, Mr. DuBois was a hospital corpsman in the Navy and was only 19 years old. He was in a tent when the Japanese began their assault. A marine came into the tent and mistaking Mr. DuBois for another marine, he told him, ''follow me.'' Together, they charged on to take control of an anti-aircraft turret.

The marine was surprised at the way DuBois handled the weapon and asked where in the world he had been trained.

Mr. DuBois answered that he had been trained in Newport, which shocked the marine even further. He replied, ''Newport? That's where the Navy gets trained!''

To which Mr. DuBois could only reply, ''Well, that's what I am, Navy!''

Whether he was a Marine or in the Navy didn't seem to matter much after that. Working with that marine, Mr. DuBois was able to bring down at least two Japanese planes that were attacking Pearl Harbor. While it is difficult to say with any certainty how many more casualties would have been inflicted by those two planes, you can be sure that the gallant actions of Mr. DuBois and his friend did save lives that day.

And while we look back on that terrible day that brought so much pain and anguish to our nation and its citizens, we are also reminded of something else that was proven that day. We are reminded that when placed in tough situations, Americans can be some pretty extraordinary people.

Stephen C. DuBois didn't take that gun for fame or fortune, for glory or for revenge. Instead he did what so many of our sons and daughters have done over time. He did it because he was ordered to. He did it because it was his duty. And by doing his duty, he saved so many lives and really he saved our country.

So today, I want to honor not only those brave Americans that we lost at Pearl Harbor, but all of those brave Americans like Mr. DuBois who protected us and our beloved country. May God bless him and his family and may God continue to bless America.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HASTINGS of Florida. Madam Speaker, on December 2, 2010, I was on official leave to attend to a medical matter. I was unable to

cast votes on the extension of the middle class tax cuts, as well as the censure of Representative CHARLES RANGEL. However, I strongly support extending tax cuts to the middle class, and would have voted favorably. On the matter of Representative RANGEL, I would have voted "yes" on the reprimand but "no" on the censure.

RECOGNIZING THE SERVICE OF CAPTAIN CARL KUWITZKY, PRESIDENT OF THE SOUTHWEST AIRLINES PILOTS' ASSOCIATION (SWAPA)

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MICA. Madam Speaker, I rise to recognize the accomplishments of Captain Carl Kuwitzky, President of the Southwest Airlines Pilots' Association (SWAPA). Captain Kuwitzky will retire as SWAPA President on December 31, 2010 after serving two terms leading the organization which represents Southwest Airlines' nearly 6,000 pilots.

An Oklahoma native, Captain Kuwitzky has been a pilot at Southwest Airlines since July, 1983. Captain Kuwitzky's distinguished service with SWAPA also includes time as the association's vice president from 2006–2008, as a member of the Board of Directors representing the Phoenix and Houston Hobby Airports, and as Chairman of Southwest Airlines' Scheduling and Air Safety Committees. During his distinguished career at Southwest he also served as a member of the negotiating and merger committees during the airline's acquisition of Muse Air in 1986.

Madam Speaker, Southwest Airlines has grown to become a leader of the U.S. and global airline industry and has provided significant benefit to my home state of Florida. Captain Carl Kuwitzky's played an integral role in this growth and the benefits it has provided to Southwest Airlines, the traveling public, the airline industry and the millions of Americans who take to the skies each year.

My colleagues, please join me in recognizing the service of Captain Kuwitzky, for we are all better and safer today because of his outstanding leadership.

HONORING MASTER GUNNERY SERGEANT SCOT T. MOREFIELD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise today to pay tribute to an outstanding Marine, Master Gunnery Sergeant Scot T. Morefield.

Master Gunnery Sergeant Morefield enlisted in the Marine Corps on November 9, 1978 at age 17. On June 30, 2010, he retired after 30 years of honorable service to the Marine Corps, and to our country.

His military career began after graduating from recruit training and infantry training school he attended aviation structures school, finishing as the academic honor graduate. MGySgt. Morefield was then assigned to an A–4 Skyhawk squadron where he served from 1980 to 1983. During that time he made numerous deployments to Asia. In 1983 he received an honorable discharge.

After briefly working for Lentini Aviation in Troy, Michigan, and Lockheed Martin in Marietta, GA, he started his own construction company.

In 1987, while still running his construction business, MGySgt. Morefield re-enlisted in the Marine Corps Reserves as a Combat Engineer. He graduated the Combat Engineer School at Camp Lejeune in 1990 as the academic honor graduate.

In 1991, he received orders to return to Michigan where he continued his service assignment as a Marine Corps recruiter and a Staff Noncommissioned Officer in Charge of two Lansing, Michigan substations. Notably, he served at various times as both the Recruiter Instructor and the Operations Chief for the Lansing station before his retirement this June.

Master Gunnery Sergeant Scot Morefield's personal awards include the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal and the Navy and Marine Corps Achievement Medal with Gold Star.

I am proud to rise today to celebrate this Marine's service and commitment to our country. I ask my colleagues to join me in thanking MGySgt. Morefield for his devotion to our mutual cause of national defense and wish him the best in his retirement.

ADDRESSING THE GLOBAL THREAT OF AL-QAEDA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. McCOLLUM. Madam Speaker, I rise today to state plainly and clearly my belief that al-Qaeda and its affiliates continue to pose a serious threat to the United States.

During a candidate forum on October 21, 2010, I was asked a question regarding U.S. policy in Afghanistan and Iraq. During my response, I stated that the United States went to war in Afghanistan—an action that I supported—to remove the Taliban from power and eliminate al-Qaeda. I also noted that top U.S. intelligence officials have stated publicly that al-Qaeda no longer poses a threat to the United States from within Afghanistan.

For example, on June 27, 2010, CIA Director Leon Panetta stated that fewer than 50 to 100 al-Qaeda operatives remain in Afghanistan, saying "there's no question that the main location of Al Qaeda is in the tribal areas of Pakistan." According to then-National Security Advisor Gen. James L. Jones on October 4, 2009, al-Qaeda has no bases inside Afghanistan and "no ability to launch attacks on either us or our allies." Unfortunately, my political opponents rejected these official assessments from America's top national security experts and chose to distort my position by taking my comments out of context. Playing politics with American national security is a reckless distraction.

The threat from al-Qaeda now emanates from within countries such as Pakistan and Yemen, and even from would-be terrorists within the U.S. who are inspired to violence by al-Qaeda. However, due to the courage and effectiveness of America's military men and women and America's NATO partners, al-Qaeda's ability to attack U.S. citizens from inside Afghanistan has been greatly diminished, if not eliminated. For this reason, I support an end to full-scale combat operations and a shift to a long-term counterterrorism mission that will prevent al-Qaeda from re-establishing safe havens from which to attack the United States.

Madam Speaker, there is no doubt that al-Qaeda continues to pose a significant threat to the United States and our allies. Its operatives are as determined as ever to promote their brand of extremism through fear, violence, and hate. The United States must remain vigilant and resolute in the face of this serious threat.

A TRIBUTE TO MS. SHIRLEY M. OLIVER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Shirley M. Oliver.

For decades, Ms. Oliver dedicated herself to the youth of the Brownsville-Ocean Hill community of Brooklyn, New York. She was a day care professional at the Love in Action Day Care Center, an auditory tester in the public school system and a Credentialed Prevention and Intervention Specialist with the New York City Board of Education. Her work demonstrates a clear commitment to children at all stages of development.

A proud product of the New York City Public School System, Ms. Oliver has always had a firm belief in education. Tasked with raising a young family and full-time employment, Ms. Oliver made time to pursue her educational goals; she attained a Bachelor of Arts from the College of New Rochelle and a Post-Graduate degree in Educational Psychology from Fordham University. Adding to her list of accomplishments, Ms. Oliver is a licensed Mental Health Counselor in the Brooklyn community and is a New York State Office of Alcoholism and Substance Abuse Services Credentialed Alcohol and Substance Abuse Trainee with credentialing in gambling.

Ms. Oliver was born, raised and still resides in the Brownsville community of Brooklyn, New York. She is the second child of Charles and Pat Green. Ms. Oliver grew up in a nurturing environment; her parents stressed the importance of education, spirituality and public service. Ms. Oliver is the proud mother of two children: Mr. Shon Oliver and Mrs. ShakiraKee. She is also the proud grandmother of four grandchildren: Kumani, Saabir, Sumaiyah, and KianaraKee.

Through her membership in service organizations, Ms. Oliver makes a conscious effort to advocate on the behalf of others. Her organizational affiliations are extensive; she is a member of the Women's Caucus for Congressman ED TOWNS, the N.A.A.C.P., the Community Board, the Brooksdale Hospital Advisory Board and she is a Delegate for AFSCME at the annual National Convention for the AFL–CIO. In addition to all this, Ms. Oliver is the shop steward for her Local Chapter 372 and a member of the Coalition of Black Trade Unionists.

Ms. Oliver has a philosophy that exemplifies her devotion to social justice and education: Empower those who cannot empower themselves. Through career choices and organizational memberships, Ms. Oliver is clearly dedicated to the betterment of her community; it is this characteristic that marks her as a distinguished woman of education.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Shirley M. Oliver.

THE 50TH PROCLAMATION FOR THE CENTER FOR FAMILY RESOURCES

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today in honor of the 50th anniversary of The Center for Family Resources. Founded in 1960, founders Fred Bentley, Sr., Howard Ector, and Harry Holliday envisioned a better way to combine six existing emergency assistance organizations in Cobb County under one roof.

Families repeatedly faced limited access to affordable transportation, childcare and housing, as well as a lack of education and training to secure and maintain employment. The organization determined the removal of those barriers was the real key to breaking the cycle of poverty.

Cobb Family Resources has grown from a small emergency aid agency to a multi-function human services organization, serving both generations of the family to develop personal responsibility and a self-sufficient lifestyle.

Today, it serves as an average of 10,000 individuals each year. Records also indicate more than 400,000 individuals have been served by CFR since 1960.

Madam Speaker, I ask all my colleagues to join me in honoring the Center for Family Resources.

HONORING THE LIFE OF BA VAN LE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HONDA. Madam Speaker, I rise today to commemorate the life of Ba Van Le, a pioneer in the Vietnamese American community and a prominent entrepreneur, beloved by family and friends.

Born on December 26, 1932, Ba Van Le was raised in the An Giang Province of Southern Vietnam. In Vietnam, he was a successful businessman who owned a thriving sugar cane refinery in Saigon that earned him the nickname "The Sugar King."

Following the Vietnam War, Ba, his wife Hanh and their three oldest children fled Vietnam in search of new beginnings. Like many Vietnamese, Ba and his family settled at a refugee camp in Malaysia. Over a year later, Ba and the rest of the Le family arrived in the United States, staying briefly in Clovis, New Mexico and Monterey, California before settling in San Jose, California.

In 1981, Ba, along with his sons Chieu and Henry, began operating a mobile lunch truck in downtown San Jose. With newfound success, the business expanded to a permanent Vietnamese sandwich shop, becoming the very first store location of what would evolve into the family's chain restaurant, Lee's Sandwiches.

Ba was a prime example of the American entrepreneurial spirit. With the suggestion of his grandson to incorporate business ideas from American fast food chains, Ba and his family expanded their food menu and opened 30 locations in Northern and Southern California, Texas, Arizona, and Oklahoma. With hard work and perseverance, both he and his family have played a major role in popularizing the Vietnamese sandwich, bánh mì, and other Vietnamese food in mainstream American food consciousness.

Not only did Ba establish a thriving restaurant specializing in Vietnamese cuisine, he and his family's small business became the first chain restaurant to serve the needs of the Vietnamese American community.

Madam Speaker, Ba Van Le's innovative spirit and cross-cultural achievements will be remembered for years to come. It is my hope that his legacy will inspire fixture generations to find creative ways to serve the needs of the diverse Asian American Pacific Islander (AAPI) communities. I offer my heartfelt condolences to the Le Family during this time of remembrance.

LETICIA M. DIAZ: STRENGTHENING AMERICA

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. GRAYSON. Madam Speaker, I would like to bring attention to an article written by Leticia M. Diaz at Barry University entitled "Strengthening America." Dr. Diaz, who holds a PhD and a JD from Rutgers University, is the Dean of the Barry University Dwayne O. Andreas School of Law in Orlando and a member of the advisory committee for the newly formed American Bar Association Commission on Hispanic Legal Rights and Responsibilities.

STRENGTHENING AMERICA

(By Leticia M. Diaz)

Like millions of others, I came to America with my immigrant parents. Seizing on the opportunities and access to superior education offered by this country allowed me to not only achieve the American dream, but to give back to this nation.

My story is far from unique. Like the immigrants before me, I came to the United States to seek the freedom and the opportunities unavailable in the country of my birth. Comprised of a vast immigrant population, the United States matured and expanded as a result of the great Irish and Chinese immigrations of the 1800s along with many newcomers from Europe over the years. These immigrants provided much of the labor force that built the infrastructure as our country grew into a world power. Over the years, my family and millions of other immigrants worked hard to make America into a strong, productive, and dynamic nation.

Today, tens of thousands of young adults stand ready to give back to the country they call home. By opening the door to educational advancement or military service, the DREAM (Development, Relief, and Education for Alien Minors) Act before Congress benefits those youngsters who, as children, accompanied their parents to the United States. But without passage of the DREAM Act, these young people—who have already proven themselves in our schools and communities—face a very uncertain future.

The DREAM Act would grant legal status to young adults brought to the United States as undocumented immigrant children. The rigorous requirements under the Act ensure that only contributing members of society who have already proven themselves to be law-abiding citizens and dedicated students would enjoy the benefits of the Act.

The stringent criterion prescribed by the DREAM Act ensures that the floodgates to illegal immigration will remain closed. Instead, the Act addresses the issue of young, undocumented children who have grown up in this country and excelled in school. As they seek to enlist in the military or continue their education and launch their careers, these motivated pro-American youngsters continue to run into unreasonable roadblocks. The DREAM Act prudently addresses those hurdles.

All members of society will benefit from the DREAM Act, not just a select few. Everyone wins when we educate the youth of tomorrow, encourage them to achieve their career goals, and motivate them to become productive citizens of our great country. As an educator and a person who was born in Cuba and immigrated at an early age, I am foremost an American who recognizes the importance of providing access to education to those who are truly committed to learning and personal growth.

As Americans, we have a moral obligation to address the immigration issues facing our country. The DREAM Act would be a great start to much-needed reform. As such, we urge Congress to pass the DREAM Act, blazing a trail for these young adults to become valuable, contributing members of the United States as they deserve.

Madam Speaker, I strongly encourage my colleagues to bring the DREAM Act to the floor for immediate consideration.

HONORING THE HORNELL HIGH SCHOOL FOOTBALL TEAM FOR WINNING ITS SECOND CONSECUTIVE STATE CHAMPIONSHIP AND 26TH CONSECUTIVE WIN

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. REED. Madam Speaker, I rise today to honor the Hornell High School football team for the great success that they achieved on the football field during the 2010 season. This year, the Red Raiders won their second consecutive New York State Class B championship. The victory in the championship game was the Red Raiders' 26th consecutive victory over the last two years. The Hornell Red Raiders are in the distinguished position of having the longest current win streak in New York State high school football. Through their hard work, great determination and incredible success on the football field, the Hornell Red Raiders have brought great honor to their team, their school, and the City of Hornell. It is with no small amount of pride that we recognize the players and cheerleaders, coaches

and advisors, and administrators and parents for their achievement and congratulate them on their second consecutive state championship and 26th consecutive victory.

HONORING THE 40TH ANNIVERSARY OF FRESNO METRO MINISTRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today with my colleague Mr. CARDOZA to congratulate Fresno Metro Ministry on the occasion of their 40th anniversary, aptly recognized as a community service organization that champions ''working together to build a better community.''

Founded in 1970, Fresno Metro Ministry was conceived and developed as a multi-faith, multi-cultural organization with the mission of creating a more respectful, compassionate and inclusive community that promotes social and economic justice. Fresno Metro Ministry's success stems from working in collaboratives and engaging in community education, advocacy, and community problem-solving by building coalitions, networking, conducting workshops and conferences, and developing and supporting task forces to address community issues that affect underserved communities. The community of Fresno is proud to be home to such a great organization dedicated to the advancement of the less fortunate in our region. For 40 years Fresno Metro Ministry has been making a positive impact in the lives of members of our community and I know that it will continue to do so in the future.

Throughout the years, Fresno Metro Ministry has spearheaded projects that have helped bridge the needs of low-income residents and existing community services in the greater Fresno area. This includes projects such as the development and publication of the ''Making Connections Community Resource Directory'' and the establishment of Latinos United for Clear Air, a neighborhood parent group who completed advocacy training sessions and went on to advocate for cleaner air and reductions of toxic pollutants at the local and state level. Community partnerships have also led to the adoption of a School Wellness Policy by the Fresno Unified School District to assist in the prevention of childhood obesity and the creation of community gardens in partnership with the city of Fresno. Furthermore, the Metro Ministry was instrumental in developing the New Leaders for Better Health program which provides health education and advocacy training for low-income residents, many of whom are non-English speaking and immigrant refugees.

It is fitting and appropriate that we recognize an organization of the caliber of the Fresno Metro Ministry today. Giving a voice to those who too often do not have one has been the noble mission at the forefront of this organization and advocating for improvement in the health, education, nutrition and community betterment opportunities of a region is no light task. I ask my colleagues to join with Mr. CARDOZA and I in honoring Fresno Metro Ministry on the occasion of their 40th anniversary and thank them for their tireless work and enormous contributions to our community in the greater area of Fresno, California.

RECOGNIZING TRILLIUM DENTAL SPECIALTIES FOR WINNING THE 2010 PIERCE COUNTY HEALTH CARE CHAMPIONS COMMUNITY IMPACT AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize Dr. Steve Bradway and Dr. Susan Hagel Bradway of Trillium Dental Specialties on winning the 2010 Pierce County Health Care Champions Community Impact Award.

On May 25, 2010, the Health Care Champions program, which is a partnership between the Business Examiner and the Pierce County Medical Society, presented Trillium Dental Specialties with the 2010 Community Impact Award. The annual award recognizes a practice group whose involvement or innovation in health care has served a broad section of the community. Doctors Steve and Susan Bradway of Trillium Dental Specialties have earned this award by showing great dedication to their community, exceptional service, and professionalism in medical practice. The Bradways were presented this honor at the Pierce County Health Care Champions annual awards ceremony held at the Tacoma Museum of Glass in downtown Tacoma, Washington.

The Bradways have proven to be strong advocates for preventative dental care primarily among young children in low-income families. The doctors of Trillium Dental Specialties have not only provided quality dental care to more than 22,000 Tacoma area children on Medicaid, they have also established educational programs for families, provided speech therapy to children, and instructed families on how best to maintain dental health in the home.

The Health Care Champions also recognize the Bradways' successful philanthropic efforts in expanding dental care to low-income families in the Greater Pierce County region. Through their $10,000 donation, the Bradways provided the seed money needed to establish Pierce County's Access to Baby and Child Dentistry Program, which is a nonprofit program dedicated to providing dental care to low-income and Medicaid eligible families. The program has since certified 92 dentists and offers care to underserved communities. Through the nonprofit, the Bradways have successfully allowed dentists to help thousands more children who would otherwise not have a dental health home.

Madam Speaker, I ask my colleagues to join me in congratulating Trillium Dental Specialties on receiving the Pierce County Health Care Champions 2010 Impact Award. The Healthcare Champions program was created to honor dedication, professionalism, and philanthropy in the field of health care and Trillium Dental Specialties has exemplified that goal. The region is truly grateful for their work, and Doctors Steve and Susan Bradway are inspirational models to health care providers everywhere.

REMEMBERING JOHN ALFRED PROUTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, last month, Calvert County, Maryland, lost a legendary member of its community: John Alfred Prouty, one of Maryland's most successful local farmers. He died at the age of 87, leaving behind a lifetime of wisdom, friendships, and service to his community.

After serving in the U.S. Navy in the 1940s, Mr. Prouty took over his father's family farm. He ran it skillfully for decades, growing tobacco, corn, wheat, barley, rye, soybeans, heirloom tomatoes, and flowers—and he passed it on to his own son. He was one of the family farmers who are the backbone of American agriculture; he cared about conserving the land, keeping up with the latest agricultural techniques, and lending a hand to his neighbors. In the words of his son, John Prouty was ''as generous and as honest and as insightful a person as you could meet.'' And in between long hours managing his 160 acres, he took time to serve on the county planning commission and the county and state farm bureaus. For his lifetime of hard work, he was inducted into the Governor's Agricultural Hall of Fame this year.

Mr. Prouty represented the best of American farming, and I sincerely hope that the legacy he left behind will inspire all those in Maryland who work to keep their family farms thriving. I know that he will be an inspiration to all those he left behind: his wife Margaret; his children, Susan, John, and Elizabeth; and his four grandchildren.

IN REMEMBRANCE OF PEARL HARBOR DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. RAHALL. Madam Speaker, today, I rise to honor and thank the greatest generation for their sacrifices at Pearl Harbor, 69 years ago. This day reminds us of the long-held valor of our service men and women throughout the generations since the infamous attack on Pearl Harbor.

On this day, we remember the many American lives lost on ''the day that lives in infamy,'' but, we also recall with great pride the courage and sacrifices of our greatest generation, who led us to victory in World War II. The patriotism they instilled in us continues today, in the hearts of our veterans and in the deeds and actions of our men and women in uniform.

In World War II, 233,985 West Virginians served in our military. Countless more American Patriots have answered the call to duty since. We are reminded today of the sacrifices our veterans made for our nation and the preservation of the liberties, freedoms and rights that we hold dear.

December 7, 1941, lives on in the minds of all Americans as one in which the nation came together in support of a common cause. I will continue to support our men and women currently in uniform as well as our veterans. With

over 177,000 veterans in West Virginia, nearly 53,000 in the Third District alone, and over 23 million in the United States, it is important that Veterans benefits and care be maintained here at home.

Pearl Harbor Day should be one of continued remembrance, with each remembrance serving as a renewed message of support for our military personnel at home and abroad.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 583 on H. Res. 1736. Had I been present, I would have voted ''aye.''

RECOGNIZING JOHN ORE, RETIRING MARICOPA COUNTY JUSTICE OF THE PEACE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of John Ore and his lifetime of service to the citizens of Tempe, Arizona. I wish to thank him for his dedication to public service, a remarkable record of success and accomplishment, and many years of friendship.

Judge Ore's law enforcement career began on May 28, 1969, when he joined the U.S. Army and attended military police training. After the army, John joined the Tempe Police Department and within three years, received a number of awards for his work, including the Tempe Police Meritorious Service Award and the Outstanding Young Law Enforcement Officer Award. John quickly rose through the ranks at the Tempe Police Department and was promoted to Commander in July of 1988. After a distinguished 22 year career in the police force, John was elected to serve as Tempe Justice of the Peace.

Judge Ore's strong commitment to volunteerism, service, and civic engagement is not only incredibly honorable, but also unmatched. For example, John has served on the Board of Directors for Friends of the Orphans, and spearheaded an effort to send relief supplies to the war zone in Bosnia on behalf of Tempe South Rotary Club and Project Lifeline. He was awarded the Hon Kachina Award as one of Arizona's 12 outstanding volunteers in 1998 and also received Rotary International's Service Above Self Award that same year. To this day, John remains active in the community and is involved with service activities through the Tempe South Rotary Club.

Madam Speaker, please join me in recognizing John Ore for 40 years of outstanding service to my home town of Tempe, Arizona.

IN REMEMBRANCE OF GEORGE DOBREA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. KUCINICH. Madam Speaker, I am saddened to learn of the passing of George Dobrea last Saturday. Please join me in remembering George Dobrea, a businessman, soldier, statesman, activist, constituent, and friend who did much to make Cleveland and the world a better place.

George was born 84 years ago in Gary, Indiana, to a family of Romanian ethnic background, a heritage he embraced throughout the many facets of his life. He was active in his church, St. Mary Romanian Orthodox Cathedral in Cleveland, where his priest, Rev. Remus Grama, referred to him as a ''priest without a collar.'' According to Rev. Grama, ''He helped so many immigrants. He never said no.'' He served on the board of St. Mary, founded the Romanian Ethnic Art Museum alongside the church, and helped stock it with thousands of art objects.

George served in the Army in World War II in the Philippines. He volunteered to be a spotter in a Piper Cub, radioing the positions of the enemy while dodging bullets flying toward the plane. His radio transmissions, which may have saved thousands of American and allied lives, earned him two Bronze Stars.

Like his father before him, George worked in the steel mills of Gary. At the University of Detroit, he boxed and ran track while earning a bachelor's degree. He went on to study business at the Wharton School of Economics at the University of Pennsylvania before settling in Cleveland, becoming a stock broker and marrying the former Jean Barson.

His work in stocks launched many other business interests, including scrap steel, greeting cards, greenhouses, toboggan chutes, and racehorses. George Dobrea did a weekly spot on The Mike Douglas Show, a popular local TV program, explaining finances and investing to the public.

George was enthusiastic about international trade and served as a lobbyist for the Greater Cleveland Growth Association, the regional chamber of commerce. He saw bilateral trade as a stabilizing influence, toward promoting peace and democracy abroad while promoting business at home. He was especially influential in promoting trade with Romania, Russia and Hungary. He helped Americans adopt orphans from Romania and lobbied President Clinton to admit former Iron Curtain countries to NATO. He served as Romanian Honorary Consul for the Cleveland area while advocating for a fair and independent judiciary in that country after the fall of the Soviet Union. He also served as the president of the Union & League of Romanian Societies, headquartered in Cleveland and the largest Romanian mutual benefit society in the United States and Canada.

George Dobrea was active in politics. He was an early supporter of John F. Kennedy in the 1960 presidential election and helped garner support for Kennedy among European ethnic voters in Ohio. He also supported Kennedy's opponent 12 years later as the chairman for the Ohio Democrats for Nixon. He reportedly turned down administration jobs with President Nixon and Ohio Governor John Gilligan. George served for many years as an elected member of the Cleveland school board, 3 years as its president.

Madam Speaker and respected colleagues, please join me in offering condolences to Jean, their 4 children Peter, George, Paul, and Mary Grindahl, their 3 grandchildren, and their many friends in Cleveland, Romania, and around the world.

50TH ANNIVERSARY OF THE MONOCLE RESTAURANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, last week, Members of Congress from both sides of the aisle gathered together to celebrate a special milestone: the 50th anniversary of The Monocle restaurant, located at 107 D Street Northeast. Since 1960, The Monocle has been a Capitol Hill institution—a place where generations of legislators, staff members, and visitors have come together to share stories and good food. As they mark a half-century of success, I offer my congratulations to Connie Valanos, who founded The Monocle and has passed it down as a legacy to his family; John Valanos and his wife Vasiliki, who own and operate The Monocle today; and maître d' Nick Selimos, who has worked there for more than 30 years. May The Monocle enjoy another 50 years as a Washington landmark.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8559–S8606

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 4011–4014, and S. Res. 696. **Page S8599**

Measures Reported:

H.R. 2142, To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, with an amendment in the nature of a substitute.

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, with an amendment in the nature of a substitute.

Page S8599

Measures Passed:

Early Hearing Detection and Intervention Act: Senate passed S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, after agreeing to the committee amendment in the nature of a substitute.

Pages S8601–02

Museum and Library Services Act: Senate passed S. 3984, to amend and extend the Museum and Library Services Act. **Pages S8602–05**

Truth in Fur Labeling Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 2480, to improve the accuracy of fur product labeling, and the bill was then passed. **Page S8605**

Water Resources Development Act: Senate passed H.R. 6184, to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits.

Page S8605

Minority Party Committee Appointments: Senate agreed to S. Res. 696, making minority party appointments for certain committees for the 111th Congress. **Page S8605**

Impeachment of Judge G. Thomas Porteous, Jr.: Senate, sitting as a Court of Impeachment, resumed consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, taking the following action:

Pages S8559–74, S8576–95

The Senate received the managers appointed by the House of Representatives and Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana.

Pages S8559–60

Senator Kirk was recused from further participation in the impeachment for the reasons stated.

Page S8560

The President pro tempore administered the impeachment oath to the other newly elected Members of the Senate, and any Member of the Senate who did not take the oath when the articles of impeachment were first exhibited. **Page S8560**

In accordance with impeachment Rule XI, the testimony and other evidence reported by the committee will be considered as having been received and taken before the Senate. **Page S8561**

Subsequently, Senate proceeded to hear argument on the motions. **Pages S8561–74**

Pursuant to Impeachment Rule XX, Senate met in closed session to commence deliberations on the motions and impeachment articles. **Page S8595**

A unanimous-consent agreement was reached providing that Senate continue consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, at approximately 9:30 a.m., on Wednesday, December 8, 2010. **Pages S8605–06**

A unanimous-consent-time agreement was reached providing that on Wednesday, December 8, 2010, upon the conclusion of the impeachment trial, Senate stand in recess subject to the call of the Chair; that upon reconvening, Senate resume consideration of the motion to proceed to consideration of S. 3991, Public Safety Employer-Employee Cooperation Act; and the time until 12:30 p.m., be equally divided and controlled between the two Leaders, or their designees; that at 12:30 p.m., Senate stand in recess

until 3:30 p.m., that upon reconvening at 3:30 p.m., there be an additional 30 minutes of debate, divided as specified above; provided further, that upon the use or yielding back of time, Senate vote on the motion to invoke cloture on the motion to proceed to S. 3991; provided further, that if there are back to back votes with respect to the cloture motions, that there be 4 minutes of debate, equally divided and controlled in the usual form, prior to each vote. **Page S8601**

Executive Communications: **Pages S8598–99**

Additional Cosponsors: **Pages S8599–S8600**

Statements on Introduced Bills/Resolutions: **Page S8600**

Amendments Submitted: **Pages S8600–01**

Quorum Calls: Two quorum calls were taken today. (Total—7) **Pages S8558, S8576**

Adjournment: Senate convened at 10:01 a.m. and adjourned at 8:17 p.m., until 9:30 a.m. on Wednesday, December 8, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8606.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 3 public bills, H.R. 6496–6498; 1 private bill, H.R. 6499; and 3 resolutions, H. Res. 1751, 1753–1754, were introduced. **Page H8089**

Additional Cosponsors: **Page H8089**

Reports Filed: Reports were filed today as follows:

H.R. 3655, to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services, with an amendment (H. Rept. 111–672);

H.R. 4501, to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, with an amendment (H. Rept. 111–673); and

H. Res. 1752, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (H. Rept. 111–674). **Page H8089**

Speaker: Read a letter from the Speaker wherein she appointed Representative Farr to act as Speaker pro tempore for today. **Page H8035**

Recess: The House recessed at 12:50 p.m. and reconvened at 2 p.m. **Page H8037**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing and supporting the goals and ideals of National Runaway Prevention Month: H. Res. 1687, to recognize and support the goals and ideals of National Runaway Prevention Month; **Pages H8039–40**

Earl Wilson, Jr. Post Office Designation Act: H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office", by a ⅔ yea-and-nay vote of 382 yeas with none voting "nay", Roll No. 608; **Pages H8040, H8067**

Recognizing the centennial of the City of Lilburn, Georgia: H. Res. 1642, to recognize the centennial of the City of Lilburn, Georgia and to support the goals and ideals of a City of Lilburn Day, by a ⅔ yea-and-nay vote of 379 yeas with none voting "nay", Roll No. 609; **Pages H8040–42, H8067–68**

Recognizing Rotary International for 105 years of service to the world: H. Res. 1727, to recognize Rotary International for 105 years of service to the world and to commend members on their dedication to the mission and principles of their organization; **Pages H8042–43**

Expressing support for the designation of March as National Essential Tremor Awareness Month: H. Res. 1264, to express support for the designation of March as National Essential Tremor Awareness Month, by a ⅔ yea-and-nay vote of 387 yeas to 1 nay, Roll No. 610; **Pages H8043–44, H8068–69**

Mourning the loss of life and expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2, 2010: H. Res. 1751, to mourn the loss of life and to express

condolences to the families affected by the tragic forest fire in Israel that began on December 2, 2010; **Pages H8056–57**

Congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence: H. Con. Res. 267, amended, to congratulate the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence; and **Pages H8057–58**

Agreed to amend the title so as to read: "Congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.". **Page H8058**

Red Flag Program Clarification Act of 2010: S. 3987, to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors. **Pages H8059–60**

Recess: The House recessed at 5:19 p.m. and reconvened at 6 p.m. **Page H8066**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing support for designation of 2011 as "World Veterinary Year": H. Res. 1531, to express support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; **Pages H8044–46**

Honoring the 2500th anniversary of the Battle of Marathon: H. Res. 1704, amended, to honor the 2500th anniversary of the Battle of Marathon; **Pages H8046–47**

Recognizing the 50th anniversary of the National Council for International Visitors: H. Res. 1402, amended, to recognize the 50th anniversary of the National Council for International Visitors, and to express support for designation of February 16, 2011, as "Citizen Diplomacy Day"; **Pages H8047–48**

Congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize: H. Res. 1717, amended, to congratulate imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize; **Pages H8049–56**

Supporting the goal of eradicating illicit marijuana cultivation on Federal lands: H. Res. 1540, amended, to support the goal of eradicating illicit marijuana cultivation on Federal lands and to call on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands; **Pages H8060–62**

Criminal History Background Checks Pilot Extension Act of 2010: S. 3998, to extend the Child Safety Pilot Program; **Pages H8062–64**

Providing for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs: H.R. 3353, to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; and **Pages H8064–65**

Access to Criminal History Records for State Sentencing Commissions Act of 2010: H.R. 6412, to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions. **Page H8066**

Privileged Resolution—Intent to Offer: Representative Waters announced her intent to offer a privileged resolution. **Page H8069**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H8038–39.

Senate Referrals: S. 3860 was referred to the Committee on Veterans' Affairs; S. 124 was referred to the Committee on the Judiciary; S. 3817 was referred to the Committee on Education and Labor; S. 4010 and S. 1774 were held at the desk. **Page H8058**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H8067, H8067–68, and H8068–69. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:30 p.m.

Committee Meetings

REVIEW LABOR'S FINANCIAL STATEMENTS

Committee on Education and Labor: Subcommittee on Health, Employment, Labor, and Pensions held a hearing on a Review of the Independent Audit of the Labor Department's FY 2010 Consolidated Financial Statements. Testimony was heard from the following officials of the Department of Labor: Elliott P. Lewis, Assistant Inspector General, Office of Audit, Office of Inspector General; and James L. Taylor, Chief Financial Officer.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by a record vote of 6–3, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day

it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported through the legislative day of December 18, 2010. Finally, the rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of December 18, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 8, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, with the Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, to hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets, 3:30 p.m., SD–538.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, with the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Securities, Insurance and Investment, to hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets, 3:30 p.m., SD–538.

House

Committee on Financial Services. hearing entitled ''A Proposal to Increase the Offering Limit under SEC Regulation A,'' 10 a.m., 2128 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the Western Balkans, focusing on developments in 2010 and hopes for the future, 11 a.m., SVC–202/203.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 8

Senate Chamber

Program for Wednesday: Senate, sitting as a Court of Impeachment, will continue consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, with a live quorum at 9:30 a.m., to be followed by a series of up to 5 roll call votes on the motions and articles of impeachment; following which, Senate will resume consideration of the motion to proceed to consideration of S. 3991, Public Safety Employer-Employee Cooperation Act, with a series of up to 4 roll call votes at approximately 4 p.m.

(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 8

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 5012—Weekends Without Hunger Act; (2) H. Res. 1746—Recognizing the efforts of Welcome Back Veterans; (3) H.R. 5470—To exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act; (4) H.R. 4501—Guarantee of a Legitimate Deal Act; (5) S. 3789—Social Security Number Protection Act; and (6) H.R. 5987—Seniors Protection Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E2065
Bilirakis, Gus M., Fla., E2074
Bishop, Sanford D., Jr., Ga., E2071
Chu, Judy, Calif, E2068
Costa, Jim, Calif., E2067, E2071, E2078
DeLauro, Rosa L., Conn., E2071
Duncan, John J., Jr., Tenn., E2072
Farr, Sam, Calif., E2066
Gingrey, Phil, Ga., E2077
Grayson, Alan, Fla., E2077
Hastings, Alcee L., Fla., E2075
Honda, Michael M., Calif., E2077
Hoyer, Steny H., Md., E2066, E2078, E2079
Issa, Darrell E., Calif., E2069
Kind, Ron, Wisc., E2073
Kucinich, Dennis J., Ohio, E2079
Lee, Barbara, Calif., E2079
McCollum, Betty, Minn., E2071, E2076
McMorris Rodgers, Cathy, Wash., E2069
Maloney, Carolyn B., N.Y., E2069
Marchant, Kenny, Tex., E2070
Mica, John L., Fla., E2076
Mitchell, Harry E., Ariz., E2079
Putnam, Adam H., Fla., E2075
Rahall, Nick J., II, W.Va., E2078
Reed, Tom, N.Y., E2077
Rogers, Mike, Ala., E2076
Sanchez, Loretta, Calif., E2074
Sestak, Joe, Pa., E2065, E2066
Shuler, Heath, N.C., E2074
Smith, Adam, Wash., E2065, E2067, E2078
Smith, Lamar, Tex., E2070
Stark, Fortney Pete, Calif., E2070
Sutton, Betty, Ohio, E2067
Teague, Harry, N.M., E2075
Thompson, Mike, Calif., E2074
Towns, Edolphus, N.Y., E2067, E2068, E2069, E2070, E2072, E2073, E2074, E2075, E2076
Waxman, Henry A., Calif., E2065, E2068
Woolsey, Lynn C., Calif., E2073

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