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House of Representatives

The House met at 10 a.m.

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

Lord God, throughout the ages You recognize, more than we, those who show the greatest courage and patience in difficult times such as during war.

Those who serve in the military are often in our prayers, Lord, and deserve this Nation's greatest respect and gratitude. You alone know however the great sacrifice their families face when preparing to deploy, during deployment, and when their loved one comes home. Even more pain and long suffering is endured by those military families who lose a family member in service to their country.

Today, the House raises up in prayer all military families. Strengthen them in love and faith that they always prove supportive. Provide them with great grace and inner freedom to embrace the separation and flexibility demanded of them due to military orders.

Lord, above all others, it is the voice of military families that are proudly heard when our Nation's anthem is sung from ''the land of the free and the home of the brave.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan 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.

ELECTING MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 237

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Woolsey (to rank immediately after Mr. Gene Green of Texas).

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

UNEMPLOYMENT IN NORTH CAROLINA

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

Mr. BUTTERFIELD. Mr. Speaker, yesterday it was announced that North Carolina's unemployment rate for January is 9.7 percent. This represents a 16 percent increase from December, and it is at its highest mark in 26 years. I have good reason, Mr. Speaker, to worry that the numbers will be even worse in my congressional district when they are reported.

It was devastating to learn yesterday that Cummins Diesel, Incorporated, will lay off 25 percent of its workforce. That is 390 people in Rocky Mount, North Carolina, an area that is already suffering an unemployment rate of nearly 14 percent.

We must pull together, not as Democrats or Republicans, but as Americans, to rally behind President Obama's plan to revive our economy. This is not a quick fix. It is a measured, responsible, transparent and accountable approach.

Mr. Speaker, I urge my colleagues to join me in helping families who are hurting.

THANKING JAY LENO FOR HIS SUPPORT OF METRO DETROIT WORKERS

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

Mrs. MILLER of Michigan. Mr. Speaker, all too often, it seems as though celebrities get caught up in their own life and have little time for those who are struggling in this very difficult economy. Well, Jay Leno is not one of those people. In fact, I think Jay Leno is an American hero today, because on Tuesday's Tonight Show, Jay Leno announced he will soon be doing a show at the Palace of Auburn Hills in Metro Detroit for the unemployed workers who have been struggling in this difficult economy, and the show will be absolutely free of charge.

Jay is donating his immense talent in an effort to give those workers who have been struggling a night out for a few laughs. I certainly also want to praise the leaders of the Palace who have offered up the facility free of charge for this event.

Jay Leno is a ''car guy'' who understands the hard work done by our Nation's auto workers and the incredible products they produce, and he understands that in this tough economy, many of those workers no longer have jobs.

It is absolutely outstanding that he is doing this to help lift their spirits

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and to help highlight the economic challenges that we face around our Nation, but especially in southeast Michigan. I want to thank you, Jay Leno. We in Metro Detroit welcome you, and you have our sincere thanks.

A COMPREHENSIVE APPROACH TO ECONOMIC RECOVERY

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address our current economic crisis and the careful and responsible investments in America that President Obama and this Congress have made. The Federal Reserve has predicted that without action, our economy will contract by $2 trillion over the next 2 years. With a recession that has persisted since December of 2007, we cannot expect an overnight cure. However we are cushioning the fall.

There was no one cause for the economic collapse. Instead, we have taken a number of positive steps in various areas to address the various facets of this economic decline. The second half of the TARP funding will help stabilize the financial sector. The American Recovery and Reinvestment Act will create millions of jobs, including 9,300 in my district. The Help Families Save Their Homes Act will keep millions of honest, hardworking Americans from foreclosure and help stabilize the housing values of their neighbors not currently in crisis. The Fiscal Year 2009 Omnibus Act the House recently passed adds crucial investments in public safety, energy efficiency, clean water and mass transit.

Mr. Speaker, I'm proud of the fact that this Congress has joined with the President in responding to the financial crisis.

THE TRUTH WILL GET YOU SUED

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

Mr. POE of Texas. Mr. Speaker, they say the truth will set you free. Well, maybe not. Now the truth may get you sued. Here is why.

The Staples Company fired an employee for lying on his expense account, and then sent a warning e-mail to all other employees on this action. The former employee sued, saying the company's actions were ''malicious and harmful.'' A Federal court in Massachusetts ruled with the employee, even though the statements were true.

Mr. Speaker, it has long been the law in this country that libel and slander only occur when the statement is false and malicious. But not anymore. So what is going to happen when the New York Times has a headline tomorrow morning saying ''Bernie Madoff, Worst Thief in American History, Goes to Jail?'' Even though that statement might be true, while old Bernie is in the big house, he may decide to sue, saying his reputation is ruined.

Mr. Speaker, the Constitution protects free speech and a free press. The Federal courts in Massachusetts were wrong to say that truthful speech is unlawful if it offends somebody or hurts their little feelings.

And that's just the way it is.

DISPELLING A HEALTH CARE MYTH

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

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, as we begin in this Congress a potentially transformational debate on the future of health care, I think it is time that we start dispelling some of the myths about American health care. So let's start with this one.

If I told you that the country which spent the most money on health care also ranked among the highest in wait times for care, opponents of health care reform would scream, ''Well, that is what you get with socialized medicine.'' The sad fact is that I'm describing our own health care system. A recent study published in Business Week showed that amongst the six top industrialized nations, the U.S. ranked fifth in medical wait times. We ranked behind New Zealand, Britain, Germany and Australia. In addition, 26 percent of Americans reported going to the ER for treatment because they couldn't get in to see their doctor, and ER wait times for heart attack patients has nearly doubled in the last 5 years.

So when you hear these anecdotes about people waiting for care in other countries that guarantee health care, know the facts. Americans wait longer.

□ 1015

CONGRESS SPENDING $1 BILLION AN HOUR

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, folks in America ought to be outraged. They have a right to know that Congress has spent roughly $1 billion an hour since the new President took office.

Recently, Michael Allen of Politico wrote about a speech in the other body. He described a crafty Senator's efforts to express his deep concern that the Nation is spending way too much money, and America can't afford this free-for-all spending Congress.

In just 50 days, the Congress voted to spend about $1.2 trillion between the stimulus and the omnibus. That amounts to $24 billion a day, or about a billion dollars an hour, most of it borrowed money.

Congress spending $1 billion an hour? Pew.

HONORING CORPORAL BRIAN M. CONNELLY

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

Mr. PALLONE. Mr. Speaker, I rise today to honor the life of Corporal Brian M. Connelly, who was killed in Iraq on February 26 when his vehicle was struck by a roadside bomb. Corporal Connelly was a combat engineer and was in the vehicle's gunning position at the time of the attack.

He lived in Union Beach, New Jersey, where he had recently married Kara Connelly. His job in Iraq as an engineer involved protecting the way for other soldiers. He lost his life essentially helping his comrades in arms.

His family and friends remember him as a man who had a great sense of humor and loved fishing and boating and being out on the water.

I attended the memorial service of Corporal Connelly in Keyport this past weekend to pay my respects to the corporal and his family and friends.

Too often we are tragically reminded of the human costs this war has placed on our country's citizens. His family kept a ''Bring Our Troops Home'' banner above their home, reinforcing their hopes that Brian would return home safely as soon as possible.

Corporal Connelly was an American hero. He was my constituent, and I am proud to pay tribute to him in our Capitol today.

DIFFICULT TIMES IN AMERICA

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

Mr. PENCE. Mr. Speaker, during these difficult times, families and small businesses across the land are making hard choices to make ends meet. Sacrifices are being made everywhere, except in Washington, D.C.

While Americans are finding ways to cut back, the Democrat Congress and our President have gone on an unprecedented spending binge, bailout after bailout, a $1 trillion stimulus bill. Yesterday, the President signed an omnibus spending bill with an 8 percent increase in spending and 9,000 earmarks. And to make matters worse, the administration has proposed a massive Federal budget that spends too much, borrows too much and taxes too much, and the American people know it. Even a distinguished colleague on the Budget Committee said recently: ''This is not an easy budget to market, for sure.''

Well, I say respectfully to my colleagues, the problem with the President's budget is not marketing, it is content. The American people want Congress to do what they are doing, make sacrifices, be there for our neighbors and embrace fiscal discipline and responsible plans for growth; not a Federal budget that spends too much, taxes too much and borrows too much.

SPEND, BORROW, AND TAX TOO MUCH

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

Mrs. BLACKBURN. Mr. Speaker, in the land of spend too much, borrow too much and tax too much, and in the age of the trillion-dollar deficits, the American taxpayers deserve to know where their hard-earned money is being spent.

After the $1.63 trillion spent in the stimulus and TARP bills, we need a system for transparency and accountability. That is why I have introduced the TARP and Stimulus Reporting and Waste Prevention Act. This bill requires complete disclosure of the TARP and stimulus spending, and it goes further than the President's ''Recovery.gov.'' It establishes a waste, fraud and abuse hotline that provides protection to all whistleblowers, including Federal employees.

The bill will promote accountability policies for government agencies and companies that benefit from the bailout in the stimulus so that taxpayers know that their money is not going to big bonuses and lavish resorts.

We owe it to the taxpayers to ensure that these funds are being used for designated purposes. It is their money, and they deserve to know.

PROVIDING FOR CONSIDERATION OF H.R. 1262, WATER QUALITY INVESTMENT ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 235 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 235

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolutions 218, 219, and 229 are laid on the table.

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

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 235 provides for a structured rule for consideration of H.R. 1262, the Water Quality Investment Act of 2009. The rules makes in order 10 amendments, including all five of the Republicans' amendments considered for consideration.

Among the many challenges confronting us, none could be more elemental than protecting our water. Today, the nationwide system of wastewater infrastructure includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. It is estimated that we have already invested over $250 billion on the construction and maintenance of this system. However, we are now in danger of losing that investment, if we do not act to maintain and improve the system.

The vast majority of the Water Quality Investment Act of 2009 is made up of five bills that the House considered and passed during the 110th Congress, four of which were not addressed by the Senate. With any luck, our colleagues in the other body will be able to address these important issues this Congress.

The need for serious investment in our infrastructure is clear. In 2002, the EPA estimated that there will be a $534 billion gap between spending and needs for water and wastewater infrastructure in 2019. The EPA's Clean Watersheds Needs Survey of 2004 Report to Congress documented America's wastewater infrastructure needs at more than $202 billion, and these are numbers from several years ago.

The Water Quality Investment Act of 2009 authorizes $13.8 billion in Federal grants over 5 years to capitalize clean water State revolving loan funds that provide grants and low-interest loans to communities for water and wastewater infrastructure. These funds are critical to so many communities in the district that I represent. During December and January, it seemed like every local official that I met with had a water or wastewater infrastructure project that was shovel-ready and in dire need of stimulus funds. The funding authorized by this bill will help to address that backlog of need.

H.R. 1262 also authorizes $1.8 billion over the next 5 years for Sewer Overflow Control Grants programs. Addressing and eliminating combined sewer overflows is one of the biggest financial challenges facing communities in my district and all over the country.

Communities in the Northeastern United States tend to have old and deteriorating sewer systems. Old clay pipes with leaking joints and other weaknesses in the system allow outside water to infiltrate into the system. During heavy storms or spring snowmelt, this infiltration causes the system to overflow and discharge water and sewage into local rivers.

A number of county and municipal water systems in my district are facing multi-million dollar projects to prevent their systems from overflowing into the Mohawk River that runs from west to east across upstate New York and feeds into the Hudson River. Many of these communities have small populations, incapable of simply passing the cost of these projects on to ratepayers.

H.R. 1262 authorizes extended repayment periods of up to 30 years for the SRF loans to help lessen the burden on local ratepayers.

To further assist rural or small communities like these, the legislation also authorizes technical assistance to help them meet the requirements of the Clean Water Act and to assist them to gaining access to financing wastewater infrastructure. In the upstate New York district that I represent, I often hear from rural communities about the difficulties they have in finding and applying for grant and loan opportunities.

The most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate human exposure in discharged sewage.

While system repairs and upgrades take time to implement, timely public notice can limit the human exposure when these discharges occur. The Water Quality Investment Act also requires owners and operators of publicly owned treatment works to monitor for and provide timely notification of sewer overflows to Federal and State agencies, public health departments and the public at large.

The legislation properly extends Davis-Bacon prevailing wage protections to contractors on treatment works projects that are constructed with my assistance from the State revolving loan funds. This prevents ''cut-rate'' crews from performing shoddy work and ensures that local contractors can competitively bid on local water infrastructure projects.

The bill also reinstatements the applicability of the Buy American Act to construction projects funded by Clean Water Act. In this way, the bill ensures that the investment we make in our infrastructure has the greatest possible benefit on the American economy. The Buy American provisions included in the Water Quality Investment Act are consistent with the Buy American provisions included in the final conference agreement of the American Recovery and Reinvestment Act.

The bill also increases the authorization to remediate contamination in the Great Lakes. In 2002, the EPA reported that pollution was impairing the use of 91 percent of the Great Lakes shorelines and 99 percent of the Great Lakes open water.

□ 1030

Impairment means that the shoreline of the open waters did not meet all of the designated uses, including fishing, swimming, and suitability for aquatic life. The leading causes of this impairment were pathogens, metals—mainly mercury—and toxic organic compounds. EPA noted that the dominant cause of shoreline impairment was historic pollution in the form of contaminated sediment.

H.R. 1262 increases to $150 million per year the authorization for projects that address sediment contamination in the Great Lakes areas. Areas of concern are defined under the Great Lakes Water Quality Agreement between the United States and Canada as ecologically degraded geographic areas that require remediation. An area qualifies if at least one of 14 beneficial uses—fishing, swimming, drinking water, et cetera—is impaired as a result of contamination.

By increasing the authorization for the cleanup of contaminated sediment in the most polluted areas of the Great Lakes, the bill will improve opportunities for fishing, swimming, boating, and agriculture. This will help approximately 40 million people who live in the Great Lakes Basin. The level of authorization is consistent with the provision of the House-passed Great Lakes Legacy Act Reauthorization passed by the House in the fall of 2008.

Mr. Speaker, I strongly support the Water Quality Investment Act. I hope that my colleagues on both sides of the aisle will continue to support it as well.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

American taxpayers have invested billions of dollars in our sewage treatment infrastructure resulting in decades of progress in reducing waterborne illness from contaminated drinking water. By the way, Mr. Speaker, if you look at the history of the 20th century, the single factor that contributed most to public health in the United States, and in the developed world generally, was the development, the spreading, if you will, throughout society of the ability of people to have access to clean water, clean drinking water. And so what we're dealing with today is perhaps more important than at first glance, it seems.

Now, unfortunately, whenever there has been, for example, an accidental breach in sewage treatment facilities, we see the repercussions of polluted water to public health, to our communities, and also to important industries such as tourism. That is why it is sound economic and environmental policy to invest in effective sewage treatment that ensures that the United States continues to have a healthy and vibrant aquatic ecosystem and clean water.

But the cost for these systems is expensive. In south Florida, the Miami-Dade Water and Sewer Department evaluated its wastewater needs through the year 2020 and determined that in order to maintain adequate transmission systems capability, treatment, disposal and the prevention of sanitary sewer overflows, that department alone in south Florida would have to spend over $2 billion. The cause of many sanitary sewer overflow events is that the infrastructure is failing due to structural deterioration and corrosion. So Federal funding, such as is provided in the Water Quality Investment Act of 2009, will give additional assistance to proactively identify the infrastructure requiring replacement prior to failure.

Included in the underlying bill is $13.8 billion in Federal grants over 5 years to capitalize the Clean Water State Revolving Funds for the construction of publicly owned wastewater treatment works and other wastewater infrastructure. And it provides low-interest loans to communities for wastewater infrastructure. These grants will encourage communities to consider alternative and innovative processes, materials, and technologies that maximize the potential for efficient water use, reuse, and conservation.

I would like to thank Chairman OBERSTAR and Ranking Member MICA for their hard work on this important bill that will help to keep our water safe and healthy and will also keep our ecosystem clean of wastewater.

Mr. Speaker, as you know, the underlying legislation consolidates five bills that passed the House in the 110th Congress. In the 110th Congress, the House considered two of these bills under modified rules. The majority set a precedent, thus, that these bills should be considered under at least modified open rules. Modified open rules allow Members in the House to debate and consider all amendments that are preprinted in the CONGRESSIONAL RECORD. So why not do the same today? Those two bills, even with a modified open rule, easily passed the House. So is the majority so afraid of debate that, even on a noncontroversial bill like this, they feel they must restrict debate? It's a shame.

It is unfortunate that the majority continues to backpedal on the open debate precedent—even that they themselves set. Yet, considering the way the majority has run this House in the last Congress and in this Congress, it's not a surprise; it is just the way the majority conducts business.

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

Mr. ARCURI. Mr. Speaker, my colleague from the Rules Committee mentioned that this bill is costly. There is no question there is a cost associated with clean water. But I would submit, how do you put a price tag on clean water? How do you put a price tag on keeping the water that your family drinks and the water that is so important to life on this planet clean? There is no real price tag that you can put on it.

In my own county, Oneida County in New York, we are under a consent order from the State of New York to eliminate sewer overflow that discharges into our river during storms. It would cost $150 million for our small community to fix our water system, but it's necessary for us to do that. And I would submit that, without projects such as this, local communities cannot keep their water clean and cannot do the kind of things that are necessary and so important for our country.

Mr. LINCOLN DIAZ-BALART of Florida. Would the gentleman yield?

Mr. ARCURI. I would yield.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you. I hope my friend did understand that I praised the underlying legislation.

Mr. ARCURI. I understand.

Reclaiming my time, Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio, a former colleague from the Rules Committee, Ms. SUTTON.

Ms. SUTTON. I thank the gentleman from New York for his leadership on this issue and for the time that he has yielded to me.

Mr. Speaker, I rise today in support of the rule and the underlying legislation, H.R. 1262, the Water Quality Investment Act of 2009. This bill provides

a total investment of $18.7 billion over 5 years for much-needed water and environmental infrastructure. Not only will this bill help provide communities with improved water quality, but it must be remembered that it will create over 480 million jobs.

H.R. 1262 provides $13.8 billion in Federal grants to the Clean Water State Revolving Fund over the next 5 years. This fund provides low-interest loans to our communities so that they can repair wastewater infrastructure, and that is desperately needed. Like much of the Nation's infrastructure, the wastewater systems in my district are aging, and they are in dire need of repair, or, in some cases, replacement.

Mr. Speaker, I am also pleased that this legislation includes a ''buy American'' provision. This provision will require that steel, iron, and other manufactured goods used for the construction of these water projects are produced here in the United States.

The economic downturn has taken a toll on U.S. manufacturing, including the steel plants in my district in Ohio. And with this legislation, and with this ''buy American'' provision, we will be putting Americans back to work doing work that America needs to have done.

The bill also contains Davis-Bacon protections requiring that the workers who will do this work will be paid a local prevailing wage, a wage that will ensure that they are able to provide for their families, which is all that they really are looking to do.

Now, last year, Congress passed the Great Lakes Legacy Act to clean up contaminated toxic sediments that are endangering families and communities throughout the Great Lakes Basin, which is an area that is home to approximately 40 million people in eight States, including Ohio. As you may recall, Mr. Speaker, the House-passed version of that bill provided $150 million each year through fiscal year 2013 for cleaning up the Great Lakes. However, our colleagues on the other side of the Capitol in the Senate operate under different floor rules, and one Senator was able to block action on the bill until funding levels for this program were cut by two-thirds.

This bill also restores the funding level for the Great Lakes Legacy Act projects to the level initially—and overwhelmingly—passed by the House last September. The residents of the Great Lakes Basin have been waiting far too long for these toxic sites to be cleaned up. The funding in this bill will allow for the cleanup of all contaminated sediment in the Great Lakes region by 2020. For these reasons, I urge a ''yes'' vote on the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and I rise to support this rule, as well as the underlying legislation.

Mr. Speaker, it has been said that if the last century was all about the world's obsession with oil, that this century is going to be about water; fresh, clean water. Now, you cannot drink oil, but you cannot live without fresh, clean water.

In Michigan, we are truly blessed to be surrounded by the Great Lakes. These bodies of water are a world treasure—not just a national treasure, but a world treasure—because they comprise fully 20 percent, or one-fifth, of the fresh water drinking supply of our entire planet. Unfortunately, after years of industrial pollution and sewage overflows from aging, inadequate underground infrastructure and sewage systems, all of this has taken a toll on our magnificent Great Lakes.

This bill, the Water Quality Investment Act, continues a very proud tradition of continuing our efforts to improve water quality, both in the Great Lakes and around our Nation as well. I want to commend Chairman OBERSTAR, as well a Ranking Member MICA, for their work on these very important bills. As has been mentioned, we are consolidating five very important bills that passed the House last year into this one piece of legislation which is, again, so critically important to our fresh water supply in our Nation.

Specifically, this bill is authorizing $13.8 billion for capitalization grants for Clean Water Revolving Funds, and $1.8 billion for grants to deal specifically with sewer overflows. It is estimated, Mr. Speaker, that 24 billion gallons of municipal sewage find their way directly into local water systems every year, and that is the equivalent of over 100 olympic-size swimming pools full of sewage each and every day getting into our water supply. This legislation recognizes this problem and acts to correct it.

This bill also reauthorizes the Great Lakes Legacy Act, which, unfortunately, will expire next year if we don't take action now. As a result of this act, nearly 800,000 cubic yards of contaminated sediments have been removed from areas of concern in the Great Lakes Basin. But we still have a very long way to go. We need to continue this good work because 31 areas of concern which have been designated remain in the United States alone, and then there are five others that are split between the United States and the nation of Canada. This bill increases the authorization for this program up to $150 million annually, again, which will help us meet our goal of cleaning up the Great Lakes.

I also want to take a moment and mention my support for the application of Davis-Bacon requirements to projects funded from Clean Water Revolving Funds in this act. As a Member, Mr. Speaker, coming from the great State of Michigan, which is, unfortunately, suffering with over 11 percent unemployment today, I want to be absolutely certain that water infrastructure projects in my State are built by workers who live in my State, a State where we need every single job that we can get.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman an additional minute.

Mrs. MILLER of Michigan. Davis-Bacon ensures that local workers benefit from projects being done in their area.

The Water Quality Investment Act will help us make great strides, I think, in efforts to maintain and to improve our Nation's water infrastructure and to clean up the Great Lakes. As I say, for all these water projects throughout our entire Nation, as my colleague from Florida has mentioned, this is such a critically important piece of legislation. On our side, I think you can expect an awful lot of support for this bill.

Clean water is not a partisan issue. Water doesn't know if it's in a Republican district or a Democratic district or what kind of district it is, but it is for those of us in Congress to speak up and to support, again, this rule and this bill, and I would certainly urge my colleagues to do so.

The SPEAKER pro tempore. Without objection, the gentleman from Colorado (Mr. POLIS) will control the remainder of the time.

There was no objection.

□ 1045

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

It's wonderful to see such strong words of support from both sides of the aisle for this important piece of legislation.

I rise today in support of this rule and ask my colleagues to join me and pass the Water Quality Investment Act of 2009. I would like to thank Chairman OBERSTAR and the members of the Transportation and Infrastructure Committee for bringing forward this legislation, which will protect clean water for Americans.

Clean water is essential to America's urban and rural communities. With this legislation, our cities will be able to take a comprehensive approach to water and wastewater management. It combines green and traditional methods to create a sustainable infrastructure that provides clean drinking water and leverages our precious natural resources to meet the demands of growth.

For agricultural uses, the advancements in water storage and treatment will provide reliable, clean water supplies that are good for the economic stability of our rural economies and improve the quality of our food supply, keeping Americans healthy. In these difficult economic times, the infrastructure improvements made possible through this legislation will create jobs and reduce costs for municipal governments. I ask my colleagues to

invest in clean, reliable water resources for all Americans by supporting this rule and voting for the Water Quality Investment Act.

This will also address the growing needs for improvements in our water treatment systems. Several sectors of our economy will benefit from the improvements in this bill. The Nation's farmers, fishermen, manufacturing, and tourism industries rely on clean water that carry out our economic activities that contribute more than $300 billion to our economy each year. Our wastewater infrastructure is badly in need of the investment that this bill provides, Mr. Speaker, especially the $13.8 billion in Federal grants that capitalize the Clean Water State Revolving Funds. States can use that money to repair and build wastewater treatment plants and pipes.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is a pleasure to yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, what we have before us is a rule on the Water Quality Investment Act, a rule sent to the floor by a committee the Speaker of the House controls, a Speaker who speaks often about the need for climate change legislation.

To that end, the Speaker of the House, Ms. PELOSI, went before the American people in February of 2007 and repeatedly disputed a report that her office requested a larger, fossil fuel burning military plane than has ever been used by a Speaker before. The type of plane which she denied requesting is exactly the type of plane that most certainly has a negative impact on our environment and the quality of water, the bill that is before us today under this structured rule. In fact, the Speaker went so far as to say in her rebuttal, ''We didn't ask for a larger plane, period.''

However, earlier this week, prior to the consideration of this rule we have before us now, new e-mail evidence was revealed that contradicts the Speaker's public statements from 2 years ago. These e-mails between the Speaker's staff and the Department of Defense show that it was the Speaker's office that requested the larger plane, not once but repeatedly.

While we are considering legislation today to provide quality water to the American people, I think we should also note for the American people that spending their taxpayer dollars on a luxurious plane for Speaker PELOSI could negatively impact the environment and our quality of water. But even if you disagree with me on that, you should be troubled by these new facts. These newly reported facts contradict the Speaker's prior statement, possibly jeopardizing the faith of the American people, who we are here today representing and trying to help with this water quality bill.

Most alarmingly, a member of the Speaker's staff threatened a wartime budget of the Defense Department, implying that unless the Speaker's demands for personal luxuries were met, the defense budget itself would be placed in jeopardy. This is a department that has spent many resources developing and promoting clean water technology, like this bill before us today purports to do.

What did the Speaker know and when did she know it? The American people deserve the truth, something that this uncovered e-mail evidence shows the Speaker has not been telling them.

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

According to the Environmental Protection Agency, without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the important achievements of the Clean Water Act. Without the sort of improvements that this bill, this bipartisan bill, includes, EPA projects that by 2016 waster water treatment plants nationwide may discharge pollutants into U.S. waters at levels similar to those in the mid 1970s.

Mr. Speaker, this bill allows us to move forward rather than backward with regard to making sure that America's water supply is clean and safe. By requiring that workers on projects funded by the Clean Water State Revolving Funds be paid local prevailing wages, this bill promotes the payment of fair wages, as my colleague from Michigan pointed out on the other side of the aisle. This is important, both for its stimulative effect as well as being a future investment in our country.

The EPA reported in 2002 that pollution is impairing the use of 91 percent of the shoreline of the Great Lakes and 99 percent of Great Lakes open water. By authorizing $750 million for cleanup of the Great Lakes, this bill will improve opportunities for fishing, swimming, boating, agriculture, industry, and shipping for the 40 million people in one of the hardest-hit areas of our country in the recession who live in the Great Lakes Basin.

The vast majority of the provisions of this bill were contained in five bills that were passed in the House in the 110th Congress, most of them with broad bipartisan support, and it passed the committee by a voice vote. The provisions in this bill are similar. By reinstating the applicability of the Buy American Act for the construction of projects funded, we can ensure that our money will be spent here and that the infrastructure expenditures will have the greatest possible benefit for the American people and the American economy.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank all of our colleagues who have taken to the floor to speak about this underlying legislation, which is important. Again, I want to thank Chairman OBERSTAR and Ranking Member MICA for their hard work in bringing forward this legislation and allowing the House to consider it today. I see that it's Thursday and the House has been waiting all week to get to this legislation, so I commend the majority for finally bringing the legislation to the floor on Thursday.

Having seen the reiteration of bipartisan support for the underlying legislation, I do so again, and once again I thank all our colleagues that have come to speak on the underlying legislation.

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

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

With regard to this rule, we are, in fact, advancing to the floor all of the amendments that were recommended in advance by the minority party. This will allow a full discussion, debate, and vote on all the important issues that still divide us on this bipartisan piece of legislation.

Mr. Speaker, the vast majority of the Water Quality Investment Act of 2009 is made up of five bills that passed the House with strong bipartisan support during the 110th Congress. Four of those bills were never addressed by the Senate. Those measures are:

First, the Water Quality Financing Act of 2007, which was passed by the House on March 7, 2007, by a vote of 303–108. Provisions of that bill comprise title I of the legislation we will consider today.

Secondly, the Healthy Communities Water Supply Act, passed by the House of Representatives on March 8, 2007, by a vote of 368–59. That legislation is included in H.R. 1262 as title II.

Third, the Water Quality Investment Act of 2007, passed by the House on March 7, 2007, by a vote of 367–58. Provisions of that bill comprise title III of the legislation that we will consider today.

Fourth, the Sewage Overflow Community Right-to-Know Act, which was passed by the House on June 24, 2008, by voice vote under suspension of the rules. This legislation is included in H.R. 1262 as title IV.

The Water Quality Investment Act of 2009 also includes an increased authorization for eligible projects that address contamination within the Great Lakes Areas of Concern. The authorization for these programs is consistent with the authorization contained in a previous version of the Great Lakes Reauthorization Act of 2008, which the House passed on September 18, 2008, by a vote of 371–20.

I would also like to emphasize that the rule for debate today makes in order every single amendment filed by the minority party. This rule will allow for a full debate of the issues involved. At the end of that debate, I hope that this legislation will enjoy the same bipartisan support that its

components enjoyed in the last Congress.

This bill will accomplish two things that have already become a key characteristic of all of our efforts here in the 111th Congress: It will create jobs and it will save energy. The Water Quality Investment Act will support quality paying jobs by ensuring that workers receive no less than local prevailing wages. By authorizing funding for cleanup of the Great Lakes, the bill will improve opportunities in the fishing, swimming, boating, agriculture, and shipping industries, which support approximately 40 million people in the Great Lakes Basin whose livelihoods are directly dependent upon clean water resources.

This bill has a thoughtful eye on the future by taking into account energy efficiency and water conservation. As a westerner, I understand the vast challenges we face with regard to our water supply. Establishing our water infrastructure that encourages and promotes conservation is of incredible importance for regions that will only see their water sources become fewer and farther between. In Colorado, we rely on clean water not only for municipal and agricultural use, but entire communities are supported by visiting kayakers, fly fishermen, and outdoorsmen from across the country who flock to our pristine rivers and streams. Our environment, communities, industries, and businesses all stand to gain under the provisions of this law. Without the infrastructure investments in this bill, the EPA has projected that our water quality could be set back decades to pre-Clean Water Act levels.

I urge my colleagues to vote ''yes'' on the rule and to vote ''yes'' on the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. POLIS. Mr. Speaker, I ask unanimous consent that during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any questions that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1262 and include extraneous materials in the RECORD.

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

There was no objection.

WATER QUALITY INVESTMENT ACT OF 2009

The SPEAKER pro tempore (Ms. SUTTON). Pursuant to House Resolution H. Res. 235 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1262.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1262), with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

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

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Chairman. I yield myself such time as I may consume.

The bill pending before us has been so well described in the discussion of the rule that it seems superfluous to repeat the major items of the pending legislation.

At the Rules Committee yesterday, I said, and our floor manager for the Rules Committee restated, that we bring to the House bills that passed the House in the 110th Congress individually. The gentleman from Colorado read off the votes, which were overwhelming, well over 300-plus votes in favor of each of those bills; just bipartisanship, nonpartisanship, overwhelming support for these measures.

Unfortunately, they went to the other body, never to be heard of again. So we thought it would be a better approach this year to combine those all into one bill, and maybe the other body can do one bill instead of five, we are hoping.

The commitment to clean water, though, cannot be taken so slightly, cannot be just subject to ''hotline holds'' by the other body, cannot be subject to undisclosed holds, cannot be subject to indifference to action. The agenda for clean water is ours. It's for the next generation. It's to hand on to the next generation water in better condition than we received it from the previous generation.

I have been on the Committee on Transportation and Infrastructure from the time it was the Committee on Public Works. I started my career in this House in January of 1963 as Clerk of the Subcommittee on Rivers and Harbors, the oldest committee of the House, the first committee of the House.

Our work has evolved over many years to encompass a wide range of issues related to investment in the Nation's well-being, but none more fundamental, more important, than water. All the water we ever had on this Earth, or ever will have, is with us today. We aren't going to create new water from any technological source. No comet is likely to come into our orbit and deposit new ice to form water. Our responsibility is to care for the water we have.

Every day, 42 trillion gallons of moisture passes over the continental United States. Ten percent of that falls as moisture, 4.2 trillion gallons. Of that, some .4 trillion gallons is absorbed by the soil or evaporates. The rest, some 680 billion gallons, goes into surface waters of the United States. That is all we have every day, 680-some billion gallons.

We have to manage it well, make sure that we use it properly, that we return to the streams and lakes and estuaries of the Nation water in clean condition. This legislation will move us in that direction.

The centerpiece of this $18.7 billion package of bills is restoration of and reauthorization of the State Revolving Fund from which funds are borrowed by municipalities to build wastewater treatment facilities, sewer lines, interceptor sewers, separate storm and combine storm and sanitary sewers. But for a dozen years, until the 110th Congress, that legislation had expired and had not been reauthorized. The funding was continued, but at lower levels of appropriation, for each of those 12 years until the 110th Congress.

That leveled off, because the authorization legislation could never make its way to the House floor, even though our committee was prepared to do that. We had bipartisan support within the committee, but could never get it to the House floor.

Well, we brought it to the floor in the 110th and passed it overwhelmingly, as I said earlier. It went to the Senate, and that has not moved.

The stimulus legislation provides funding of $4.6 billion, half in loans and half in grant funds to the State Revolving Funds to create jobs and to deal with the backlog of need in State wastewater treatment programs and sewer upgrades. Hardly a week goes by that I don't read of a matter main break or a sewer line break somewhere in this country.

It is commentary on the aging wastewater structure of this country and the need to rebuild it, need to upgrade our sewage treatment plant facilities built in the 1970s and some in the 1980s that are beyond their capacities or that are in need of new technology upgrades. This legislation will move us in the direction of dealing with those needs.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I write to you regarding H.R. 1262, ''the Water Quality Investment Act of 2009.''

Section 1501 of H.R. 1262, as ordered reported, increases vessel tonnage duties. This provision falls within the jurisdiction of the Committee on Ways and Means. In addition, H.R. 1262 violates clause 5(a) of Rule XXI, which restricts bills and amendments from carrying taxes and tariffs not reported by the Ways and Means Committee.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill and will not oppose H.R. 1262 being given a waiver of Rule XXI. However, I agree to waive consideration of this bill with the understanding that this does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on H.R. 1262 or similar legislation.

Further, the Ways and Means Committee reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Ways and Means for the appointment of conferees on H.R. 1262 or similar legislation. I also ask that a copy of this letter and your response be placed in the Committee report on H.R. 1262 and in the CONGRESSIONAL RECORD during consideration of this bill by the House.

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

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 9, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your recent letter regarding H.R. 1262, the ''Water Quality Investment Act of 2009''. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that section 1501 of H.R. 1262, as ordered reported, is of jurisdictional interest to the Committee on Ways and Means. I acknowledge that, by foregoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Ways and Means has jurisdiction in H.R. 1262.

This exchange of letters will be placed in the Committee Report on H.R. 1262 and inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we move ahead with this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, March 6, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 1262, the Water Quality Investment Act of 2009. The bill contains certain provisions which are within the Committee on Science and Technology's jurisdiction.

The Committee on Science and Technology acknowledges the importance of H.R. 1262 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology and that a copy of this letter and of your response will be included in the legislative report on H.R. 1262 and the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Committee on Science and Technology also asks that you support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for, your attention to this matter, and I look forward to working with you to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 6, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your letter regarding H.R. 1262, the ''Water Quality Investment Act of 2009''.

I appreciate your willingness to waive rights to further consideration of H.R. 1262, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 1262.

This exchange of letters will be placed in the Committee Report on H.R. 1262 and inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

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

Sincerely,

JAMES L. OBERSTAR,
Chairman.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, anyone who drives on our bridges and roads, ships freight through our rivers and locks, or who has the responsibility to maintain our water quality knows that our country's infrastructure system needs attention. We as a Nation have allowed important components of our economic security to fall into disrepair.

Maintaining municipal water infrastructure has long been a local responsibility. It's a difficult task. Around the country, many communities have gotten behind.

To address this problem, we need a collective effort that focuses both on reducing cost and on increasing investment in water infrastructure at all levels, including Federal, State and local governments, local ratepayers and the private sector. No one element will be able to carry this responsibility alone.

The Congress believes in helping those communities that need help to get back into control of their wastewater management program and developing good management practices to ensure that the Federal Government does not become the financing mechanism of choice for these systems.

Our Nation's quality of life and economic well-being rely on clean water. However, that challenge to continue providing clean water is substantial, as our existing national wastewater structure is aging, deteriorating and in need of repair, replacement and upgrading.

As a Nation, we are not investing enough in our wastewater infrastructure to ensure that we will continue to keep our waters clean. Unless we act, we could lose the significant gains in water quality that have been achieved over the last 30 years.

In addition to reauthorizing the Clean Water State Revolving Fund, the bill also extends the pilot program under the Clean Water Act for alternative water source projects. Many communities are finding that their water needs cannot be met by existing water supplies. As a result, they are looking at alternative ways to alleviate their water shortages and enhance water supplies to meet their future water needs.

Some of these approaches they are looking at involve reclaiming, reusing or conserving water that has already been used. This bill helps them do that.

H.R. 1262 provides an authority to help communities meet some of their critical water supply needs through water reclamation, reuse, conservation and management. The bill authorizes $250 million over 5 years for the EPA to make grants to water resource development agencies for these sorts of alternative water source projects.

Another provision of H.R. 1262 reauthorizes grants to help communities address the widespread problem in our country of sewer overflows. As a result of inadequate or outdated wastewater infrastructure, raw sewage can flow into rivers or back up into people's basements. To provide communities some assistance to meet these needs, the bill authorizes additional resources for EPA to make sewer overflow control grants totaling $1.8 billion to States and local communities.

The Water Quality Investment Act also contains a provision to improve the public's confidence in the quality

of our Nation's waters and protect public health and safety. This provision requires that communities monitor for potential overflows in their sewer systems and notify the public whenever a release would threaten public health and safety. The public has a right to know when their lives are threatened by sewer releases.

Also included in this reauthorization is a reauthorization of the Great Lakes Legacy Act, authored by VERN EHLERS and enacted in 2002. The Great Lakes Legacy Act authorized the Environmental Protection Agency to carry out qualified sediment remediation projects and conduct research and development of innovative approaches, technologies and techniques for the remediation of contaminated sediment in the Great Lakes.

While I agree very much with the clean water goals of H.R. 1262, I am disappointed that the majority included language that requires Davis-Bacon wage rates to be used for all projects receiving any money from the Clean Water State Revolving Fund. Even projects paid for with State contributed funds will be subject to the higher wage rates.

I am not a supporter of Davis-Bacon, because it will make clean water projects cost more. It will especially hurt small disadvantaged communities who are trying to clean up their local waters, and it will force States that do not have their own prevailing wage rate law to adopt the expensive Federal Davis-Bacon requirement. The result will be fewer projects, fewer jobs and less clean water.

Despite my concerns with Davis-Bacon, I believe this to be a very, very good bill, a very, very good underlying bill, and I very much support it.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished Chair of the Water Resources Subcommittee, Ms. JOHNSON of Texas, and yield myself 5 seconds to compliment her on the splendid work she has done in chairing this subcommittee in the 110th and in this Congress, and the groundwork she has laid to bring this legislation to the floor.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you to the Chair of the full committee and to the subcommittee members, as well as the full committee.

I rise in strong support of the Water Quality Investment Act of 2009. This legislation authorizes almost $19 billion to protect and restore the integrity of U.S. waters, which are one of this country's most valuable natural resources. Over the past several decades, we have made significant progress in improving the quality of our water. Unfortunately, much of this progress is now at risk.

Today, approximately 40 percent of the rivers, lakes and coastal waters do not meet State water quality standards, and the problem is getting worse. Based on EPA estimates, without significant additional investment in our Nation's system of wastewater infrastructure, discharges into the U.S. waters could reach levels not seen since 1968, 4 years before the enactment of the 1972 Clean Water Act.

Moreover, much of the United States' water structure is approaching or has exceeded its projected useful life and is now in need of repair or replacement. Without significant investment now, this could have dire consequences for human health, aquatic ecosystems and our overall quality of life.

The Environmental Protection Agency and others estimate that we will need to invest between $300 billion to $400 billion over the next 20 years to address these water infrastructure needs. Current estimates show an annual funding gap of between $3 billion to $11 billion over our existing expenditures, from Federal, State and local sources.

This legislation will help jump-start the investment in these needs so that we will continue to have access to clean, safe water and so future generations can continue to enjoy the economic and recreational benefits of our water resources.

The Water Quality Investment Act of 2009 contains five titles which, together, will make great progress to this end. Each of these titles contain legislative proposals that passed through the House in the 110th Congress. Unfortunately, these important bills never became law.

The first title reauthorizes the Clean Water State Revolving Fund legislation. It is intended to address the Nation's infrastructure needs and to reaffirm the Federal commitment toward meeting the goals of the Clean Water Act. This title reauthorizes the Federal grant program for capitalizing State Revolving Funds at $13.8 billion over next 5 years.

Further, the reauthorization provides increased flexibility in the types of projects that the State Revolving Fund can finance. In addition, it seeks to improve the efficiency of our wastewater infrastructure by promoting, to the maximum extent practicable, the use of more energy and water-efficient practices.

□ 1115

This creates incentives for alternative energy approaches that will lower energy costs and reduce our greenhouse gas emissions. It also encourages the development of ''green infrastructure'' that decreases the amount of storm water that enters our waterways, relieving some of the strain on our aging wastewater treatment systems.

It also provides the States with increased flexibility in financing packages so they can offer the cities and local communities principal forgiveness and negative interest loans. This is intended to assist communities in meeting their water quality infrastructure goals, which is critical in this time of economic stress.

Title II of the Water Quality Investment Act of 2009 provides funding for the pilot program for alternative water source projects, and this program provides $250 million in grant funding for a variety of projects, such as water reuse and recycling.

Title III of the legislation reauthorizes the Sewer Overflow Grant Program. This section provides $1.8 billion over the next 5 years in grant funding for States to control combined sewer overflows. These overflows discharge annually an estimated 850 billion gallons of untreated or partially treated sewage directly into local waters.

In addition, combined sewer overflows are often the direct cause of beach closures, contamination of drinking water supplies, and other environmental and public health problems. This program will help address the critical needs of the approximately 700 communities in the United States that still depend on combined sewer systems.

The CHAIR. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield 1 additional minute.

Ms. EDDIE BERNICE JOHNSON of Texas. Title IV of the Water Quality Investment Act of 2009 creates a new Sewer Overflow Right-To-Know program. The legislation amends the Clean Water Act to require owners and operators of publicly owned treatment works to notify Federal and State agencies, public health officials, and the public of sewer overflows. This is an important step to increase transparency of this public health-related information and to protect the well-being of the public.

Finally, Title V of the legislation completes some unfinished business in last year's Great Lakes Legacy Act. This provides funding for the cleanup of contaminated sediment around the Great Lakes.

My colleagues, it has been over 20 years since Congress last authorized appropriations for the Clean Water State Revolving Fund. These programs cannot wait any longer while the quality of our water deteriorates. It is time that Congress completes the task of sending these important provisions to the President for signing.

I encourage my colleagues to join me in voting for this act.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. OBERSTAR. I yield 2 minutes to a hardworking member of the committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. On behalf of the residents of eastern Long Island, I would like to commend Chairman OBERSTAR and Chairwoman JOHNSON for their leadership and unwavering dedication to clean water issues. I would also like to thank Ranking Member BOOZMAN and the committee staff for their hard work and commitment to advancing this legislation.

The Water Quality Investment Act will renew our commitment to clean

water in America and provide funding to chip away at the tremendous backlog of water infrastructure needs across the Nation. This legislation will increase investment, reduce costs, and promote efficiency in our water infrastructure.

I am particularly proud of Title IV of the bill that provides monitoring, reporting, and public notification of sewer overflows. My good friend, Mr. LOBIONDO of New Jersey, and I have worked to advance this issue for several years through independent legislation, the Sewage Overflow Community Right-To-Know Act, that is a part of this legislation.

Sewer overflows discharge roughly 850 billion gallons of sewage annually into local waters. These discharges end up in local rivers, lakes, streams, and the ocean.

The best way to avoid health and environmental concerns from sewer overflows is to ensure that they never occur in the first place, a primary goal of this legislation. However, even with significant increases in investment, sewer overflows will continue to occur. Therefore, it is imperative that we provide the public with comprehensive and timely notification of sewer overflows, which is also accomplished in this bill.

Mr. Chairman, the Water Quality Investment Act makes investments today to protect our families tomorrow. I encourage my colleagues to vote in favor of this commonsense legislation to ensure we maintain our commitment to clean water.

Mr. BOOZMAN. I will continue to reserve.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan, defender of the Great Lakes water, Mr. STUPAK.

Mr. STUPAK. I thank the gentleman for yielding, as I rise in support of H.R. 1262, the Water Quality Investment Act of 2009. I wish to personally thank Chairman OBERSTAR for his work and for including a provision I requested, which will improve water quality in the Great Lakes.

Water pollution in the Great Lakes comes from both Canadian and U.S. sources. In my district, residents of Sugar Island, located within the St. Mary's River Area of Concern, have to deal with water contaminated with E. coli, coliform, and other bacteria along their shoreline.

The problem is neither they, nor Federal or State regulators, have a clear understanding of how much the pollution is American in origin, how much is Canadian, resulting in a great deal of finger-pointing over responsibility for cleanup.

My provision within the manager's amendment would require the EPA to conduct a study, in consultation with the Department of State and the Canadian government, on all pollution discharges from wastewater treatment facilities into the Great Lakes. When the study is complete, the EPA is to provide recommendations on how to improve information-sharing and coordination between the two countries to protect the water quality of the Great Lakes. It is my hope that, with the conclusion of the study, our two countries can coordinate to meet our mutual goal of protecting Great Lakes water quality.

Again, thank you, Mr. Chairman, for addressing our concerns. This legislation will play an important role in helping communities upgrade and repair their aging water infrastructure, which will ensure the health of the Great Lakes, a source of drinking water for 45 million people.

I urge my colleagues to support this vital legislation.

Mr. OBERSTAR. How much time remains on both sides?

The CHAIR. The gentleman from Arkansas has 24½ minutes. The gentleman from Minnesota has 14½ minutes.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. BOOZMAN. I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding. I rise in strong support of H.R. 1262, the Water Quality Investment Act of 2009. As previously stated, this legislation is an accumulation of five bills that individually overwhelmingly passed the House of Representatives in the 110th Congress but which were held up or significantly altered in the Senate.

I echo the comments made by Chairman OBERSTAR at the Transportation and Infrastructure markup, that, by bundling these bills together, we can make it even easier for the Senate to act quickly. The provisions in this bill will go far toward helping restore and protect the Great Lakes, the largest fresh water source on the planet.

I have spent a considerable amount of time on this issue over the years. I want to deeply thank Chairman OBERSTAR for his dedication to this and his willingness to combine these bills in a very meaningful fashion. I also thank Mr. BOOZMAN for his good work on it, and Ranking Member MICA for his help as well.

Of particular interest to me is the reauthorization of the Great Lakes Legacy Act. The Great Lakes are plagued by toxic contaminants from years of industrial pollution that have settled in the sediment of tributaries to the lakes. These legacy pollutants degrade the health of both humans and wildlife and, if they are not cleaned up, they will remain toxic for generations to come.

We have known about these toxic materials for years. We lived in the vain hope that they might just stay in the sediments at the river bottom and not move into the lakes. But we now know that they are moving into the lakes. And that is the reason I authored the Legacy Act several years ago.

I have to say that the highest compliment I have received on that bill, and I have received it numerous times, is that this is the most effective, best Federal cleanup bill that was ever passed. Maybe we can now use this as a successful model to go back and clean up all the rest of the toxic dumps using the same approach we used here.

That is why I introduced the Great Lakes Legacy Act in the 107th Congress. With bipartisan support, Congress passed, and the President signed, the Legacy Act in 2002. Since then, the Legacy Act has been heralded, as I said, as the best and most effective Federal environmental cleanup program.

The interesting aspect of it, which was gratifying in some ways but disappointing in others, is that while the President of the United States every year requested the full authorization in his budget request, the Congress did not appropriate the money that the President had suggested. And I hope, Mr. Chairman and Mr. Ranking Member, that we can both work on this and make sure the appropriators are willing to appropriate the full ammount that the President requests. We would be far ahead in cleaning up the toxic sediments.

Last year, Chairman OBERSTAR and I introduced the Great Lakes Legacy Reauthorization Act, which increased the authorization from $50 million per year to $150 million per year for 5 years. According to the Great Lakes Regional Collaboration Strategy, if fully appropriated, this amount can potentially clean up all of the toxic sediments in the Great Lakes watershed in 10 years. That would be a major accomplishment at relatively low cost, and will stop the problem for all time.

Although the House last year passed this bill by a resounding 371–20 vote, the Senate was unable to overcome the objection of a single Senator who did not want to increase this authorization. A compromise was reached to reauthorize the program at its prior funding level, but to only reauthorize the program for 2 years.

During floor debate last year, Chairman OBERSTAR vowed to address this issue in the 111th Congress, and I am grateful that he has honored that promise in one of the first committee water bills to be taken up by the House in this Congress.

I also thank Chairman OBERSTAR and Ranking Member MICA for their support, as well as Ranking Member BOOZMAN. Their dedication to the Great Lakes issues have been most appreciated throughout the entire Midwest. The Great Lakes are the greatest treasure of pure water in the United States, and I am convinced that in the future water is going to be worth more than oil to the industrial machinery of our Nation. I believe you will see a resurgence of manufacturing and population around the Great Lakes, simply because of the availability of abundant clean water.

I am hopeful the Senate will be able to pass this bill soon so that we can

speed our efforts to clean up and protect the Great Lakes. I urge all Members to support this important legislation. Once again, I thank all those who worked so hard on these bills so that they could reach this state. We hope to see them signed into law very soon.

Thank you, again, for the time.

Mr. OBERSTAR. I yield myself 1 minute to express my great appreciation to Mr. MICA for the splendid cooperation we have had and the bipartisan spirit in which we approached combining these bills into one package, one piece of legislation for the House floor; Ms. JOHNSON, for her splendid leadership as chair of the subcommittee; Mr. BOOZMAN as the ranking member, who has done splendid service to the Nation in his championship of water; and Mr. EHLERS. If it were up to me, I would rename this the Vern Ehlers Great Lakes Legacy Act. At some point in time, I think we will come to do that.

We do have a President from the Great Lakes region who has increased funding for the Great Lakes in the budget, but the details are yet to come. The overall dollar amount is increased, I'd say, Mr. Chairman. And I hope to work closely with the gentleman from Michigan as the details of the budget come out to designate the appropriate amount of funding for the Great Lakes Legacy Act.

I yield 2 minutes to a refugee from the Committee on Transportation and Infrastructure, but still an advocate for our programs, particularly for clean water, the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, Mr. Chairman. I rise in support of H.R. 1262, the Water Quality Investment Act. I want to commend Chairman OBERSTAR and Subcommittee Chairwoman JOHNSON for bringing this critical legislation to the floor, and it has had bipartisan support for quite a few years. We didn't give up on it, did we?

H.R. 1262 makes many crucial investments in our country's water infrastructure system. Section 3 of the bill contains language we originally introduced a few years ago in our Water Quality Investment Act. The language authorizes $1.8 billion in appropriations for grants to municipalities and States to control combined sewer overflows and sanitary sewer overflows. The municipalities just don't have the money to do this, yet we mandate them to do it. Figure that out.

□ 1130

Funding for infrastructure projects will help create jobs and spur the economy. For every $1 billion, we create 40,000 jobs.

My provision is very important, especially for my colleagues in the Northeast and the Great Lakes area. Many of our older cities have combined sewer systems and suffer from overflows that send sewage and untreated waste flowing into streets, basements, rivers, and lakes. All in all, a total of 772 municipalities have combined sewer systems, serving approximately 40 million people. Problems that arise during wet weather events can be devastating and are one of the most pressing issues facing urban America. Our communities must be given access to the Federal resources necessary to upgrade their systems and to upgrade the Clean Water Act.

In its 2004 Clean Water Needs survey, the EPA estimated the cost to communities of addressing these particular problems at almost $55 billion and the cost of the SSO problems to be $88.5 billion; and here we are, $1.8 billion.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. The vast majority of these costs will be borne by local communities, many with fewer than 10,000 people. As a former mayor, I know how difficult it is to keep a town going in tough economic times. These communities are struggling financially. Many are laying off critical personnel, like police officers and firefighters and teachers, because they struggle to provide even the most essential services. During our current economic crisis, upgrading these infrastructures is completely out of reach to most of these towns.

H.R. 1262 serves many purposes financially and healthwise. I commend people on both sides of the aisle for making sure this gets done today, and we hope the folks on the other side of the building understand what this is all about. I pray for that.

Mr. BOOZMAN. Mr. Chairman, I yield such time as he would like to our distinguished ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman from Arkansas for yielding, and appreciate his leadership.

As our ranking Republican leader on the Water Resources Subcommittee, I also want to thank Mr. OBERSTAR, my chairman of the full committee, who I am pleased to work with on our side of the aisle in what has been I think an example for the Congress, a bipartisan relationship, during the last 2 years. I want to compliment him on the water resources bill that we did together, when we sat down and we said we had not reauthorized water resources legislation for some 7 years, and we made a commitment together that we thought was in the best interest of the Nation.

Previously, the authorization levels were $4 billion or $5 billion. The bill that we offered, and there had been a backlog of projects and need for investment in our water resources infrastructure, was a $24 billion measure which, unfortunately, got vetoed by the former President. But I helped in leading the 107th veto override in the history of the Congress, because both Mr. OBERSTAR and I, Democrats and Republicans, agreed. There were some disagreements with the administration, but we agreed that we had to invest in this Nation's infrastructure; that our sewer systems, our water systems, the basic infrastructure of this country needed that investment. We can't have in the United States Third-World water and sewer systems or storm drainage systems or antiquated municipal systems that serve our people, and essential public services that are outdated, aging, crumbling. So we made that commitment together.

Now, I was noticing that this legislation here, we passed five bills last time. Four of the bills, and I have the votes here, were all over 360 votes, a very small number of people in opposition to four of the votes. I think I supported all four of the measures. We did combine, however, in here an important bill that the chairman led, the provisions of House Resolution 720, that reauthorized State resolving funds and provides $13 billion over 5 years in Federal assistance to further capitalize the funds for these projects, and this is a very important fund.

Now, let me just say that while I am supportive of the overall legislation, even the level of funding that we put in here, I do have one reservation about the extension of the requirement for prevailing wage. And this is not a union-set wage; that is not the issue; it is a prevailing wage, and the way it is assessed in some of our areas. We have 18 States that will be penalized by having their funds that previously weren't subject to this, and they are State funds, and funds that come back into their fund are now also made subject to this prevailing Federal wage provision. And that is the one objection I do have to this legislation. Another gentleman from Florida (Mr. MACK) will offer an amendment, which we all agreed should be fully debated and heard. But that is my issue.

Now, if that provision comes out of the bill, I would support the entire measure. I am sorry that this small point that I disagree on would cause me not to support this bill on final passage if it is included. But this is basically a good piece of legislation. It does have a question about extension of some of these things, these prevailing wage issues and, again, the way they assess this prevailing wage; and maybe we should go back and change this.

First of all, I have no problem with prevailing wage, and we should have it in our large urban areas. We should also give States discretion to set levels of wage even beyond the Federal requirement, and some of those jurisdictions do. We do have a Federal minimum wage, so no one is trying to make people work for less than the Federal minimum. But sometimes the area in which we assess that prevailing wage does expand into some of the smaller communities. So they are going to be paying more and getting less, or marginal projects will get left behind because they don't have the resources that they can expend. And it does, again, diminish the amount of money that they can have available by

this new requirement. So that is the one area of disagreement we have.

I compliment the staff, the ranking member's, Ms. JOHNSON—I don't see her here today—Mr. OBERSTAR, and the gentleman from Arkansas (Mr. BOOZMAN) for their leadership on this issue, and I hope we can proceed. And I hope that even if this does pass today with that provision, that we can work with the other body and make the basic provisions of this legislation the law of the land and improve our infrastructure.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a former member of the Committee on Transportation and Infrastructure, an adjunct member of the committee.

Mr. BLUMENAUER. I prefer, Mr. Chairman, to think of myself as an associate member of the committee. It is a source of great pride and interest for me to have served under your leadership for 12 years on that committee and with EDDIE BERNICE JOHNSON on this subcommittee.

I rise in support of this bill today. I take modest exception to my good friend from Florida talking about the problems of prevailing wage. We have only to look at Louisiana and New Orleans, and the post-Katrina debacle where we suspended Davis-Bacon, What happened? The work was done for people literally who were working in many cases for barely minimum wage, there was all sorts of money involved went to subcontracts and we had a lot of shoddy workmanship.

In my State, the voters took this on directly, voting 60/40 to have a State prevailing wage. This protects working men and women and helps provide better quality of workmanship on these critical projects. We need the best workmanship, and we need this bill.

Our Nation's water infrastructure has grown while funding has declined. The American Society of Civil Engineers came out with their 5-year report card, and guess what—water infrastructure: D-minus. And some would say they were grading on a curve.

We have massive needs in the foreseeable future, and the Water Quality Investment Act is an important step towards meeting those needs. It recognizes the challenges we face and will provide communities with new tools to cope with them.

I particularly appreciate the support for green infrastructure and the general movement towards a more sustainable system, both fiscally and environmentally. Green infrastructure often involves nonstructural approaches that can have added environmental and quality-of-life benefits that save communities money.

I worked for 10 years in Portland as Commissioner of Public Works on cleaning up the Willamette River that flows through the heart of our city. We had to spend $1 billion on a big pipe, because it rains all the time in Portland, and any time it rained more than two-tenths of an inch in 2 hours, we were having overflow into that river. But we also worked on nonstructural approaches. We found that green infrastructure reduced peak flows by 80 to 85 percent. We disconnected almost 50,000 downspouts at $53 per downspout. It cost less than $3 million but reduced over 1.2 billion gallons of runoff. If we had tried to do that only with big pipes, it would have cost far, far more, literally hundreds of millions of dollars.

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

Mr. OBERSTAR. I yield the gentleman another 1 minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, because there is one area that I hope to work on with him and the committee, and that is how we make sure we are focusing on clean water infrastructure that makes repairs and enhancement as a priority. In some places we have to go to new construction, but most of the threats to our communities, from Detroit to Cincinnati to Portland, is the existing infrastructure that is in sad need of repair. I hope, as this works its way through the legislative process, that we might be able to fine-tune that a little bit to give priority to fixing it first where there is the greatest impact and the greatest hope.

I deeply appreciate the leadership of the committee once again, and look forward to working with people on both sides of the aisle to get this important legislation passed and to realize these benefits in a way to make all our communities more livable and our families safer, healthier, and more economically secure.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. DRIEHAUS) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the Chair, on behalf of the Republican leader, announces the appointment of the following Senator as member of the Senate National Security Working Group for the One Hundred Eleventh Congress:

The Senator from South Carolina (Mr. GRAHAM).

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Republican Leader, announces the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, appoints the Senator from Alaska (Ms. MURKOWSKI) as a member of the United States Preservation Commission.

The SPEAKER pro tempore. The Committee will resume its sitting.

WATER QUALITY INVESTMENT ACT OF 2009

The Committee resumed its sitting.

Mr. BOOZMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I appreciate the bill here today, and I would just like to highlight the issue that, as we commit taxpayers' funds to addressing the environmental issues that face this country, that we recognize that outcome is what really matters when we talk about spending money to clean up the environment.

Chairman OBERSTAR has worked with me for years on a problem that we have got to address, and I am not saying we as my district, I am saying nationally; that we have sent funds all over the country and looked at process, rather than how a city or a community may impact the environment.

□ 1145

A good example is the fact that you may have a city of Chicago that was outrageous in saying they were worried about polluting Lake Michigan, because they were polluting their own water. But they built a canal so they can dump the water into the Illinois River and pollute all the waters of the Mississippi.

I think one of the things that we have got to recognize is being smart with our money and addressing the fact that these funds should go to where is the best environmental benefit. And a good example would be the fact that there are certain areas where the treatment of the sewage at its existing level has no net negative impact, but there are other areas which have highly sensitive environments that are being polluted, even though the Federal law technically is being protected, things like the secondary mandate, where we should be putting our resources into tertiary and reclamation, where you end up having areas like deep-water discharge places, where right now scientists will tell you there is no net degradation.

So I would just ask the majority to take a look at when we focus these funds, that we focus it where the most benefit to the environment can be given, much like we have done in California. We have gone beyond the process issue and gone to the outcome-

based environmental review, the Clean Oceans Project, so that we spend every cent in a manner that protects the environment and not just fulfill a regulatory problem. And so I think it is absolutely essential that we avoid situations like we have run into in southern California, where the environmental impact report says that——

The CHAIR. The time of the gentleman has expired.

Mr. BOOZMAN. I yield the gentleman another 2 minutes. I think he makes some excellent points.

Mr. BILBRAY. The example is, Mr. Chairman, where you have got an environmental impact report that says that if you execute the letter of the law, you would be hurting the environment. And no one ever meant that to happen. I want to make sure that as we move forward that the letter of the law reflects protection for the environment first, not just following a regulation blindly. The law should always be reminded that it is here to protect the environment first, not just blindly move forward in spending taxpayers' funds.

And that is where I would ask that the committee take a look at these situations. I think Hawaii is in a situation where we may be sending funds to Hawaii to build facilities that do not have a net positive impact on the environment. I don't think any of us ever meant for clean water funds to be diverted into an area that is not helping the environment when you have areas that desperately need these funds.

And that is one of those things I think we have to recognize, the environmental community, the days of just caring being enough, are over. It is essential that those of us who want to protect the environment need to be smart and make sure that every cent spent, both local and Federal, go toward helping the environment, not just fulfilling a regulatory guideline and not just providing a threshold that somehow looks good on paper but doesn't protect the environment.

And I look forward to working with the chairman and making sure that every dollar spent in this program helps the environment, cleans up the environment, and does it in a manner that we maximize the benefit, because there are not enough funds to go around to waste it. And that is why I look forward to working with the chairman in making sure that every dollar does the best it can for the American people and the environment we live in.

Mr. OBERSTAR. I yield myself 5 seconds to thank the gentleman from California for his enthusiasm and assure him that we will work for full funding.

I yield 2 minutes to the distinguished gentleman from New Mexico (Mr. TEAGUE), a member of the committee.

Mr. TEAGUE. I rise today in support of Chairman OBERSTAR's manager's amendment to H.R. 1262, the Water Quality Investment Act. The manager's package includes my amendment to the bill, the Teague-Green wastewater amendment.

My amendment is simple. It allows wastewater utilities to use resources from the Clean Water State Revolving Funds to implement renewable energy production and energy-efficient projects in their plants.

Wastewater treatment plants are large consumers of power. Along with drinking water facilities, they consume approximately 35 percent of the energy used by municipalities. Together, they constitute 3 percent of national energy consumption, sending approximately 45 million tons of greenhouse gases into the atmosphere each year.

We need to give our wastewater infrastructure an energy makeover. With my amendment to the eligible activities associated with the Clean Water SRF, the revolving funds can become prime motivation for energy conservation and energy generation at wastewater plants across the country. Employing resources from the SRF, plants can generate power from in-circuit hydro turbines, biogas produced through anaerobic digesters, and solar panels and wind turbines, all offsetting electricity purchased from the grid.

The Teague-Green Wastewater Amendment will reduce the amount of energy consumed by wastewater plants, create green jobs, reduce greenhouse gas emissions and save money for taxpayers. It is what I like to call common sense.

I want to thank the chairman for including my amendment in the manager's package and for crafting this excellent piece of legislation.

Mr. BOOZMAN. Does the gentleman have any more speakers?

Mr. OBERSTAR. We have no more speakers. I will close on our side if the gentleman is prepared to close.

Mr. BOOZMAN. Mr. Chairman, I wanted to associate myself with the remarks of our ranking member, Mr. MICA, in regard to Davis-Bacon. I have some real concerns with the extension there. But I do rise in support of the bill. I believe the underlying bill is a very, very good bill.

I was visiting with former Member John Paul Hammersmith, one of my predecessors who was here for many, many years with Mr. OBERSTAR. I had lunch with him. And he asked me what was on the agenda. And we talked about the water issues and things. And he, like Mr. OBERSTAR, gave me the history and again related how hard you all had worked together, Mr. OBERSTAR, to get these things done. And we do thank you for your very hard work for many, many years really laying the groundwork. So we have a tremendous amount to do, but we need to get it done. So we do appreciate that, Mr. Chairman.

The other thing is I would like to thank Mr. EHLERS for his hard work in the Great Lakes. Again, he has dealt with this for many, many years. And as you said, this truly is a model for this type of bill. The other thing I would like to do is thank Ms. JOHNSON for her leadership as my chairman on Water Resources, for her shepherding this through committee and now shepherding it through the House. And then, as always, Mr. MICA in his position as ranking member, again, for doing the same thing. I also want to thank the staffs for their hard work on both sides. They do a tremendous job. And we appreciate their efforts.

I do support the bill and urge its passage.

And I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of time on our side.

I appreciate the reflection of the gentleman from Arkansas about Mr. Hammersmith. He was one of the giants of this House, a truly distinguished person. He approached every issue thoughtfully, reflecting on the substance of the matters, never a tone of partisanship in his presentation in committee or on the floor. And a particularly touching experience for me was some years ago, Mr. SHUSTER was chair of the full committee, and we moved the first authorization of EDA in years. And as the bill was moving toward final passage on the floor, I got a message from the Republican cloakroom that Mr. Hammersmith was on the phone. So with trepidation in my heart, I marched into the Republican cloakroom and picked up the phone. And John Paul Hammersmith was on the other end of the line laughing. And he said, ''I have always wanted to get you over here in our cloakroom. Congratulations on passage of the bill.'' It was so typical of John Paul Hammersmith. He cared about the substance, and still does, of our work here, as does his successor, Mr. BOOZMAN.

Mr. Chairman, this package of legislation is not a jobs bill, although it follows on the Economic Recovery Act, which provides funding for these projects for water, for sewer and sewage treatment facilities, and water infrastructure financing. This isn't a list of projects from the State of Minnesota. I have one here for wastewater infrastructure needs for the State of New York. There are thousands, thousands—6,900 such projects—by the various water infrastructure agencies across the Nation that are ready to go, ready to be built. Minnesota has prioritized these in the Minnesota Public Facilities Authority from 1 through 261 on wastewater projects.

And the need is enormous. We have 12.5 million people out of work in the United States. Of that number, 2 million in the construction trades are out of work. And the unemployment rate of 8.1 percent nationwide for February is the highest in 25 years. By passing this legislation and putting to work the funding that the administration has indicated in its budget for the fiscal year that starts in October, we can make a serious dent in the unemployment numbers that I just cited, along with

what will be accomplished with the roughly $5.6 billion in stimulus, half of which is in grant money and half of which is in loan funds. But we will create jobs in both packages, both this legislation and the stimulus need.

As to Davis-Bacon, I will save my remarks for the amendment to be offered by the gentleman from Florida (Mr. MACK). Suffice it to say that at a time of high unemployment, of desperate need across this country, an economy that needs people with income and ability to spend, to buy and to stimulate this economy, why would you tell folks, work for less? Why would you tell people, work for just at or below the minimum wage? Prevailing wage is not the union wage. Robert Reich, former Secretary of Labor, said in a radio statement just the night before last, ''right now we need people working at union wages. We need people with money in their pocket to buy, to stimulate this economy.'' And with the stimulus package, we will be putting people to work, paying them for work, not paying them unemployment checks for not working. We will discuss that at more length.

I now urge the passage of H.R. 1262.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today with great enthusiasm for H.R. 1262, the ''Water Quality Investment Act of 2009'', which renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure by investing $18.7 billion over five years in wastewater infrastructure and other efforts to improve water quality. H.R. 1262 increases investment in wastewater infrastructure, reduces the cost of constructing and maintaining that infrastructure, and promotes energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Mr. Chair, from my perch as Chairwoman of the Subcommittee on Transportation and Infrastructure Protection I have promoted shoring up our water infrastructure. Indeed, in the last Congress I introduced Chemical Facility Security Improvement Act of 2007, which prohibits federal funds from being used by the Secretary of Homeland Security to approve a site security plan for a chemical facility unless the facility meets or exceeds security standards and requirements to protect it against terrorist acts established by the state or local government for the area where it is located.

Although much progress has been made in achieving the ambitious goals that Congress established more than 35 years ago to restore and maintain the physical, chemical, and biological integrity of the nation's waters, longstanding problems persist, and new problems have emerged. Water quality problems are diverse, ranging from pollution runoff from farms and ranches, city streets, and other diffuse or ''nonpoint'' sources, to ''point'' source discharges of metals and organic and inorganic toxic substances from factories and sewage treatment plants. And many of these problems need funding—and frankly cannot wait. The quality of our water supply is at stake.

My bill also amended the Department of Homeland Security Appropriations Act, 2007 to: (1) repeal a provision prohibiting the Secretary from disapproving a site security plan based on the presence or absence of a particular security measure; (2) require vulnerability assessments and site security plans to be treated as sensitive security information; and (3) repeal a provision limiting to the Secretary any right of action against a chemical facility owner or operator to enforce security measures. The connection is that water facilities use chemicals to ensure safety and eliminate harmful elements.

The main law that deals with polluting activity in the nation's streams, lakes, estuaries, and coastal waters is the Federal Water Pollution Control Act, commonly known as the Clean Water Act, or CWA. It consists of two major parts: regulatory provisions that impose progressively more stringent requirements on industries and cities to abate pollution and meet the statutory goal of zero discharge of pollutants; and provisions that authorize federal financial assistance for municipal wastewater treatment plant construction.

Both parts are supported by research activities, plus permit and enforcement provisions. Programs at the federal level are administered by the Environmental Protection Agency (EPA); state and local governments have major responsibilities to implement CWA programs through standard-setting, permitting, and enforcement.

The water quality restoration objective declared in the 1972 act was accompanied by statutory goals to eliminate the discharge of pollutants into navigable waters by 1985 and to attain, wherever possible, waters deemed ''fishable and swimmable'' by 1983.

Although those goals have not been fully achieved, considerable progress has been made, especially in controlling conventional pollutants (suspended solids, bacteria, and oxygen- consuming materials) discharged by industries and sewage treatment plants.

I have noted that progress has been mixed in controlling discharges of toxic pollutants (heavy metals, inorganic and organic chemicals), which are more numerous and can harm human health and the environment even when present in very small amounts—at the parts-per-billion level. Moreover, efforts to control pollution from diffuse sources, termed nonpoint source pollution (rainfall runoff from urban, suburban, and agricultural areas, for example), are more recent, given the earlier emphasis on ''point source'' pollution (discharges from industrial and municipal wastewater treatment plants). Overall, data reported by EPA and states indicate that 45% of river and stream miles assessed by states and 47% of assessed lake acres do not meet applicable water quality standards and are impaired for one or more desired uses. In 2006 EPA issued an assessment of streams and small rivers and reported that 67% of U.S. stream miles are in poor or fair condition and that nutrients and streambed sediments have the largest adverse impact on the biological condition of these waters. Approximately 95,000 lakes and 544,000 river miles in the United States are under fish-consumption advisories (including 100% of the Great Lakes and their connecting waters), due to chemical contaminants in lakes, rivers, and coastal waters, and one-third of shellfishing beds are closed or restricted, due to toxic pollutant contamination. Mercury is a contaminant of growing concern—as of 2003, 45 states had issued partial or statewide fish or shellfish consumption advisories because of elevated mercury levels.

The last major amendments to the law were the Water Quality Act of 1987. These amendments culminated six arduous years of congressional efforts to extend and revise the act and were the most comprehensive amendments since 1972. Authorizations of appropriations for some programs provided in P.L. 100–4, such as general grant assistance to states, research, and general EPA support authorized in that law, expired in FY1990 and FY1991.

Authorizations for wastewater treatment funding expired in FY1994. None of these programs has lapsed, however, as Congress has continued to appropriate funds to implement them. EPA, states, industry, and other citizens continue to implement the 1987 legislation, including meeting the numerous requirements and deadlines in it.

The Clean Water Act has been viewed as one of the most successful environmental laws in terms of achieving its statutory goals, which have been widely supported by the public, but lately some have questioned whether additional actions to achieve further benefits are worth the costs.

Criticism has come from industry, which has been the longstanding focus of the act's regulatory programs and often opposes imposition of new stringent and costly requirements. Criticism also has come from developers and property rights groups who contend that federal regulations (particularly the act's wetlands permit program) are a costly intrusion on private land-use decisions. States and cities have traditionally supported water quality programs and federal funding to assist them in carrying out the law, but many have opposed CWA measures that they fear might impose new unfunded mandates.

Many environmental groups believe that further fine-tuning is needed to maintain progress achieved to date and to address remaining water quality problems.

I am committed to ensuring that I continue to do my part as the Chairwoman of the House Homeland Security Subcommittee on Transportation and Infrastructure Protection.

Mr. COSTELLO. Mr. Chair, I rise today in strong support of H.R. 1262, the Water Quality Investment Act. We must provide means for local communities to address wastewater treatment needs. H.R. 1262 seeks to provide $13.8 billion over five years for the clean Water State Revolving Fund and provides low interest loans to communities for wastewater infrastructure. The bill also provides $250 million in grants over five years for alternative water source projects and authorizes $1.8 billion over five years in grants to municipalities and states to control sewer overflows.

This legislation is critically needed to help meet America's clean water needs.

H.R. 1262 also renews Davis-Bacon on projects, which requires that contractors and subcontractors that receive federal funds on wastewater treatment projects be paid at least the prevailing local wage rate.

I firmly believe it is necessary that the Davis-Bacon prevailing wage requirement applies to all construction projects with federal funds.

I commend Chairman OBERSTAR and Chairwoman JOHNSON for reestablishing what Congress clearly intended.

Davis-Bacon is as important now as it was in the 1930s. It prevents competition from ''fly-by-night'' firms that undercut local wages and working conditions and compete, unfairly, with local contractors for federal work.

It helps stabilize the industry to workers and to employers. In addition, Davis-Bacon may help ensure better craftsmanship and it may reduce both the initial cost of federal construction through greater efficiency and decrease the need for repair and/or rehabilitation.

I oppose any such motion to strike the Davis-Bacon provisions and strongly urge my colleagues to do the same.

With that, Mr. Chair, H.R. 1262 is very important to our communities because it is another avenue for them to use for improving water quality across the country. Again, I strongly support H.R. 1262 and urge my colleagues to as well.

Mr. MITCHELL. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

This is an important bill that will help close the approximately $3.2 to $11.1 billion gap between our nation's wastewater infrastructure needs and our current levels of federal assistance.

This bill is especially important for Arizona, because it will finally begin to address a grossly inequitable funding formula that long plagued our state.

Inexplicably, and unfairly, the formula used to distribute federal assistance to State Clean Water Revolving Funds (SRFs) remains linked to Census data from 1970.

While, obviously, this is not a problem for states that have lost population, or whose population has remained stable, it's a huge problem for states like Arizona, whose population has grown dramatically.

Since 1970, Arizona's population has more than tripled.

As a result, we've been getting massively short-changed.

Arizona ranks 9th in the nation in terms of need, but we rank 37th in receipt of federal funding for SRFs. On a per capita basis, Arizona ranks 53rd. Even the territories do better than we do.

This is a disparity that belies any pretence of fairness, and it needs to change.

If enacted, the Water Quality Investment Act of 2009 will begin that process.

I want to thank Chairman OBERSTAR for his leadership on this issue, and for his continued commitment to fairness.

I urge my colleagues to support H.R. 1262, and I look forward to its final passage.

Mrs. MCCARTHY of New York. I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

The legislation makes important investments in our nation's water systems and strengthens the environmental protections of our waterways.

I want to thank Chairman OBERSTAR and the Transportation Committee staff for working with me to include my amendment in the manager's amendment to the bill.

I also want to thank Representatives BALDWIN, SCHWARTZ, and INSLEE for joining with me as cosponsors on the amendment and for their continued efforts to work with me to make our waters safe.

Our waterways provide a source of recreation and impact the food supply for all Americans.

And, perhaps most importantly, our waterways are the source of our drinking water.

In 2008, the Associated Press found pharmaceuticals in the drinking water supplies of approximately 46 million Americans.

In my state of New York, health officials found heart medicine, infection fighters, estrogen, mood stabilizer and a tranquilizer in the upstate water supply.

Six pharmaceuticals were found in the drinking water right here in Washington, D.C.

We don't know how the pharmaceuticals enter the water supply.

It is likely that some enter the water supply through human waste, runoff from agricultural operations, and the improper disposal of unused pharmaceuticals.

In addition to antibiotics and steroids, EPA has identified over 100 individual pharmaceuticals and personal care products in environmental samples and drinking water.

As a nurse, I am concerned that the presence of the pharmaceuticals in our nation's waters may have negative effects on human health and wildlife.

This amendment requires EPA to conduct a study on the sources of pharmaceuticals and personal care products in our waters and the effect that they have on the environment and human health.

Upon completion of this study, EPA is required to issue a report detailing their findings.

The study also requires that EPA identify methods that can be used to treat the water and remove the pharmaceuticals if we need to, and to prevent them from entering the water in the first place.

Pharmaceuticals and personal care products include prescription and over-the-counter therapeutic drugs, fragrances, lotions, and cosmetics, as well as products used to enhance growth or health of livestock.

The results of this study will prompt responses from the scientific community which can help form the basis for future research.

The report from the study will be used as part of the government's efforts to better understand the effects that pharmaceuticals in our waters have on human health and wildlife and to craft appropriate legislation that addresses the issue in a responsible manner.

I want to stress that this effort is not intended to make any presumptions or accusations.

We are just looking for more information so that we can make better informed choices and eventually move forward on sensible policies.

Hopefully, the study will give us more information about the presence, source, and effects of pharmaceuticals in our waters so that we can begin efforts to ensure that the water is safe.

We must begin to better understand the impact pharmaceuticals have on our environment and on our health. It is especially important that we make sure that our constituents can feel confident that they are drinking clean, safe water.

We need to find out how these contaminants got in the water, what the risks are and what steps we need to take to solve the problem.

It is vital that Congress take up and champion the cause of keeping our waterways and drinking water safe.

This is a public health issue, an environmental issue, and an economic issue.

I urge my colleagues to support the manager's amendment and the underlying bill.

Ms. MATSUI. Mr. Chair, I would like to begin my remarks today by thanking Chairman OBERSTAR for his work on this critical issue.

He has been a champion for our country's infrastructure.

Whether it is wastewater, roads, bridges, dams, or levees, Chairman OBERSTAR has been the one to fight for the funding we need to keep our country running smoothly.

When it is working properly, our wastewater system is not something that we think about very often.

But the minute something goes wrong, wastewater instantly becomes the most important issue of all.

In my hometown of Sacramento, the city has invested hundreds of millions of dollars to upgrade the combined sewer system in our central city.

Using funding provided from the Federal Government, Sacramento has renovated older pumps, built treatment plants, and increased storage.

The price of clean water and healthy ecosystems is high, Mr. Chair. But the benefits they provide to our society are even greater.

And that is why I am so supportive of the legislation before us today.

It authorizes $13.8 billion worth of wastewater infrastructure projects that will help keep my district's streets and waterways free of sewage and sludge.

This funding will help make Sacramento even more livable than it already is.

It will also create quality jobs in my district which are sorely needed.

For too long, we have lived off the infrastructure built in decades past.

Now it is our turn to invest in the future of our infrastructure, in the health of our communities, and in the quality of our water.

I urge support for the rule and for the underlying bill.

Mr. CUELLAR. Mr. Chair, I rise today to encourage my colleagues to support the manager's amendment to the Water Quality Investment Act of 2009.

The manager's amendment I support builds upon the strong nature of this bill, and addresses several additional needs.

I thank the distinguished Chairman for including 2 of my amendments in the manager's amendment. These important amendments will go a long way towards helping communities along the southern border.

My first amendment, included in this manager's amendment, authorizes the EPA to Study wastewater treatment facilities that discharge into the Rio Grande River, develop recommendations for improving monitoring, information sharing, and cooperation between the Unites States and Mexico.

Last EPA study of pollutants in the Rio Grande River took samples from November 1992 to December 1995.

Since 1992 Laredo alone has doubled in population.

I applaud inclusion of this requirement because knowing the dangers that exist in pollution in the River is the first step in protecting a national treasure.

I also wish to offer my support for the Manager's amendment's recognition of the ongoing crisis that exists on the United States' southern border with impoverished families living in Colonias.

Colonias can be found in Texas, New Mexico, Arizona and California, but Texas has both the largest number of colonias and the largest colonia population.

According to the State of Texas, about 400,000 Texans live in border colonias.

The development of Texas colonias dates back to at least the 1950s, when developers

created unincorporated subdivisions using agriculturally worthless land or land that lay in floodplains or in other rural properties.

They divided the land into small lots, put in little or no infrastructure, and then sold them to low-income individuals seeking affordable housing.

The manager's amendment includes my plan to direct the Government Accountability Office to present to Congress a blueprint to properly address the problems that exist in these low income communities.

Mr. Chair, I applaud you on this important Manager's amendment, and I urge all my colleague to vote ''yes.''

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 1262, the Water Quality Investment Act. I commend my House Transportation and Infrastructure Committee Chairman JAMES OBERSTAR for introducing this vital legislation that makes much-needed investments to improve water quality and better ensure safe, clean water for communities throughout the country.

The central focus of the bill is reauthorization of the Clean Water State Revolving Fund, which provides low-interest loans and grants to local communities for construction of wastewater treatment facilities and other water pollution abatement projects. The Clean Water State Revolving Fund was last reauthorized in 1987, although the program has been funded every year, albeit at inadequate levels. For years, the amount of available funding has been far below the demand for funds from local governments.

Much of the clean water infrastructure in our nation is rapidly approaching or has already exceeded its projected life. This aging infrastructure must be repaired or replaced soon. The gap between wastewater infrastructure needs and current levels of spending has been estimated at between $3.2 billion to $11.1 billion a year.

If the authorized levels of funding provided in this bill are appropriated, Hawaii will see a four-fold increase in the annual level of funding received under the Clean Water State Revolving Fund—from $5.3 million in FY2009 to an estimated $21 million each year from FY2010 to FY2014. In addition to improving our infrastructure, this amount of funding could create or sustain some 700 jobs a year in Hawaii.

This funding is critically needed in our state. Just this week, I met with members of the four county councils in my district. All have concerns about the condition of wastewater infrastructure in their districts and the inability of local governments to fund the level of investment that is urgently needed. Lack of this funding is having serious environmental consequences and, in some areas, is actually preventing development of much-needed housing.

I urge my colleague to support this bill, which will stimulate employment and all of our local economies while protecting the environment.

Mr. CLEAVER. Mr. Chair, H.R. 1262, The Water Quality Investment Act, renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure. Several provisions in the bill provide federal assistance for improving this capability—through grants, subsidies, loans, and other assistance. Part of the impetus behind this assistance is the current severe economic situation that communities of all sizes across the nation are facing.

Jackson County, Missouri, in my district, is one example of a community caught between a rock and a hard place. The County is trying to provide services for its constituents at two lakes—Longview and Blue Springs—while balancing its dwindling budget. The Army Corps of Engineers built both lakes in the 1980s to help control flooding issues in the Little Blue River region, watershed run-off, wetlands restoration, and to provide a recreational benefit to the public. The Corps entered into a lease contract with Jackson County, Missouri with a 50 year repayment contract (1986–2035). The County, during these tough economic times, is having a significant problem paying back the interest plus the regular principal each year.

These lakes, though owned by the Corps, are operated and maintained by Jackson County. Both Lakes are in need of significant repairs, maintenance, and upgrades to bring them up to standards of today's use. The properties critically need repairs to infrastructure like roads, electrical upgrades, facility repairs, and needed silt control along the watersheds feeding into the Lakes. The County is struggling during this economic downturn, to make the payments as well as make the necessary repairs and upgrades that the Lake property needs for continued use by the public.

The following are examples of the capital improvement needs identified by Jackson County in their 5 year Capital Improvements Plan (CIP): Marina Renovation, upgrades and maintenance—$858,980; Roof repairs—$125,000; Road repairs—$589,962; Shelter house repairs, upgrades and maintenance—$215,240; Campground upgrades, replace pads and electrical capacity upgrades—$1,023,093; Sediment, spillway and watershed control and improvements—$433,304; Trail replacement, repairs and upgrades—$1,132,000; Maintenance facility upgrades and repairs—$2,264,000; Playground upgrades and replacement—$414,400; Beaches improvements and upgrades—$226,400.

This is why I was proud to submit this week an amendment for consideration to H.R. 1262 that would have allowed the County to alleviate the strains on its budget, while maintaining its commitment to the Army Corps as well as its commitment to citizens using the Lakes, plus providing jobs for making the improvements. My amendment would have modified the leases for Longview Lake & Blue Springs Lake to allow the County to reinvest 50 percent of its outstanding payments over the rest of the lease for capital improvements on the property. This is not a default or forgiveness, but rather a reinvestment in lieu of payment so that they can continue to function in both their flood control and recreational capacities.

Even with the redirection, the plan would provide the Army Corps with over $6.5 million ($6,504,447.80) in surplus over the course of the lease. From this reinvestment, Longview Lake would receive $5.3 million ($5,294,483.88) of redirected payments and Blue Springs Lake would receive $4.3 million ($4,302,127.74) as part of the plan. The Corps of Engineers would be fully reimbursed for its initial outlay of funds with interest, and the County would be able to re-invest some of the funds it is contractually obligated to pay into these two greats Jackson County assets.

Mr. Chair, though my amendment was deemed to have a budgetary impact, I wanted to raise this issue. This is a national issue, hitting many communities and counties during these difficult economic times and they deserve Congress's help. The idea makes a great deal of sense and I look forward to working with my fellow Members and my local County Executive as we continue to think outside the box to make this idea work.

Mr. LUJAN. Mr. Chair, the Water Quality Investment Act is a renewed commitment to address our nation's substantial needs for water and wastewater infrastructure. The ability of cities, rural water systems and tribal communities to ensure water quality for our nation's families is critical to the health of our country and will help create jobs. Today, our business in this House is to transform the way we think about water.

All living systems need water. People need it. The climate needs it. Plants and wildlife need it. We are all part of the same living system, and we all need water.

I know the importance of water to rural economies across America. Without a reliable water supply, we cannot improve human health, preserve natural ecosystems, or grow economies. It is a critical prerequisite for life, and we must ensure proper drinking water and wastewater systems will be available to every community in America. The absence of adequate water infrastructure in a community creates enormous health disparities, but also entrenches the severe poverty that is already widespread in these communities.

Tribes across the nation have many difficulties ensuring water quality for their communities. Often water and wastewater systems are hard to construct or maintain due to a lack of availability of funding for tribal governments. Language I proposed, which was included in Chairman OBERSTAR's manager's amendment, will authorize new grants for technical assistance on water and wastewater infrastructure to the tribal communities and people who so desperately need it.

I urge all my colleagues to support this bill.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1262

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) IN GENERAL.—This Act may be cited as the ''Water Quality Investment Act of 2009''.

(b) TABLE OF CONTENTS.—

1. Short title; table of contents.
2. Amendment of Federal Water Pollution Control Act.

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

1101. Technical assistance.
1102. State management assistance.
1103. Watershed pilot projects.

Subtitle B—Construction of Treatment Works

1201. Sewage collection systems.
1202. Treatment works defined.

Subtitle C—State Water Pollution Control Revolving Funds

1301. General authority for capitalization grants.

1302. Capitalization grant agreements.
1303. Water pollution control revolving loan funds.
1304. Allotment of funds.
1305. Intended use plan.
1306. Annual reports.
1307. Technical assistance; requirements for use of American materials.
1308. Authorization of appropriations.
Subtitle D—General Provisions
1401. Definition of treatment works.
1402. Funding for Indian programs.
Subtitle E—Tonnage Duties
1501. Tonnage duties.
TITLE II—ALTERNATIVE WATER SOURCE PROJECTS
2001. Pilot program for alternative water source projects.
TITLE III—SEWER OVERFLOW CONTROL GRANTS
3001. Sewer overflow control grants.
TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS
4001. Monitoring, reporting, and public notification of sewer overflows.
TITLE V—GREAT LAKES LEGACY REAUTHORIZATION
5001. Remediation of sediment contamination in areas of concern.
5002. Public information program.
5003. Contaminated sediment remediation approaches, technologies, and techniques.

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever 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 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

SEC. 1101. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following:

''(8) make grants to nonprofit organizations—

''(A) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

''(B) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

''(C) to disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking ''and (6)'' and inserting ''(6)''; and

(2) by inserting before the period at the end the following: ''; and (7) not to exceed $100,000,000 for each of fiscal years 2010 through 2014 for carrying out subsections (b)(3), (b)(8), and (g), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)''.

(c) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking ''$1,000,000'' and inserting ''$3,000,000''; and

(2) in the second sentence by striking ''1986'' and inserting ''2011''.

SEC. 1102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting ''; and''; and

(3) by inserting after paragraph (2) the following:

''(3) such sums as may be necessary for each of fiscal years 1991 through 2009, and $300,000,000 for each of fiscal years 2010 through 2014;''.

SEC. 1103. WATERSHED PILOT PROJECTS.

(a) PILOT PROJECTS.—Section 122 (33 U.S.C. 1274) is amended—

*(1) in the section heading by striking ''**WET WEATHER**''; and*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking ''wet weather discharge'';

(B) in paragraph (2) by striking ''in reducing such pollutants'' and all that follows before the period at the end and inserting ''to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies''; and

(C) by adding at the end the following:

''(3) WATERSHED PARTNERSHIPS.—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

''(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 122(c)(1) is amended by striking ''for fiscal year 2004'' and inserting ''for each of fiscal years 2004 through 2014''.

(c) REPORT TO CONGRESS.—Section 122(d) is amended by striking ''5 years after the date of enactment of this section,'' and inserting ''October 1, 2011,''.

Subtitle B—Construction of Treatment Works

SEC. 1201. SEWAGE COLLECTION SYSTEMS.

Section 211 (33 U.S.C. 1291) is amended—

(1) by striking the section heading and all that follows through ''(a) No'' and inserting the following:

''SEC. 211. SEWAGE COLLECTION SYSTEMS.

''(a) IN GENERAL.—No'';

(2) in subsection (b) by inserting ''POPULATION DENSITY.—'' after ''(b)''; and

(3) by striking subsection (c) and inserting the following:

''(c) EXCEPTIONS.—

''(1) REPLACEMENT AND MAJOR REHABILITATION.—Notwithstanding the requirement of subsection (a)(1) concerning the existence of a collection system as a condition of eligibility, a project for replacement or major rehabilitation of a collection system existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(1) and meets the requirement of paragraph (3).

''(2) NEW SYSTEMS.—Notwithstanding the requirement of subsection (a)(2) concerning the existence of a community as a condition of eligibility, a project for a new collection system to serve a community existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(2) and meets the requirement of paragraph (3).

''(3) REQUIREMENT.—A project meets the requirement of this paragraph if the purpose of the project is to accomplish the objectives, goals, and policies of this Act by addressing an adverse environmental condition existing on the date of enactment of this paragraph.''.

SEC. 1202. TREATMENT WORKS DEFINED.

Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking ''any works, including site'';

(2) by striking ''is used for ultimate'' and inserting ''will be used for ultimate''; and

(3) by inserting before the period at the end the following: ''and acquisition of other lands, and interests in lands, which are necessary for construction''.

Subtitle C—State Water Pollution Control Revolving Funds

SEC. 1301. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking ''for providing assistance'' and all that follows through the period at the end and inserting the following: ''to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).''.

SEC. 1302. CAPITALIZATION GRANT AGREEMENTS.

(a) REPORTING INFRASTRUCTURE ASSETS.—Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking ''standards'' and inserting ''standards, including standards relating to the reporting of infrastructure assets''.

(b) ADDITIONAL REQUIREMENTS.—Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (6)—

(A) by striking ''before fiscal year 1995'';

(B) by striking ''funds directly made available by capitalization grants under this title and section 205(m) of this Act'' and inserting ''assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both,''; and

(C) by striking ''201(b)'' and all that follows through ''513'' and inserting ''211 and 511(c)(1)'';

(2) by striking ''and'' at the end of paragraph (9);

(3) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(4) by adding at the end the following:

''(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for providing financial assistance in accordance with this title;

''(12) any fees charged by the State to recipients of assistance that are considered program income will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

''(13) beginning in fiscal year 2011, the State will include as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

''(A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title, and has selected, to the extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, and conservation, and energy conservation, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity; and

''(B) has considered, to the maximum extent practicable and as determined appropriate by the recipient, the costs and effectiveness of other design, management, and financing approaches for carrying out a project or activity for which assistance is sought under this title, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity;

''(14) the State will use at least 10 percent of the amount of each capitalization grant received by the State under this title after September 30, 2010, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for activities included on the State's priority list established under section 603(g), to the extent that there are sufficient applications for such assistance;

''(15) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State); and

''(16) the requirements of section 513 will apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both, in the same manner as treatment works for which grants are made under this Act.''.

SEC. 1303. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

''(c) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

''(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works;

''(2) for the implementation of a management program established under section 319;

''(3) for development and implementation of a conservation and management plan under section 320;

''(4) for the implementation of lake protection programs and projects under section 314;

''(5) for repair or replacement of decentralized wastewater treatment systems that treat domestic sewage;

''(6) for measures to manage, reduce, treat, or reuse municipal stormwater, agricultural stormwater, and return flows from irrigated agriculture;

''(7) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse; and

''(8) for the development and implementation of watershed projects meeting the criteria set forth in section 122.''.

(b) EXTENDED REPAYMENT PERIOD.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by striking ''20 years'' and inserting ''the lesser of 30 years or the design life of the project to be financed with the proceeds of the loan''; and

(2) in subparagraph (B) by striking ''not later than 20 years after project completion'' and inserting ''upon the expiration of the term of the loan''.

(c) FISCAL SUSTAINABILITY PLAN.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by inserting ''and'' at the end of subparagraph (D); and

(3) by adding at the end the following:

''(E) for any portion of a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under section 603(c)(1), the recipient of a loan will develop and implement a fiscal sustainability plan that includes—

''(i) an inventory of critical assets that are a part of that portion of the treatment works;

''(ii) an evaluation of the condition and performance of inventoried assets or asset groupings; and

''(iii) a plan for maintaining, repairing, and, as necessary, replacing that portion of the treatment works and a plan for funding such activities;''.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: '', $400,000 per year, or ⅕ percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source''.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following:

''(8) to provide grants to owners and operators of treatment works that serve a population of 10,000 or fewer for obtaining technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, repair schedules, and other activities to improve wastewater treatment plant management and operations, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest; and

''(9) to provide grants to owners and operators of treatment works for conducting an assessment of the energy and water consumption of the treatment works, and evaluating potential opportunities for energy and water conservation through facility operation and maintenance, equipment replacement, and projects or activities that promote the efficient use of energy and water by the treatment works, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest.''.

(f) ADDITIONAL SUBSIDIZATION.—Section 603 (33 U.S.C. 1383) is amended by adding at the end the following:

''(i) ADDITIONAL SUBSIDIZATION.—

''(1) IN GENERAL.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

''(A) to benefit a municipality that—

''(i) meets the State's affordability criteria established under paragraph (2); or

''(ii) does not meet the State's affordability criteria if the recipient—

''(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

''(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

''(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

''(B) to implement a process, material, technique, or technology to address water-efficiency goals, address energy-efficiency goals, mitigate stormwater runoff, or encourage environmentally sensitive project planning, design, and construction.

''(2) AFFORDABILITY CRITERIA.—

''(A) ESTABLISHMENT.—On or before September 30, 2010, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under section 603(c)(1) if additional subsidization is not provided. Such criteria shall be based on income data, population trends, and other data determined relevant by the State.

''(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A), the State may use the criteria for the purposes of this subsection. For purposes of this Act, any such criteria shall be treated as affordability criteria established under this paragraph.

''(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

''(3) PRIORITY.—A State may give priority to a recipient for a project or activity eligible for funding under section 603(c)(1) if the recipient meets the State's affordability criteria.

''(4) SET-ASIDE.—

''(A) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation more than $1,000,000,000 for the purposes of this title, a State shall provide additional subsidization under this subsection in the amount specified in subparagraph (B) to eligible entities described in paragraph (1) for projects and activities identified in the State's intended use plan prepared under section 606(c) to the extent that there are sufficient applications for such assistance.

''(B) AMOUNT.—In a fiscal year described in subparagraph (A), a State shall set aside for purposes of subparagraph (A) an amount not less than 25 percent of the difference between—

''(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to $1,000,000,000; and

''(ii) the total amount allotted to the State under section 604 for such fiscal year.

''(5) LIMITATION.—The total amount of additional subsidization provided under this subsection by a State may not exceed 30 percent of the total amount of capitalization grants received by the State under this title in fiscal years beginning after September 30, 2009.''.

SEC. 1304. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

''(a) ALLOTMENTS.—

''(1) FISCAL YEARS 2010 AND 2011.—Sums appropriated to carry out this title for each of fiscal years 2010 and 2011 shall be allotted by the Administrator in accordance with the formula used to allot sums appropriated to carry out this title for fiscal year 2009.

''(2) FISCAL YEAR 2012 AND THEREAFTER.—Sums appropriated to carry out this title for fiscal

year 2012 and each fiscal year thereafter shall be allotted by the Administrator as follows:

''(A) Amounts that do not exceed $1,350,000,000 shall be allotted in accordance with the formula described in paragraph (1).

''(B) Amounts that exceed $1,350,000,000 shall be allotted in accordance with the formula developed by the Administrator under subsection (d).''.

(b) PLANNING ASSISTANCE.—Section 604(b) (33 U.S.C. 1384(b)) is amended by striking ''1 percent'' and inserting ''2 percent''.

(c) FORMULA.—Section 604 (33 U.S.C. 1384) is amended by adding at the end the following:

''(d) FORMULA BASED ON WATER QUALITY NEEDS.—Not later than September 30, 2011, and after providing notice and an opportunity for public comment, the Administrator shall publish an allotment formula based on water quality needs in accordance with the most recent survey of needs developed by the Administrator under section 516(b).''.

SEC. 1305. INTENDED USE PLAN.

(a) INTEGRATED PRIORITY LIST.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

''(g) PRIORITY LIST.—

''(1) IN GENERAL.—For fiscal year 2011 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State's water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State's water pollution control revolving fund only with respect to a project or activity included on such list. In the case of projects and activities eligible for assistance under section 603(c)(2), the State may include a category or subcategory of nonpoint sources of pollution on such list in lieu of a specific project or activity.

''(2) METHODOLOGY.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and after providing notice and opportunity for public comment, each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall establish a methodology for developing a priority list under paragraph (1).

''(B) PRIORITY FOR PROJECTS AND ACTIVITIES THAT ACHIEVE GREATEST WATER QUALITY IMPROVEMENT.—In developing the methodology, the State shall seek to achieve the greatest degree of water quality improvement, taking into consideration the requirements of section 602(b)(5) and section 603(i)(3), whether such water quality improvements would be realized without assistance under this title, and whether the proposed projects and activities would address water quality impairments associated with existing treatment works.

''(C) CONSIDERATIONS IN SELECTING PROJECTS AND ACTIVITIES.—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

''(i) information developed by the State under sections 303(d) and 305(b);

''(ii) the State's continuing planning process developed under section 303(e);

''(iii) the State's management program developed under section 319; and

''(iv) conservation and management plans developed under section 320.

''(D) NONPOINT SOURCES.—For categories or subcategories of nonpoint sources of pollution that a State may include on its priority list under paragraph (1), the State shall consider the cumulative water quality improvements associated with projects or activities in such categories or subcategories.

''(E) EXISTING METHODOLOGIES.—If a State has previously developed, after providing notice and an opportunity for public comment, a methodology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.''.

(b) INTENDED USE PLAN.—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by striking ''each State shall annually prepare'' and inserting ''each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall annually prepare and publish'';

(2) by striking paragraph (1) and inserting the following:

''(1) the State's priority list developed under section 603(g);'';

(3) in paragraph (4)—

(A) by striking ''and (6)'' and inserting ''(6), (15), and (17)''; and

(B) by striking ''and'' at the end;

(4) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(5) by adding at the end the following:

''(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.''.

(c) TRANSITIONAL PROVISION.—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended by inserting ''the eligible purpose under section 603(c) for which the assistance is provided,'' after ''loan amounts,''.

SEC. 1307. TECHNICAL ASSISTANCE; REQUIREMENTS FOR USE OF AMERICAN MATERIALS.

Title VI (33 U.S.C. 1381 et seq.) is amended—

(1) by redesignating section 607 as section 609; and

(2) by inserting after section 606 the following:

''SEC. 607. TECHNICAL ASSISTANCE.

''(a) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

''(b) PUBLICATION OF MANUAL.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

''(c) COMPLIANCE CRITERIA.—At the request of any State, the Administrator, after providing notice and an opportunity for public comment, shall assist in the development of criteria for a State to determine compliance with the conditions of funding assistance established under sections 602(b)(13) and 603(d)(1)(E).

''SEC. 608. REQUIREMENTS FOR USE OF AMERICAN MATERIALS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by a State water pollution control revolving fund as authorized under this title may be used for the construction of treatment works unless the steel, iron, and manufactured goods used in such treatment works are produced in the United States.

''(b) EXCEPTIONS.—Subsection (a) shall not apply in any case in which the Administrator (in consultation with the Governor of the State) finds that—

''(1) applying subsection (a) would be inconsistent with the public interest;

''(2) steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(3) inclusion of steel, iron, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

''(c) PUBLIC NOTIFICATION AND WRITTEN JUSTIFICATION FOR WAIVER.—If the Administrator determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Administrator shall—

''(1) not less than 15 days prior to waiving application of subsection (a), provide public notice and the opportunity to comment on the Administrator's intent to issue such waiver; and

''(2) upon issuing such waiver, publish in the Federal Register a detailed written justification as to why the provision is being waived.

''(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.''.

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

Section 609 (as redesignated by section 1307 of this Act) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $2,400,000,000 for fiscal year 2010;

''(2) $2,700,000,000 for fiscal year 2011;

''(3) $2,800,000,000 for fiscal year 2012;

''(4) $2,900,000,000 for fiscal year 2013; and

''(5) $3,000,000,000 for fiscal year 2014.''.

Subtitle D—General Provisions

SEC. 1401. DEFINITION OF TREATMENT WORKS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) TREATMENT WORKS.—The term 'treatment works' has the meaning given that term in section 212.''.

SEC. 1402. FUNDING FOR INDIAN PROGRAMS.

Section 518(c) (33 U.S.C. 1377) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) FISCAL YEARS 1987–2008.—The Administrator'';

(2) in paragraph (1) (as so designated)—

(A) by inserting ''and ending before October 1, 2008,'' after ''1986,''; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

''(2) FISCAL YEAR 2009 AND THEREAFTER.—For fiscal year 2009 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 1.5 percent of the funds made available to carry out title VI.

''(3) USE OF FUNDS.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

''(A) Indian tribes (as defined in section 518(h));

''(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

''(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).''.

Subtitle E—Tonnage Duties

SEC. 1501. TONNAGE DUTIES.

(a) IN GENERAL.—Section 60301 of title 46, United State Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) LOWER RATE.—

''(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

''(A) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

''(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

''(i) a vessel of the United States;

''(ii) a recreational vessel (as defined in section 2101 of this title); or

''(iii) a barge.

''(2) RATE.—The rate referred to in paragraph (1) shall be—

''(A) 4.5 cents per ton (but not more than a total of 22.5 cents per ton per year) for fiscal years 2006 through 2009;

''(B) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2010 through 2019; and

''(C) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.

''(b) HIGHER RATE.—

''(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

''(2) RATE.—The rate referred to in paragraph (1) shall be—

''(A) 13.5 cents per ton (but not more than a total of 67.5 cents per ton per year) for fiscal years 2006 through 2009;

''(B) 27 cents per ton (but not more than a total of $1.35 per ton per year) for fiscal years 2010 through 2019, and

''(C) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter.''.

(b) LIABILITY IN REM.—Chapter 603 of title 46, United States Code, is amended by adding at the end the following:

''§ 60313. Liability in rem for costs

''A vessel is liable in rem for any amount due under this chapter for that vessel and may be proceeded against for that liability in the United States district court for any district in which the vessel may be found.''.

(c) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

''Subtitle VI—Clearance and Tonnage Duties'';

(2) in the heading for chapter 603, by striking ''**TAXES**'' and inserting ''**DUTIES**'';

(3) in the headings of sections in chapter 603, by striking ''**taxes**'' each place it appears and inserting ''**duties**'';

(4) in the heading for subsection (a) of section 60303, by striking ''TAX'' and inserting ''DUTY'';

(5) in the text of sections in chapter 603, by striking ''taxes'' each place it appears and inserting ''duties''; and

(6) in the text of sections in chapter 603, by striking ''tax'' each place it appears and inserting ''duty''.

(d) CLERICAL AMENDMENTS.—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

''VI. CLEARANCE AND TONNAGE DUTIES ..... 60101'';

(2) in the analysis for subtitle VI by striking the item relating to chapter 603 and inserting the following:

''603. Tonnage Duties and Light Money 60301'';

and

(3) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

''60301. Regular tonnage duties.
''60302. Special tonnage duties.'';

(B) by striking the item relating to section 60304 and inserting the following:

''60304. Presidential suspension of tonnage duties and light money.'';

and

(C) by adding at the end the following:

''60313. Liability in rem for costs.''.

TITLE II—ALTERNATIVE WATER SOURCE PROJECTS

SEC. 2001. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) SELECTION OF PROJECTS.—Section 220(d)(2) (33 U.S.C. 1300(d)(2)) is amended by inserting before the period at the end the following: ''or whether the project is located in an area which is served by a public water system serving 10,000 individuals or fewer''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 220(j) (33 U.S.C. 1300(j)) is amended by striking ''$75,000,000 for fiscal years 2002 through 2004'' and inserting ''$50,000,000 for each of fiscal years 2010 through 2014''.

TITLE III—SEWER OVERFLOW CONTROL GRANTS

SEC. 3001. SEWER OVERFLOW CONTROL GRANTS.

(a) ADMINISTRATIVE REQUIREMENTS.—Section 221(e) (33 U.S.C. 1301(e)) is amended to read as follows:

''(e) ADMINISTRATIVE REQUIREMENTS.—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking ''this section $750,000,000'' and all that follows through the period at the end and inserting ''this section $250,000,000 for fiscal year 2010, $300,000,000 for fiscal year 2011, $350,000,000 for fiscal year 2012, $400,000,000 for fiscal year 2013, and $500,000,000 for fiscal year 2014.''.

(c) ALLOCATION OF FUNDS.—Section 221(g) of such Act (33 U.S.C. 1301(g)) is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2010.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2010 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

''(2) FISCAL YEAR 2011 AND THEREAFTER.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2011 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516.''.

(d) REPORTS.—The first sentence of section 221(i) (33 U.S.C. 1301(i)) is amended by striking ''2003'' and inserting ''2012''.

TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS

SEC. 4001. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.—

''(1) GENERAL REQUIREMENTS.—After the last day of the 180-day period beginning on the date on which regulations are issued under paragraph (4), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—

''(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

''(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;

''(C) in the case of a sewer overflow that may imminently and substantially endanger human health, notify public health authorities and other affected entities, such as public water systems, of the overflow immediately after the owner or operator knows of the overflow;

''(D) report each sewer overflow on its discharge monitoring report to the Administrator or the State, as the case may be, by describing—

''(i) the magnitude, duration, and suspected cause of the overflow;

''(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and

''(iii) the steps taken or planned to mitigate the impact of the overflow; and

''(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—

''(i) the details of how much wastewater was released per incident;

''(ii) the duration of each sewer overflow;

''(iii) the location of the overflow and any potentially affected receiving waters;

''(iv) the responses taken to clean up the overflow; and

''(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.

''(2) EXCEPTIONS.—

''(A) NOTIFICATION REQUIREMENTS.—The notification requirements of paragraphs (1)(B) and (1)(C) shall not apply to a sewer overflow that is a wastewater backup into a single-family residence.

''(B) REPORTING REQUIREMENTS.—The reporting requirements of paragraphs (1)(D) and (1)(E) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works' best management practices, and is intended to prevent sewer overflows.

''(3) REPORT TO EPA.—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.

''(4) RULEMAKING BY EPA.—Not later than one year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations to implement this subsection, including regulations to—

''(A) establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—

''(i) assessing whether a sewer overflow has the potential to affect human health or may imminently and substantially endanger human health; and

''(ii) developing communication measures that are sufficient to give notice under paragraphs (1)(B) and (1)(C); and

''(B) define the terms 'feasible' and 'timely' as such terms apply to paragraph (1)(A), including site specific conditions.

''(5) APPROVAL OF STATE NOTIFICATION PROGRAMS.—

''(A) REQUESTS FOR APPROVAL.—

''(i) IN GENERAL.—After the date of issuance of regulations under paragraph (4), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C).

''(ii) PROGRAM REVIEW AND AUTHORIZATION.—If the evidence submitted by a State under clause (i) shows the notification program of the State to be substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C), the Administrator shall authorize the State to carry out such program instead of the requirements of paragraphs (1)(B) and (1)(C).

''(iii) FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account the scope of sewer overflows for which notification is required, the length of time during which notification must be made, the scope of persons who must be notified of sewer overflows, the scope of enforcement activities ensuring that notifications of sewer overflows are made, and such other factors as the Administrator considers appropriate.

''(B) REVIEW PERIOD.—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).

''(C) WITHDRAWAL OF AUTHORIZATION.—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of paragraphs (1)(B) and (1)(C) with respect to the State.

''(6) SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.—After the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall—

''(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309, and

''(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of paragraphs (1)(B) and (1)(C),

until such date as a permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (1).

''(7) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) SANITARY SEWER OVERFLOW.—The term 'sanitary sewer overflow' means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from the combined portion of a municipal combined storm and sanitary sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater in the United States that do not reach waters of the United States, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

''(B) SEWER OVERFLOW.—The term 'sewer overflow' means a sanitary sewer overflow or a municipal combined sewer overflow.

''(C) SINGLE-FAMILY RESIDENCE.—The term 'single-family residence' means an individual dwelling unit, including an apartment, condominium, house, or dormitory. Such term does not include the common areas of a multi-dwelling structure.''.

TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

SEC. 5001. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.

Section 118(c)(12)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(12)(H)) is amended by striking clause (i) and inserting the following:

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—

''(I) $50,000,000 for each of the fiscal years 2004 through 2009; and

''(II) $150,000,000 for each of the fiscal years 2010 through 2014.''.

SEC. 5002. PUBLIC INFORMATION PROGRAM.

Section 118(c)(13)(B) (33 U.S.C. 1268(c)(13)(B)) is amended by striking ''2010'' and inserting ''2014''.

SEC. 5003. CONTAMINATED SEDIMENT REMEDIATION APPROACHES, TECHNOLOGIES, AND TECHNIQUES.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section—

''(A) $3,000,000 for each of the fiscal years 2004 through 2009; and

''(B) $5,000,000 for each of the fiscal years 2010 through 2014.''.

The CHAIR. No amendment to the committee amendment is in order except those printed in House report 111–36. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–36.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 1101(a)(3) of the bill, in the matter proposed to be inserted as section 104(b)(8) of the Federal Water Pollution Control Act—

(1) in subparagraph (A)—

(A) insert ''and tribal governments'' after ''small municipalities''; and

(B) insert ''and tribal governments'' after ''such municipalities''; and

(2) in subparagraphs (B) and (C) strike ''rural and small'' and insert ''rural, small, and tribal''.

In section 1103(a)(2) of the bill, amend subparagraph (A) to read as follows:

(A) in the matter preceding paragraph (1)—

(i) by striking ''for treatment works'' and inserting ''to a municipality or municipal entity''; and

(ii) by striking ''wet weather discharge'';

In section 1103(a)(2)(B) of the bill, in the matter proposed to be inserted in section 122(a)(2) of the Federal Water Pollution Control Act, strike ''technologies'' and insert ''technologies and other techniques that utilize infiltration, evapotranspiration, and reuse of storm water on site''.

In section 1103 of the bill, amend subsection (b) to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 122(c)(1) is amended—

(1) by striking ''and''; and

(2) by striking the period and inserting '', such sums as may be necessary for each of fiscal years 2005 through 2009, and $100,000,000 for each of fiscal years 2010 through 2014.''.

In section 1303(a) of the bill, in the matter proposed to be inserted in section 603(c) of the Federal Water Pollution Control Act—

(1) in paragraph (7) strike ''and'' after the semicolon;

(2) in paragraph (8) strike ''section 122.'', the closing quotation marks, and the final period and insert ''section 122; and''; and

(3) add after paragraph (8) the following:

''(9) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works, including the implementation of energy-efficient or renewable-energy generation technologies.''.

In section 1303(f) of the bill, in the matter proposed to be inserted as section 603(i)(2)(A) of the Federal Water Pollution Control Act, strike the last sentence and insert the following: ''Such criteria shall be based on income data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).''.

Amend section 1306 of the bill to read as follows:

SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended—

(1) by striking ''(d) ANNUAL REPORT.—Beginning'' and inserting the following:

''(d) ANNUAL REPORTS.—

''(1) STATE REPORT.—Beginning'';

(2) in paragraph (1) (as so designated) by striking ''loan amounts,'' and inserting ''loan amounts, the eligible purposes under section 603(c) for which the assistance has been provided,''; and

(3) by adding at the end the following:

''(2) FEDERAL REPORT.—The Administrator shall annually prepare, and make publicly available, a report on the performance of the projects and activities carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title during the previous fiscal year, including—

''(A) the annual and cumulative financial assistance provided to States under this title;

''(B) the categories and types of such projects and activities;

''(C) an estimate of the number of jobs created through carrying out such projects and activities;

''(D) an assessment of the progress made toward meeting the goals and purposes of this Act through such projects and activities; and

''(E) any additional information that the Administrator considers appropriate.''.

At the end of title I of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 1309. UNITED STATES-MEXICAN BORDER WATER INFRASTRUCTURE STUDIES.

(a) STUDY OF INFRASTRUCTURE ALONG THE RIO GRANDE RIVER.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of wastewater treatment facilities that discharge into the Rio Grande

River and develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

(2) CONSULTATION.—The Administrator shall conduct the study in consultation with the Secretary of State, appropriate representatives of the Mexican government, and the International Boundary Waters Commission.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under paragraph (1).

(b) STUDY OF WATER INFRASTRUCTURE ALONG THE UNITED STATES-MEXICO BORDER.—

(1) STUDY.—The Comptroller General shall conduct a study on water infrastructure along the border between the United States and Mexico to augment current studies relating to colonias development.

(2) CONTENTS.—In conducting the study, the Comptroller General shall examine the comprehensive planning needs relating to water and wastewater infrastructure for colonias along the border between the United States and Mexico.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

In section 1501 of the bill, strike subsection (b) and redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

In section 1501(c)(3) of the bill (as so redesignated)—

(1) in subparagraph (A) insert ''and'' after the semicolon;

(2) in subparagraph (B) strike ''; and'' and insert a period; and

(3) strike subparagraph (C).

Strike section 3001(b) of the bill and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 221(f) (33 U.S.C. 1301(f)) is amended to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2010, $300,000,000 for fiscal year 2011, $350,000,000 for fiscal year 2012, $400,000,000 for fiscal year 2013, and $500,000,000 for fiscal year 2014. Such sums shall remain available until expended.

''(2) MINIMUM ALLOCATIONS.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.''.

At the end of title V of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 5004. GREAT LAKES WATER QUALITY.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on the water quality of the Great Lakes; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated wastewater into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—PHARMACEUTICALS AND PERSONAL CARE PRODUCTS

SEC. 6001. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.

Section 104 (33 U.S.C. 1254) is amended by adding at the end the following:

''(w) PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.—

''(1) STUDY.—The Administrator, in consultation with appropriate Federal agencies (including the National Institute of Environmental Health Sciences), shall conduct a study on the presence of pharmaceuticals and personal care products (in this subsection referred to as 'PPCPs') in the waters of the United States.

''(2) CONTENTS.—In conducting the study under paragraph (1), the Administrator shall—

''(A) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected;

''(B) identify the sources of PPCPs in the waters of the United States, including point sources and nonpoint sources of PPCP contamination; and

''(C) identify methods to control, limit, treat, or prevent PPCPs in the waters of the United States.

''(3) REPORT.—Not later than 12 months after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the results of the study conducted under this subsection, including the potential effects of PPCPs in the waters of the United States on human health and aquatic wildlife.

''(4) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this subsection, the terms 'pharmaceuticals and personal care products' and 'PPCPs' mean products used by individuals for personal health or cosmetic reasons or used to enhance growth or health of livestock.''.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The manager's amendment incorporates several important policy changes to the Clean Water Act, principally to promote transparency and accountability following on the committee's portion of the Economic Recovery Act, in which we require across the spectrum of our portion of the stimulus package openness, accountability reports every 30 days, the first of which will be received on April 3 by this committee from the whole range of Federal agencies and State agencies that are receiving recovery funds. We take that principle and incorporate those concepts of openness and accountability for the future of this program.

□ 1200

A review of the types and categories of projects, the activities carried out under the State Revolving Fund, the jobs estimated to be created from the funds that States will use and cities will borrow from, we want to know the jobs created, the type of project, the category of projects, activities carried out, receive that information and make it public.

We also provide additional criteria for States to determine affordability for wastewater infrastructure projects and activities, and tribal governments to be eligible for technical and management assistance for small, publicly owned sewerage agencies.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time, although I am not in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. Again, we very much support this amendment and thank the chairman for bringing it forward, and I yield back the balance of my time.

Mr. OBERSTAR. I thank the gentleman for his comments. The balance of the manager's amendment includes proposals that we folded in from Representatives CARDOZA, CLEAVER, CUELLAR, EDWARDS of Maryland, LUJAN, MCCARTHY of New York, STUPAK and Mr. TEAGUE, and I will not go into all the details, but I will include in the RECORD under general leave my complete statement covering those provisions. I ask support for the manager's amendment.

I yield back the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to reclaim a minute of my time.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 1 minute.

There was no objection.

Mr. BOOZMAN. I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I am not in opposition to the amendment. I think the amendment is actually appropriate. My concern about it is, and I will say this to the chairman of the committee, I totally, coming from local government, totally support the openness here. I think at a time when we still have storm water diversion going over and polluting our rivers, it is crazy that we don't do more.

But I would ask the chairman to be aware of the fact that although we will

be able to tell the public, and the public will be able to know, where their money is going and how it is being spent, there is still that issue the American people are very upset about, what the Senate did to the stimulus package, and that is the issue that the public will not know: Are the people who are getting the jobs legally in the country? Do their Social Security names and numbers match? And will the public be able to know how many legal residents and Americans got this job as opposed to somebody who is in violation of our immigration status? The E-Verify was a great bipartisan effort here in the House. For us to abandon that as a minimum standard to allow the public to know, I disagree with that.

Mr. CLEAVER. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009, which my good friend Chairman OBERSTAR introduced. In particular, I am very proud to support the Oberstar Amendment, containing provisions to ensure that no less than 20 percent of all sewer overflow control grants allocated through this legislation will be spent on projects that incorporate green infrastructure practices.

H.R. 1262, the Water Quality Investment Act authorizes significant federal investment aimed at reducing sewer overflows in the, United States—a problem that threatens human health and the environment across the country.

Currently, most cities that have created EPA-mandated plans to reduce their sewer overflows have relied on the increase of treatment and storage capacity, and the separation of sanitary and stormwater sewers—so-called ''grey solutions.'' However, research and demonstration projects have shown promising results for the use of ''green infrastructure'' to help solve the sewer overflow problem. Green infrastructure takes nature as its guide, using plants and natural systems to infiltrate stormwater into the soil before it enters the sewers, taking pressure off of cities' collection and treatment systems.

I was proud to contribute a provision in the Oberstar Amendment that will ensure that no less than 20 percent of grant funds made under this bill for sewer overflow control will be spent on projects that incorporate green infrastructure approaches and practices. This strikes a reasonable balance between green infrastructure and traditional control systems, as both have a role in creating a sustainable and workable solution to sewer overflows.

Green infrastructure has significant advantages over grey solutions. These strategies reduce stormwater runoff, relieving combined sewer systems of large quantities of stormwater that contribute to sewer overflows. At the same time, these natural systems can filter stormwater, removing pollutants that otherwise can be conveyed to streams and lakes. By holding stormwater runoff in the watershed where it falls, green infrastructure helps recharge groundwater sources that many cities rely on for drinking water. Green infrastructure also provides more greenspace to our concrete-covered cities. These open areas allow for recreational uses as well as reducing the urban heat island effect, which reduces energy needs. This reduced energy use combined with greater sequestration of carbon in trees and plants helps mitigate the effects of climate change. Building and maintaining these natural systems create green jobs as well. Finally, by reducing runoff, green infrastructure can alleviate flooding issues.

Perhaps most importantly, given the size of the federal contribution that this water quality financing bill represents, green infrastructure can be more cost effective than traditional grey solutions, even without considering the ancillary benefits listed above. Numerous demonstration projects have shown that green infrastructure can achieve the same level of runoff control for less money. For example, studies of new residential developments have found that green infrastructure can control stormwater for $3,500 to $4,500 less per lot than traditional stormwater controls. At the same time, the developments with green infrastructure have higher property values. Moreover, retrofitting existing urban spaces for green infrastructure is competitive in cost with conventional stormwater controls, especially when viewed as a component of a coherent watershed approach. When the additional benefits of green infrastructure are included, it becomes a very attractive alternative.

No one argues that green infrastructure alone can solve the enormous sewer overflow problem. But my amendment recognizes the growing consensus that green infrastructure deserves a place among the suite of tools used by watershed managers in an increasingly environmentally conscious society. Americans are demanding that we as lawmakers account for and take steps to reduce the footprint that we make on our fragile planet. This bill is a step toward meeting those expectations.

Indeed, America's cities are already moving in the direction of making green infrastructure an integral part of sewer overflow control strategies. Green roofs cover more than 1 million square feet in Chicago, thanks in part to grants of $5,000 the city offers to building owners that install a green roof. Chicago is also aggressively pursuing permeable pavement along its 2,000 miles of alleyways. In the face of rising costs and economic challenges, the Metropolitan Sewer District of Greater Cincinnati in 2007 took the bold step of re-examining its EPA-mandated combined sewer overflow (CSO) control plan, proposing that an aggressive stormwater management strategy using green infrastructure be implemented to reduce the burdensome cost of conventional grey solutions in their original plan. Washington, DC has investigated the stormwater benefits of green roofs and trees, and estimated that aggressive implementation of green roofs and tree planting could reduce CSOs by 1 billion gallons annually.

Kansas City, Missouri, which I proudly represent, has decided as a community that green infrastructure must be a main component of its sewer overflow control strategy. To that end, Kansas City's plan allocates tens of millions of dollars toward implementing green infrastructure solutions. The plan continues and expands the City's award-winning ''10,000 Rain Gardens'' campaign, which educates citizens about the benefits of installing rain gardens and provides resources to residents who want to plant a rain garden. The program will be expanded to help residents disconnect their downspouts. Recognizing the economic benefits of green infrastructure to the long term local economy, Kansas City is also allocating significant resources to developing the green collar workers that are needed to build green infrastructure. In tough times, these jobs will provide an economic stimulus to distressed areas. Finally, Kansas City has kicked off the largest demonstration of green solutions for CSO control in the nation, in the Marlborough neighborhood. Covering 100 acres, the project will be designed to store 500,000 gallons of stormwater. This project will replace the original plan for management of this area—two underground storage tanks that would have contributed no additional benefits to the neighborhood or the environment.

This bill will help cities adopt these and other innovative strategies, and it is in keeping with the New Direction this Congress has charted: one in which economic prosperity, environmental protection, and social well-being are not mutually exclusive. That is why I am proud to support H.R. 1262, particularly the amendment by my good friend Chairman OBERSTAR. I urge all my colleagues to support this vital piece of legislation.

Mr. INSLEE. Mr. Chair, the recent discovery of pharmaceuticals in our nation's waters has increased concern over how these drugs may affect the surrounding environment. That is why I am proud to have worked with Congresswoman MCCARTHY, Congresswoman BALDWIN and Congresswoman SCHWARTZ to secure an amendment in the Water Quality Investment Act of 2009 that would require the EPA to study the presence of pharmaceuticals and personal care products in our waters. This amendment is extremely important in advancing our understanding on how to cleanup these potentially hazardous materials. I would also like to thank Chairman OBERSTAR for inclusion of this amendment in the manager's amendment. It is my hope that Congress will continue to examine the issues surrounding the presence of pharmaceuticals in dangerous settings and work to pass the Safe Drug Disposal Act of 2009 in the near future.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MACK

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–36.

Mr. MACK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MACK:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, insert ''and'' after the semicolon.

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(15) of the Federal Water Pollution Control Act, strike ''; and'' and insert a period.

In section 1302(b)(4) of the bill, strike the matter proposed to be inserted as section 602(b)(16) of the Federal Water Pollution Control Act.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, I would like to yield myself such time as I may consume.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

With Davis-Bacon and the majority's introduction of the Card Check legislation earlier this week, the Democrat leadership is telling big labor that they are open for business and it is time to cash in on the backs of hardworking American taxpayers.

As Members of Congress, one of our jobs is to make certain that our country has safe, accessible and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses to hire the workers they need and to meet these goals.

Sadly, this is a bill we should all be able to support. But with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation, and I in good faith cannot support it.

The Davis-Bacon Act passed in 1931 is a throw-back to failed Depression-era economic policies and is fiscally irresponsible. Davis-Bacon is basically a federally mandated super-minimum wage provision that applies to federally funded infrastructure projects. Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs. It ensures that wages are artificially set by bureaucrats, not by the free-market forces.

Currently 18 States, including my home State of Florida, have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with 17 other States, will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other States today. Do not burden them with this reckless policy. This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Fund is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is fiscally irresponsible policy and should not be included in this legislation. Repealing Davis-Bacon would save taxpayers billions in construction and administrative costs. These numbers may seem trivial to some of my colleagues, especially in this time when the majority has spent more than a trillion dollars in the last few months, but to my constituents, this is completely unacceptable.

If we repeal Davis-Bacon, we could use these savings to create more jobs and improve our water supply, rather than just lining the pockets of big labor. I cannot believe that Members can sit back and allow this provision to be part of the underlying legislation. Our taxpayers deserve better.

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

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

It is always astonishing to me, over the going on 35 years that I have served in the House, on those few occasions when prevailing wage has become an issue of discussion on the House floor, it is characterized as ''job killing'' and ''union boss wages'' and other such, not that the gentleman from Florida used such language, but it has been used on other occasions.

This is far from job killing. Good Lord, this was a provision signed into law by Herbert Hoover on March 3, 1931, in response to an appeal from contractors who said that job-stealing contractors from other parts of the country were coming into New York on Long Island, where a federally funded hospital was being built, and undercutting their wages—and that was pretty hard to do in those days, because the wage was only about 25 cents an hour—and setting up tents on the property where the construction project was underway to undercut the local contractor who then appealed to the administration for help. Didn't get any, but the local Republican member of the House, Mr. Bacon, vigorously protested that practice.

The Assistant Secretary of Commerce, Mr. Davis, left the administration, went back to Pennsylvania, was elected to the United States Senate, and in 1931 joined with Mr. Bacon, moved this legislation through the House and Senate, and Herbert Hoover signed it into law. It has not killed jobs in over 70-some years.

I reserve the balance of my time.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of this amendment.

Inclusion of the Davis-Bacon mandate in H.R. 1262 represents both bad policy and bad process, and I support this effort to correct it.

First on process. The Education and Labor Committee, the committee with jurisdiction over Davis-Bacon, never considered the bill's Davis-Bacon provision, not in a hearing, not in a markup, not in any procedure whatsoever. If we had, we would have weighed the impact of this provision on the projects themselves, on local economies, and indeed, on the American taxpayers. That brings me to my second objection, the policy.

By inflating labor rates, Davis-Bacon typically increases the cost of Federal projects by anywhere from 5 to 38 percent. Furthermore, the costs of Davis-Bacon are particularly burdensome for small businesses. This mandate can saddle private companies with literally millions of dollars in excess administrative work every year. Small, locally owned businesses can't afford this type of bureaucracy. They rarely have the resources to comply. As a result, large companies are more often rewarded government contracts, even for small projects. At a time when the economy is hurting as it is and small businesses are the ones creating jobs, give them the opportunity to do it. Federal law should not have a built-in bias against small businesses.

I urge my colleagues to support this amendment and remove the costly and burdensome Davis-Bacon requirement.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the amendment. I rise particularly noting that Congressman Bacon at one point represented the district that I have the honor of representing.

I want to be clear on what our friends on the other side of the aisle are fighting for. The prevailing wage for a bricklayer in Lee County, Florida, is $8.34 an hour. That is an annual rate of $17,000 a year. The Federal poverty level for a family of four is approximately $21,000 a year. Does this Congress really want to go on record as imposing a wage rate that consigns the hardworking people of our communities to living under the Federal poverty level? I would hope not.

The prevailing wage for a backhoe operator in Madison County, Arkansas, is $12.17 an hour. Is that a wage that we can find indefensible? Is that a wage that is going to bankrupt the companies that hire these people? Absolutely not. An annual rate of $25,000 a year, how do we help our families get their piece of the American dream when we consign them to wages as low as $17,000 a year or $25,000 a year.

So I would urge my colleagues to both reject this amendment and to make a statement that we want to support the working families of our communities. We want to see to it that they are paid a livable wage. And we want to ensure, frankly, that we don't give opportunity to unscrupulous contractors who will not be bound by Federal prevailing-wage requirements, and they will then access a workforce that is willing to accept the subsistence wages and no benefits that would go along with such a job.

Mr. MACK. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Florida for yielding.

This is an issue that will bring me to this floor every opportunity I get. I believe I would be the one Member of this Congress who has lived under the oppressive burden of the Davis-Bacon Act

the longest and been impacted by it the most.

□ 1215

There is a second-generation King Construction that is impacted by this now, not of my interest.

The gentleman from Minnesota knows how much respect I have for him. I appreciate him bringing up Herbert Hoover. Herbert Hoover did sign this Davis-Bacon Act bill. It was about the same time that he was initiating the beginnings of the old New Deal. And I don't agree with either one of those decisions of Herbert Hoover, but I will defend his legacy when he's right.

This time, Herbert Hoover was wrong, and here is the reason: that we should, as consenting adults, have a protected right to enter into an agreement of our choice. If two consenting adults sit down and decide—if I want to work for my neighbor for $10 an hour, what business is it of this Congress to tell me and my neighbor that I can't do that job for $10 an hour?

Under the 10th amendment, the Federalism concept, the powers that belong to the States stay with the States. This reaches across into the Constitution and it says to the States, this revolving fund, even if it's your own money, you can't make those decisions any longer at the State level, you have to let the people in Congress make that decision—which I know they're going to go back and say, well, this is a prevailing wage. Well, no, it's a union scale. If it were a prevailing wage, you wouldn't need to have the Department of Labor looking in to keep all of these records. I have had them come and ask me what are we paying our people. Sometimes it's more than union scale, sometimes it's less than union scale; it depends on where the job is. But if you report the prevailing wage as a merit shop contractor—which I have spent nearly 30 years doing—you can bet that the union organizers will show up at your door. And so for that reason, smart merit shop contractors don't submit themselves to that kind of organization. They just don't report the prevailing wage, so it becomes de facto union scale. That is the reality of this.

And my numbers are this—this is out of King Construction's books: The additional cost, when we go into a Davis-Bacon job, is between 8 and 35 percent. It depends on the region, and it depends on the amount of materials. This reaches down into this and tells the States, you're going to have to pay this for the remaining States that do not have many Davis-Bacon laws, like Florida, like Iowa. It imposes a Federal Davis-Bacon wage scale on all of us.

I have not heard a rational argument that upholds the side of Davis-Bacon from proponents of it. I stand in support of this amendment. We cannot take away the 10th amendment rights of our States to do business as they see fit with their money. That is a violation of the Constitution, in my view. There has to be a rational argument.

But I will add one more argument to this, and that is: Herbert Hoover may have signed the bill, but this is the last Jim Crow law that I know that's on the books, and that can't be defended.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan, a member of the committee.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this amendment because, quite simply, Davis-Bacon works.

Some might say that Davis-Bacon is nothing more than a giveaway to unions, but nothing in Davis-Bacon actually requires government contractors to hire union labor. All Davis-Bacon actually does is to require that a local prevailing wage be paid to employees who do work on government infrastructure projects. And it just so happens that in many cases, when Davis-Bacon is applied, that union labor is hired because they have outstanding training that warrants the wage that is being paid is paid to them. And in the end, most importantly, good work is done on public projects.

Let us also remember for a moment what actually happened after Hurricane Katrina when then-President Bush suspended Davis-Bacon during the emergency rebuilding. During that time, Mr. Speaker, we saw local workers turned away in favor of immigrant labor from other areas, many of them workers who were in this country illegally. It got so bad after Katrina that I joined a number of my Republican colleagues in going to President Bush to implore him to restore Davis-Bacon protections. President Bush then rescinded his earlier order and the people of the gulf coast got the jobs they needed and the rebuilding went much smoother. And I will say this: When government work is being done in Michigan, I want highly skilled Michigan building trades workers to get those jobs.

Mr. Chairman, again, very simply, Davis-Bacon works. And I would urge my colleagues to reject this amendment.

Mr. MACK. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, in listening to the arguments, earlier a gentleman spoke about Lee County, Florida. Well, let me tell you what he didn't say. He didn't talk about the thousands of people that are out of work and that would like to have a job, that lost their job maybe in the construction industry and that would like to go back to work. With the Davis-Bacon provision in this bill, we won't be able to hire as many people as we would like. That means fewer jobs and fewer opportunities for the families that live in southwest Florida and all over this country.

Mr. Chairman, at a time when we are debating solutions to jump-start our economy and the importance of job creation, the Democrat majority has incorporated a provision in this bill that would do just the opposite. Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed.

Including this provision in the bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity. But Mr. Chairman, it comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they would introduce the Card Check bill. These reckless policies promote inefficiency and end up hammering all of our constituents. I hope this Congress will once and for all eliminate the outdated barrier to job creation.

Mr. Chairman, we need to leave Davis-Bacon and these failed Depression-era policies where they belong—in the history books.

I urge all Members to vote for my amendment to strip the Davis-Bacon provisions and to stand up for the American people, not Big Labor.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the comments from my colleague from Florida, who talked about the Employee Free Choice Act in the same breath as the Davis-Bacon, because it is part and parcel of the same issue.

There has been a concerted war against organized labor for years. Workers have been discriminated against when they have tried to organize, they have been cheated, they have been fired for exercising their rights with little penalties.

And look at what happened during Katrina when the Davis-Bacon provisions were suspended. That didn't trickle down to provide more family wage jobs. It provided more minimum wage jobs, but profit all up the food chain. I invite people to look at the disaster that resulted from suspending these worker provisions.

Mr. Chairman, we in Oregon had a spirited, robust State-wide referendum on this issue. By a 60–40 vote, our citizens, supported by a conservative Republican Governor, decided they wanted these worker provisions. This protection for working people is important, and I hope we keep it.

Mr. OBERSTAR. I thank the gentleman for his statement. I yield myself the balance of the time.

This is the kind of debate we should have, based on facts, based on reality in the workplace, the deeply felt views on issues, and it's why I insisted in committee and at the Rules Committee that the gentleman from Florida be allowed to offer this amendment in place and early on in consideration of this bill. It is appropriate to have this discussion.

I have great respect for the gentleman from Iowa (Mr. KING) who spoke earlier; we have worked together on a great many issues. He, too, speaks from the heart and from his experience

on a range of business matters. And far be it from me to defend Herbert Hoover. But there are a few things in Hoover's repertoire that are worthy to note. He launched aviation security as Secretary of Commerce in 1926. He signed Davis-Bacon. He established the Reconstruction Finance Corporation. Not all of Hoover was bad, as he is associated with the Great Depression.

The gentleman from Iowa has left the floor, but I couldn't help noting that the prevailing wage in Sioux City for iron workers, $20.95—that's not the union wage, that's prevailing wage. And for a truck driver, it is $18.25 in Sioux City, compared to a truck driver prevailing wage in Minnesota, in my district, in Lake County, $10.86.

The prevailing wage varies all over the country, depending on what the local labor survey shows. This is not a national wage, this is not a negotiated wage; this is the best they do in that particular area in this particular skill.

For the gentleman from Florida (Mr. MACK), a backhoe operator prevailing wage is $11.04. A backhoe operator in northeastern Minnesota gets $14.64. A backhoe operator in Mr. MICA's district gets $10.35. Union wage is about double that.

These are not confiscatory wages—they are just barely staying ahead of the minimum wage. I know what it's like to work as a laborer. I worked on laborer jobs when I was going through college, carrying a hod of mud for a bricklayer, puddling concrete on a street-laying job, laying pipe for the sewage treatment plant in my hometown at $1.25 an hour. That was below the minimum wage because we didn't have a union contractor on the job.

We ought to pay people a decent wage, a living wage. All we're asking for is the prevailing wage. And when the gentleman from Florida, the ranking member, said earlier, this is an expansion. Technically, yes, because the law expired. The Republican majority allowed this legislation, State Revolving Loan Fund, to expire. It was last authorized in 1994, and they allowed it to expire and it hasn't been authorized since then. So technically you can say, yeah, it is new, it's new legislation. We are just restoring what was.

This amendment should be defeated.

Mr. MACK. I ask unanimous consent to reclaim my 30 seconds to thank the chairman.

The CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MACK. Mr. Chairman, I failed to mention earlier that, in the committee, when I brought this amendment forward, Chairman OBERSTAR was gracious and kind to allow this debate to happen on the floor, and I think that shows great character. I want to thank him for his efforts to have the debate on the floor so we can let the people in the United States hear what the Congress is up to on this amendment. Thank you so much.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

Mr. Chairman, with Davis-Bacon and the majority's introduction of the card check legislation earlier this week, the Democratic leadership is telling Big Labor that we're open for business and it's time to cash in on the backs of hardworking American taxpayers!

As Members of Congress, one of our jobs is to make certain that our county has safe, accessible, and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses to hire the workers they need to meet these goals.

Sadly, this is a bill we should all be able to support, but with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation and I in good faith cannot support it.

The Davis-Bacon Act, passed in 1931, is a throwback to failed Depression-era economic policy and is fiscally irresponsible. The act was originally passed with the intent of preventing nonunionized and immigrant laborers from competing with unionized workers for very scarce jobs. This provision forced communities to hire workers at higher prices and completely eliminated the pool of competition and competitive wages.

Davis-Bacon is essentially a federally-mandated, super-minimum wage provision that applies to federally-funded infrastructure projects. Many studies have concluded that Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs.

Davis-Bacon requirements ensure that wages are artificially set by bureaucrats not by free market forces.

Currently 18 states, inducting my home state of Florida have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with the 17 other states will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other states today—do not burden them with this reckless policy.

In 1987, the Clean Water Act stated that Davis-Bacon rates would only apply to contracts where direct federal dollars were used.

This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Loan Fund, is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is a fiscally irresponsible policy and should not be included in this legislation.

Repealing this Act would save federal taxpayers billions on construction and administrative costs. These numbers may seem trivial to some of my colleagues—especially in this era where the majority has spent more than a trillion dollars in the last month—but to my constituents this is completely unacceptable! If we repealed Davis-Bacon, we could use this savings to create more jobs and improve our water supply rather than just lining the pockets of Big Labor.

According to the Associated Builders and Contractors, Davis-Bacon has been shown to increase public construction costs by as much as 38 percent. A recent estimate from the Beacon Hill Institute suggests Davis-Bacon costs taxpayers $8.6 billion per year. I cannot believe that Members can sit back and allow this provision to be part of this underlying legislation.

Our taxpayers deserve better.

Mr. Chairman, at a time when we are debating the solutions to jumpstart our economy and the importance of job creation, the Democratic majority has incorporated a provision in this bill that would do just the opposite.

Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed. Including this provision in this bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity.

It comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they introduce the card check bill. These reckless policies promote inefficiency, and end up harming all of our constituents.

I hope this Congress will once and for all eliminate this antiquated barrier to job creation in the private sector.

We need to leave Davis-Bacon and these failed Depression-era policies where it belongs: in the history books!

I urge all members to vote for my amendment to strip the Davis-Bacon provisions and stand up for the American people, not Big Labor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I strongly oppose the amendment offered by the gentleman from Florida (Mr. MACK).

This amendment would strike the language renewing Davis-Bacon prevailing wage protections for construction projects funded under the Clean Water State Revolving Fund.

Since 1931, the Davis-Bacon Act has provided a living wage for America's workers.

As the authors of the Davis-Bacon Act knew then, and as we continue to know today, the greatest way to improve the quality of life for our nation's workers and for the nation as a whole is to provide workers with an honest wage for an honest day's work.

One of the unfortunate effects of today's economy and cost-of-living is that many families find themselves struggling to make ends meet.

In fact, today, many families either have both parents working or one wage-earner working multiple jobs just to afford a decent living for themselves and their families.

I believe that is important for the Federal government to help working Americans. It has been well documented by this Committee that every $1 billion invested in transportation and water infrastructure creates over 35,000 jobs.

In addition, the Davis-Bacon provisions have increased the numbers of minority and women construction workers nationwide, providing valuable wage protections and training opportunities for groups that might otherwise be left behind.

As of today, twenty-nine states have enacted their own prevailing wage laws for publicly funded construction projects. In some of these states, the prevailing wage laws result in even higher wages for workers than if the Federal Davis-Bacon provisions, alone, were in effect.

However, for those States without prevailing wage protections, the Davis-Bacon Act is essential to protecting America's workers.

I have heard statements from opponents of the Davis-Bacon Act who claim that the government would save money if the Davis-Bacon provisions were not included.

In fact, such a move would be penny-wise and pound-foolish, because such a move would not reduce the cost of construction projects.

Studies have shown that the prevailing wage protections offered by the Davis-Bacon Act, in fact, attract better workers with more experience and training who are more productive than less experienced, and less trained workers.

This increase in productivity often results in the completion of construction projects ahead of schedule, reducing the overall cost of the project, and offsetting any increased costs due to higher hourly wage rates.

Removing the Davis-Bacon protections would, however, have a significant downward impact on the Federal budget, since lower wages for construction workers would result in an estimate decline of $1 billion in Federal tax revenues.

I strongly oppose this amendment, and urge my colleagues also to oppose the amendment.

Ms. MACK. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MACK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MARKEY OF COLORADO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–36.

Ms. MARKEY of Colorado. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Ms. MARKEY of Colorado:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, strike ''10 percent'' and insert ''15 percent''.

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I rise today to urge my colleagues to support my amendment to require States to use at least 15 percent of each capital grant under the State Water Pollution Control Revolving Funds for municipalities of less than 10,000 people.

The State Water Pollution Control Revolving Funds have been a successful source of capital for wastewater treatment projects. The State Revolving Funds receive Federal money in the form of grants. Each State uses the fund to issue long-term, low-interest loans for publicly owned wastewater treatment construction. Loans are repaid to the fund, thereby ensuring a perpetual source of financing for capital projects.

According to the EPA, communities of less than 10,000 people often have a harder time building and maintaining wastewater treatment facilities due to financial limitations. This leaves small communities at a disadvantage for keeping up to date with water quality standards.

In my district, the town of Brush, Colorado, population 5,500, has a wastewater treatment facility that is 44 years old. While this facility is currently meeting water quality standards, it is in need of an overhaul to replace fatigued equipment and stay ahead of ever-changing water quality standards.

Replacement of the wastewater treatment plant is likely to cost Brush between $16 to $18 million. With a median household income of $31,000, the town of Brush simply cannot afford to finance the project with the rate increases alone. Brush is seeking funding through the State Water Revolving Fund program.

The needs of Brush are not unique to small communities around the country. The town of Wray, in Yuma County, Colorado, needs to expand their current wastewater treatment facility. This project is projected to cost up to $5 million. Wray has a population of 2,300 people, with a median household income of $29,000.

□ 1230

My provision would help small communities like Brush and Wray have reliable access to capital loans to sustain their long-term water quality goals. The 15 percent requirement would be in place only to the extent that there are sufficient projects in need of funding. In dry States like Colorado, where every drop of water is accounted for, it is important that rural wastewater treatment facilities are given the funding they need to ensure water supplies are safe.

I urge all Members to support my amendment to H.R. 1262.

Mr. OBERSTAR. Will the gentlewoman yield?

Ms. MARKEY of Colorado. Yes.

Mr. OBERSTAR. We accept the amendment.

Mr. Chair, I rise in strong support of the amendment offered by the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Maryland (Mr. KRATOVIL).

H.R. 1262 requires States to use at least 10 percent of their Clean Water State Revolving Fund capitalization grants for small and rural communities (communities that have populations of fewer than 10,000) to the extent that there are sufficient applications for assistance. The Markey-Kratovil amendment increases this percentage from 10 percent to 15 percent.

This amendment addresses the reality that many States have small and rural communities that have demonstrated clean water needs. For instance, 19 percent of Colorado's total wastewater needs are made up of systems that serve small communities. Similarly, in Maryland, 12 percent of the total needs are for small communities. In my own state of Minnesota, the figure is a staggering 39 percent.

Given the economic straits that currently grip the nation, it is increasingly difficult for small and rural communities to generate resources on their own to address their wastewater needs. This amendment provides the tools for small communities throughout the country to repair the wastewater infrastructure that we as a nation depend on for clean water.

I urge my colleagues to join me in supporting the amendment offered by the gentlewoman from Colorado and the gentleman from Maryland.

Mr. BOOZMAN. Mr. Chair, I also ask the gentlewoman to yield.

Ms. MARKEY of Colorado. Yes, I will yield.

Mr. BOOZMAN. We also do not oppose the amendment.

Ms. MARKEY of Colorado. Thank you.

Mr. Chair, I yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. I would like to thank the gentlewoman from Colorado for yielding.

Mr. Chair, I rise in support of the Markey-Kratovil amendment because this Congress needs to do more to ensure that rural communities receive an equal share of the funds needed to protect our environment, reduce pollution, and provide clean water.

Of the top 15 Clean Water Fund priorities in Maryland, eight of them are located in my district, the First District. Of those eight, six serve municipalities with populations under 10,000. Despite their relatively small populations, these small towns play one of the largest roles in protecting the Chesapeake Bay, our Nation's largest estuary with a watershed spanning six States and 64,000 square miles. By increasing the percentage of funds set aside for rural communities from 10 to 15 percent, we are taking a giant step forward in the repair of aging infrastructure, improvement of failing septic systems, and prevention of nutrients entering the Chesapeake Bay. These funds not only benefit the local communities by lessening their financial burden and helping to improve their infrastructure, but they benefit every family within the expansive watershed that relies on the bay for everything from commerce to recreation.

Oftentimes larger population centers are given funding priorities with the assumption that the benefits will find their way towards smaller suburban and rural communities. In the case of the Chesapeake Bay, the funding needs to focus on smaller, more rural areas that are on the front lines of protecting our environment.

The Clean Water State Revolving Fund is especially important to the Chesapeake Bay watershed, where nitrogen pollution degrades habitat for

key plants and animals in the bay's ecosystem, including underwater grasses, crabs, and oysters. As a result of nitrogen pollution, the Chesapeake Bay now functions at barely one-quarter of its estimated potential.

The funding also plays an integral role in upgrading sewage treatment plants that receive the majority of SRF funds. Wastewater discharged from sewage plants is the second largest source of nitrogen pollution to the Chesapeake Bay. When approximately 12 million of the 16 million residents of the watershed flush their toilets, the wastewater goes to sewage treatment plants and is discharged into the Chesapeake Bay and its tributaries. To date, more than two-thirds of those plants do not use any technologies to remove nitrogen pollution, and only 10 plants are currently reducing nitrogen pollution to the state-of-the-art levels, according to the most recent data available.

The Clean Water State Revolving Fund is the primary Federal funding mechanism to reduce water pollution and some of the more rural areas, especially those in my State and district, are the primary defenders of the environment. When allocating these funds, it's important to look past population and toward priorities so that the funding is more targeted for our long-term environmental health.

The CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–36.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MILLER of Michigan:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—MISCELLANEOUS

SEC. 6001. TASK FORCE ON PROPER DISPOSAL OF UNUSED PHARMACEUTICALS.

(a) IN GENERAL.—In furtherance of the national goals and policies set forth in section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251), the Administrator of the Environmental Protection Agency (in this Act referred to as the ''Administrator'') shall convene a task force (in this Act referred to as the ''task force'') to develop—

(1) recommendations on the proper disposal of unused pharmaceuticals by consumers, health care providers, and others, which recommendations shall—

(A) be calculated to prevent or reduce the detrimental effects on the environment and human health caused by introducing unused pharmaceuticals, directly or indirectly, into water systems; and

(B) provide for limiting the disposal of unused pharmaceuticals through treatment works in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(2) a strategy for the Federal Government to educate the public on such recommendations.

(b) MEMBERSHIP.—The task force shall be composed of—

(1) the Administrator (or the Administrator's designee), who shall serve as the Chair of the task force;

(2) the Commissioner of Food and Drugs (or the Commissioner's designee); and

(3) such other members as the Administrator may appoint.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to the Congress containing the recommendations and strategy required by subsection (a).

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the task force, the head of any department or agency of the United States may detail any of the personnel of that department or agency to the task force to assist in carrying out its duties under this section.

(e) TERMINATION.—The task force shall terminate 180 days after submitting the report required by subsection (c).

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, last year a constituent of the mine, Gail St. Laurent, told me of a story surrounding the passing of her mother, who had a long battle with cancer. Fortunately, her mother had very good insurance, so she was able to get many, many drugs administered to help her manage pain during the final days of her life.

Gail was there when her mother passed away, and before her mother was taken out of the room, Gail watched as an official took all of the remaining drugs that her mother had, including OxyContin, Marinal, and liquid morphine, and then this person flushed them down the toilet. Then Gail had to sign a form that she had witnessed them being flushed down the toilet. Now, not only were those drugs sent down the toilet and into our water system, but they were perfectly good, including two vials of liquid morphine delivered just that day, and could have been used to help other patients.

This is not an isolated incident. Only about 1 year ago, the Associated Press reported the results of a 5-month investigation into America's water, and their results were shocking. A vast array of pharmaceutical products were found in the water supplies and the water systems that serve millions of Americans their drinking water supply. These drugs were found in water systems all across our country, from Detroit to southern California, from San Francisco to New Jersey. These drugs, which included treatments for high cholesterol, sex hormones, and anti-depressants, have also been found to be causing havoc on our ecosystems, resulting in mutated plant and animal life.

Now, there are a number of ways pharmaceuticals can end up in our lakes or our rivers and our water supplies. But the most direct route right now is when health care facilities and individuals flush unused drugs down the toilet. As this issue began to get more attention, I learned that Federal agencies have issued varying guidelines on how to dispose of drugs that are no longer needed. The AP actually noted that the government has an inconsistency in this area, and this is a follow-up story from September of 2008, and I quote:

''Federal agencies don't have a consistent message. For example, the Fish and Wildlife Service says do not flush unused medications, while the White House, backed by the FDA and the EPA, says flush prescription drugs down the toilet if they are on the list in the special guidelines. Meanwhile, the Drug Enforcement Administration says there is no safe, secure, and reliable disposal system for some narcotics.''

Mr. Chairman, if we are to begin the process of cleaning up our water and safely disposing of these drugs, the Federal Government's message needs to be consistent in telling consumers what to do.

My amendment very simply directs the EPA to convene a task force of the relevant Federal agencies to develop uniform recommendations on the proper disposal of unused pharmaceuticals. These recommendations would be designed with the goal in mind of reducing the detrimental effects caused by unused pharmaceuticals entering our Nation's water supply. The task force would also develop a strategy to educate the public on these recommendations. And I would hope that the task force could also find a safe way to allow for unused drugs to be given to other patients who would benefit from their use.

A year from enactment, the task force would then be required to submit a report to the Congress on their findings, and 6 months later, the task force would be disbanded.

So while I do not expect that this problem will be solved overnight, I feel strongly that we must begin paying proper attention to this issue because of its impact on our environment and its potential impact on public health. This amendment can get us started on working toward a solution. And if we can get everybody on the same page in terms of how to dispose of these products properly, then perhaps we could take a very significant step forward towards protecting our Nation's drinking water supply.

I certainly want to thank my friend Gail St. Laurent not only for the loving care that she gave to her mother but also for bringing this serious issue to my attention. Gail has really endeavored to make something good happen from that instance in her life.

I would urge my colleagues to support this amendment.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the distinguished chairman.

Mr. OBERSTAR. The gentlewoman has brought to the committee and to the House a very, very important amendment. To establish a Federal task force, Federal agency task force, to develop recommendations for proper disposal of pharmaceuticals, to educate the public on the effect of those pharmaceuticals on the environment. The Fish and Wildlife Service has reported over a period of years the effect of estrogen on aquatic life, disrupting the condition of frogs and fish not only in inland waters but also in the Great Lakes waters.

This is a critically important issue, and I thank the gentlewoman for bringing it forward and urge its adoption. We support the amendment on our side.

Mr. OBERSTAR. Mr. Chair, I rise in support of the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

This amendment will move us forward in addressing a growing issue of concern in our nation's waterways—the presence of pharmaceuticals.

Congresswoman MILLER's amendment convenes a Federal agency task force to develop recommendations to properly dispose of unused pharmaceuticals, as well as to develop a strategy to educate the public on those recommendations.

Every day, individuals and healthcare facilities improperly dispose of unused pharmaceuticals by pouring them into drains or flushing them down toilets. Presently, our wastewater treatment systems are either unable to properly treat many of these substances, or must expend large resources to capture some of them. As a result, pharmaceuticals are being detected throughout our nation's rivers, lakes, and streams. In a series of recent studies, the United States Geological Survey has identified substances such as acetaminophen, caffeine, hormones such as estrogen, and steroids throughout water bodies. While present in very small quantities, the short- and long-term impacts of these substances on human and aquatic health are largely unknown. However, it only makes sense that changing the manner in which we dispose of these substances may well result in fewer pharmaceuticals in lower concentrations ending up in our nation's waters.

The Federal task force that will be convened pursuant to Congresswoman MILLER's amendment will provide recommendations that will help to limit the improper disposal of pharmaceuticals.

I urge that my colleagues join me in supporting the amendment offered by the gentlewoman from Michigan

Mrs. MILLER of Michigan. I thank the chairman for his comments. And I would certainly yield to our ranking member from the subcommittee as well.

Mr. BOOZMAN. Thank you very much for yielding.

We appreciate the gentlewoman's bringing this forward, and we certainly don't oppose it.

Mrs. MILLER of Michigan. Mr. Chairman, I urge my colleagues to adopt the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–36.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 5 in the resolutions providing for consideration under H.R. 1262.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FLAKE:

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, before paragraph (1), insert the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—''.

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, add after paragraph (5) the following:

''(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmarks as defined in clause 9d, of Rule XXI of the rules of the House of Representatives.''

The CHAIR. Pursuant to House Resolution 235, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial in nature. It would simply ensure that the Federal capitalization grants for State water pollution control revolving funds remain formula-based. These Federal grants to the States haven't historically been earmarked, and this will simply ensure that that remains the case for the next 5 years.

I would submit that just because an account or a program hasn't previously been earmarked doesn't mean it won't be in the future.

We all remember that when the Department of Homeland Security was created in 2002, we were told this will not be earmarked. This is going to go out formula-based. It will be grants, merit based, just to protect the Nation. And that held true for about 5 years. However, in the past couple of years, it's been earmarked heavily, particularly the funding for FEMA's pre-disaster mitigation program. This was a program intended to save lives and reduce property damage by providing funds ''for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.''

But rather than continuing the practice which had been to allow these grants to be given out on a merit-based basis, Congress decided to earmark this, and in 2007, nearly half of these funds were earmarked. In fiscal year 2008, about 128 earmarks worth $400 million were included in the Homeland Security funding.

So this is not an idle concern, I think, that some of us have. Here's a program that I think by all accounts is working and working quite well, and we simply can't afford to have money in this program being drained off through earmarks.

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

Mr. OBERSTAR. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Chairman, there are no earmarks in this bill. There are no earmarks in the stimulus provisions that were part of the Recovery Act covering the State Revolving Loan Fund, because we specifically opposed using any individual designation for projects within the stimulus.

The money appropriated for the State Revolving Loan Fund from 1987 on, and actually it started in 1981, there were no earmarks at that time. But we made it very clear in 1987 in our committee that these funds would go out by a statutory formula in section 205(c) of the Federal Water Pollution Control Act.

The State of Arizona, for example, receives its statutorily defined share of .6831 percent. It's not an earmark. It's a statutorily determined amount that goes to the gentleman's State of Arizona, where the decisions are made by the counterpart agency, the Water Infrastructure Finance Authority, counterpart to our Minnesota Water Infrastructure Financing Authority.

□ 1245

And every State has a similar such authority. I would further say, Mr. Chairman, to the gentleman, that at no time in the history of the 22-year length of this program has there been any earmarking for any project.

But if the gentleman wishes to offer this amendment, we are happy to accept it to make a further statement that we have confidence over the years of operation of this program that States rank their projects, that State agencies rank their projects, as in the State of Minnesota, 1 through 261, on a merit basis. They have a point system. Other States have something similar.

There is no reason for Members of Congress to sigh that the executive branch isn't doing its job properly in allocating the funds authorized for their respective States. It's only where States aren't attending to the needs of Members that they come to the Appropriations Committee or to our committee and say, ''Oh, well, look, we are not being well served. Could you designate something?''

We don't do that in aviation, we don't do that in the clean water program, we don't do that in other programs. So I think the gentleman's amendment is quite appropriate here.

I reserve the balance of my time.

Mr. FLAKE. I thank the chairman. I appreciate the discussion. I appreciate the fact that it has not been earmarked. As I mentioned, I noted that, and I just hope that this is the case in the future.

The problem is with other accounts—in the Homeland Security, for example—we were told these will not be earmarked, and they, in fact, have been. And so I hope the chairman is successful in beating off attempts to earmark.

And I hope, further, that he is successful in other legislation as well, such as the highway bill that we will be doing before long. Because I think that States like Arizona, particularly a lot of the donor States, would be a lot better off.

Many of us would be better off if people in a local capacity are made to make that decision rather than somebody here. I think we find the case that those who are in a position of authority here sometimes take the lion's share of the funding, and it sometimes isn't fair to many of us, and we know that——

Mr. BOOZMAN. Will the gentleman yield?

Mr. FLAKE. I will yield.

Mr. BOOZMAN. We appreciate you bringing forth your amendment. We understand your concern, and we will certainly not oppose your amendment.

Mr. FLAKE. Thank you.

I yield back.

Mr. OBERSTAR. How much time do I have remaining?

The CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. OBERSTAR. Just very briefly, and I appreciate the gentleman from Arizona taking a very principled stand on this issue of earmarks, but it's just, as a matter of historical note, there was a time when the Congress, the House and the Senate together worried about and raised questions about inappropriate spending by the Executive Branch.

It was a Senator from Wisconsin, Mr. Proxmire, who every Sunday night would issue his Golden Fleece Award to a government Executive Branch agency that was inappropriately using taxpayer dollars. And over time someone shifted it to take aim at the House or the Senate and shoot ourselves in the foot.

This is not the point for a broader discussion of the matter of constituent-inspired initiatives in Federal legislation, but there will be another time when I will welcome the opportunity to discuss with the gentleman from Arizona the upcoming surface transportation bill and how these matters are managed in that context. I ask support of the amendment.

Mr. Chair, I rise to speak on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

While I will not oppose the amendment offered by the gentleman from Arizona, I think it is fair to point out that the gentleman's amendment, however well intentioned, does not fit well within the context of the Clean Water State Revolving Loan Fund ("Clean Water SRF").

Since its inception in 1987, funds from the Clean Water SRF are distributed directly to the States through a statutory formula—found in section 205(c) of the Federal Water Pollution Control Act.

These funds—of which the State of Arizona receives a statutorily defined share of 0.6831 percent—are distributed directly to the gentleman's home state, where funding decisions on individual projects are determined by the Water Infrastructure Finance Authority of Arizona.

To the best of my knowledge, at no time during the 22-year history of this program, have funds been statutorily "earmarked" for a certain project, in any state. Nothing in H.R. 1262 would change that history. There is not a single earmark in this bill, and the Committee does not contemplate changing the process for distributing funding to the States via statutory formula.

I understand that the gentleman is doggedly-focused on his concern about Congressional earmarks, but this is an amendment in search of a problem.

Given the history of the Clean Water SRF, and the certainty that this amendment will have no impact on the traditional operation of the program, I urge my colleagues to join me in supporting the amendment offered by the gentleman from Arizona.

I am hopeful that, unlike last year, our acceptance of the gentleman's amendment will make him more likely to support final passage of this vital investment in our nation's clean water infrastructure.

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

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–36.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Colorado (Mr. POLIS), I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. OBERSTAR:

In section 1103(a)(2)(C) of the bill, in the matter proposed to be inserted in section 122(a)(4) of the Federal Water Pollution Control Act, strike the closing quotation marks and the final period and insert the following:

"(5) MUNICIPALITY-WIDE STORM WATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of storm water technologies and management approaches, including green infrastructure, to reduce water quality impairments from storm water on a municipality-wide basis.".

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The amendment authorizes the use of Clean Water Act section 122 grant funds for municipality-wide stormwater management planning, a very, very important initiative. We have discussed it many times in years past. If the gentleman had raised it in the course of our consideration of this legislation, we would have included it in the base of our bill, but our bill moved along much faster than most Members anticipated.

He has presented it to the Rules Committee, it was made in order. We support the amendment on both sides of the aisle.

Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. POLIS).

This amendment authorizes the use of Clean Water Act section 122 grant funding for municipality-wide stormwater management planning.

Congressman POLIS' amendment will provide municipalities across the nation the means to evaluate, and then plan for, effective and comprehensive stormwater response strategies. Central to this amendment is the incorporation of "green infrastructure" technologies and approaches into a municipality's stormwater system

Developing an effective response to stormwater should occur from a system-wide perspective. In too many instances today, municipalities try to address their stormwater needs on an ad hoc, piecemeal basis. This approach doesn't make sense from either a cost or effectiveness perspective. Providing funding for communities to do system-wide analysis and planning will result in the placement of the best technology and approaches in the most effective locations. Cities will be able to target their resources at the most valuable sites.

Currently, municipalities have a number of options of stormwter technologies and approaches. They can construct traditional, or grey, stormwater infrastructure, such as pipes and deep tunnels; or they can develop "green infrastructure" technologies and approaches, such as swales, green roofs, and rain gardens. These green infrastructure approaches actually result in less stormwater entering the traditional stormwater system, through the use of infiltration and evapo-transpiration technologies. Congresman POLIS' amendment will provide municipalities with the means to choose the best mix of technologies and approaches for their distinctive localities. This comprehensive approach will result in better water quality at lower cost.

I strongly urge my colleagues to join me in supporting the amendment offered by the gentleman from Colorado.

I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. OBERSTAR.

Mr. Chairman, we have no problems with the amendment.

Mr. OBERSTAR. Developing effective response to storm water is the purpose of this amendment. It incorporates green infrastructure technologies and

approaches into developing municipal stormwater systems.

I urge support of the amendment and yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ROSKAM

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–36.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ROSKAM:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—OMB STUDY

SEC. 6001. EVALUATION USING PROGRAM ASSESSMENT RATING TOOL.

(a) STUDY.—The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, under the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget.

(b) REPORT.—The Director shall transmit to Congress a report on the results of the study.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. You know, in a nutshell, this is an effort—and I don't know of any controversy about it, I think it enjoys quite a bit of support—but it's an effort to create a tool to evaluate the success of the program.

Let me just read the amendment. It's very, very brief. It says, ''The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, including the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget.''

You know, the genesis of this was really coming out of President Obama's inaugural speech, where he said let's look at programs that are working and get behind them. If they are not working, then let's make some decisions and abolish those programs, quite frankly, that are not working.

So this would simply require all the programs authorized under the legislation to be reviewed by OMB and their Program Assessment Rating Tool, and that is just an effort to rate the effectiveness of Federal agencies and programs by assessing purpose, planning, management and accountability.

And in the interest of transparency, it will ensure that the authorizations of H.R. 1262 are analyzed for effectiveness. Really, in this area where Americans, I think, are trying to look with confidence about what their government is doing and how things are being spent this, I think, serves everybody's interest.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. ROSKAM. Yes.

Mr. OBERSTAR. We accept the gentleman's amendment. It's a thoughtful, useful, important tool. The committee has always insisted on transparency and accountability, and we welcome this recommendation of a study and a review and recommendations from OMB.

Mr. Chair, I rise in support of the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The gentleman's amendment directs the Director of the Office of Management and Budget (''OMB'') to conduct a study of the programs authorized by this Act using the Program Assessment Rating Tool (''PART''), or a successor performance assessment tool that may be developed by OMB in the future.

I welcome the independent review of Federal programs to make sure that they are meeting the goals and purposes for which they were created. This independent review of agency actions and programs provides policymakers with valuable insight into agency performance, as well as the opportunity to make changes to improve the overall operation of Federal programs.

The Committee on Transportation and Infrastructure has a long history of ensuring proper oversight of Federal programs and activities. For example, in the Water Resources Development Act of 2007, the Committee established an independent review process for the development of project studies performed by the U.S. Army Corps of Engineers. Independent review of projects should ensure the development projects that are justified both on the basis of costs and benefits, but also on the best scientific and engineering analyses currently available. We should all welcome the opportunity for such scrutiny.

Mr. Chairman, I am heartened by President Obama's commitment to transparency, accountability, and oversight, and I am hopeful that this review will demonstrate the overall effectiveness of the Clean Water authorities contained in this legislation.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. ROSKAM.

We appreciate you bringing this amendment forward. I think it will be a useful tool that we can evaluate in the future. We appreciate your hard work and certainly do not oppose it and will support it.

Mr. ROSKAM. I want to thank Chairman OBERSTAR and the members of the committee.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–36.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. DAHLKEMPER:

In section 1303(c) of the bill, in the matter proposed to be inserted as section 603(d)(1)(E) of the Federal Water Pollution Control Act—

(1) strike ''and'' at the end of clause (ii);

(2) redesignate clause (iii) as clause (iv); and

(3) insert after clause (ii) the following:

''(iii) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

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

I want to thank Chairman OBERSTAR and the committee on bringing this important legislation to the floor. I also want to thank Chairwoman SLAUGHTER for allowing this amendment.

Mr. Chairman, my amendment to H.R. 1262 helps ensure that conservation of both water and energy are elements in water and sewer system planning as these elements of our infrastructure are upgraded both now and in the future. Under the legislation, water treatment works operators are required to develop and implement a fiscal sustainability plan to be eligible for assistance.

Specifically, my amendment requires an assurance that both energy and water conservation are considered in an operator's fiscal sustainability plan. As water and energy costs continue to pose challenges for much of the country, we can help ensure that consumers are getting the most economical service by assuring that those responsible for providing water to our communities incorporate conservation explicitly into plant repair, replacement or expansion plans.

More efficiency in our water structure is desperately needed, as we learned in a recent Science and Technology hearing. Chairman GORDON cited how cities like Chicago lose upwards of 60 percent of their water in transit from treatment facilities to faucets, and that water rates have increased 27 percent over the past 5 years throughout the United States.

I believe conservation of water and energy are natural components of a fiscal sustainability plan, given their impact on an operating authority's structure, and that conservation of both

also serves broader national conservation policies. This amendment will promote greater taxpayer savings and increase efficiency in our Nation's water quality system, and I urge a ''yes'' vote.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentlewoman yield?

Mrs. DAHLKEMPER. I would yield to the chairman.

Mr. OBERSTAR. I thank the gentlewoman for yielding.

We accept the amendment on this side.

Mr. Chair, I rise in strong support of the amendment to H.R. 1262 offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

This amendment requires a certification be completed that Clean Water State Revolving Fund loan recipients conduct energy- and water-efficiency reviews and implement conservation measures that are forthcoming.

It is only fitting that the Member who represents Titusville, Pennsylvania, would offer this amendment. It was in Titusville, in 1859, that oil was first successfully drilled in the United States. It is fair to say, then, that energy has been a central part of the life, history, and culture of the residents of Pennsylvania's Third District.

In offering this amendment, Mrs. DAHLKEMPER has demonstrated the importance of energy to all facets of modern life, including the operation of wastewater treatment facilities. These operations are typically among municipalities' largest users of energy. Requiring that wastewater treatment facilities undertake a robust assessment of their energy usage and operations can ultimately result in less energy being expended, decreased energy bills for local governments, and fewer greenhouse gas emissions. The amendment will apply 21st century energy solutions to 20th century technologies.

I urge my colleagues to join me in supporting the amendment offered by the gentlewoman from Pennsylvania.

Mr. BOOZMAN. Will the gentlewoman yield again?

Mrs. DAHLKEMPER. I yield to the gentleman.

Mr. BOOZMAN. We also accept the amendment.

Mrs. DAHLKEMPER. I would now like to yield 1 minute to the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, I rise today in support of the amendment and express my gratitude to the House for approving my amendment to improve the cleanliness of our waterways and strengthen our towns and city stormwater management.

Everyone knows when it rains, the excess rainwater that runs down our streets and sidewalks and into the drainage pipes that line our city streets eventually ends up in our streams and rivers.

The pollutants include toxins from our cars, such as unburned hydrocarbons, soot particles, copper from brake pads, zinc, cadmium, rubber from tires and other petroleum products. It also includes pesticides and herbicides from our yards.

My amendment addresses this problem by encouraging the use of bioswales and other sustainable stormwater management systems. A bioswale relies on vegetated natural systems alongside roads and parking lots to slow and filter the water before it ends in our drainage systems. Vegetation enhances both interception and evaporation of rainfall through its leaves.

Studies show that natural landscaping in a residential development or along streetways can reduce annual stormwater runoff volume by as much as 65 percent. It's no wonder that cities are starting to realize the benefits of bioswales and green infrastructure, including my City of Boulder, Colorado; Portland, Oregon; and Seattle, Washington, among the leaders in this area.

The increased interest is a response to mounting infrastructure costs of new development or redevelopment projects, but also more vigorous environmental regulations.

The CHAIR. The time of the gentleman has expired.

Mrs. DAHLKEMPER. I yield the gentleman an additional 15 seconds.

Mr. POLIS. This amendment recognizes the relationship between the natural environment and the built environment and manages them as integrated components of a watershed.

□ 1300

Mrs. DAHLKEMPER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. WITTMAN

The Acting CHAIR (Mrs. CAPPS). It is now in order to consider amendment No. 9 printed in House Report 111–36.

Mr. WITTMAN. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WITTMAN:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY

SEC. 6001. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 3 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) MINIMUM FUNDING LEVELS.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to $100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to $50,000.

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President's annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

SEC. 6002. ADAPTIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities that includes—

(1) definition of specific and measurable objectives to improve water quality;

(2) a process for stakeholder participation;

(3) monitoring, modeling, experimentation, and other research and evaluation practices;

(4) a process for modification of restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) IMPLEMENTATION.—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) UPDATES.—The Administrator shall update the adaptive management plan developed under subsection (a) every 3 years.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the adaptive management plan required under this section for such fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

(3) EFFECTIVE DATE.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

SEC. 6003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADAPTIVE MANAGEMENT.—The term ''adaptive management'' means a management technique in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) CHESAPEAKE BAY STATE.—The term ''Chesapeake Bay State'' or ''State'' means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) CHESAPEAKE BAY WATERSHED.—The term ''Chesapeake Bay watershed'' means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) CHIEF EXECUTIVE.—The term ''chief executive'' means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(7) RESTORATION ACTIVITIES.—The term ''restoration activities'' means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

(A) Physical restoration.

(B) Planning.

(C) Feasibility studies.

(D) Scientific research.

(E) Monitoring.

(F) Education.

(G) Infrastructure Development.

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

I am honored to represent Virginia's First Congressional District. Improving the health of our Chesapeake Bay is a priority to me and to my constituents.

The First District has more miles of shoreline than any congressional district in the United States, and the Chesapeake Bay is extraordinarily important to those of us in that district, as well as to other people up and down the basin.

This bill's underlying commitment to improving water quality in our Nation's waterways is commendable. My district and the Chesapeake Bay has significantly benefited from investment in wastewater treatment infrastructure in the past and will so into the future.

I believe there's a deep sense of frustration in the Chesapeake Bay watershed about the progress we've made to restore the Bay. Yes, there have been successes. I don't want to belittle what has been done. However, with all the Federal, State, local and private partner investment, we would like to see more accomplishments.

Our Chesapeake Bay is extraordinarily important. We have heard conversations here about jobs, and certainly jobs related to building sewage treatment plants and water quality improvements are extraordinarily important. But improving the water quality in the Bay also has job ramifications.

By increasing water quality, improving water quality, we create a greater realm of natural resources in the Bay. And we hear about issues of sustainability in the Bay; we hear about oyster populations being at 1 percent of historical levels; we hear about reduction in crab harvests by 70 percent; we hear about problems with our fin fish populations.

Folks, the men and women that make their living off of the water continues to decline. And it is those natural resources that create sustainable jobs. I would suggest that by improving water quality, we also grow jobs, both in the seafood industry and by those that make their living off of the water, whether it's through commercial interests or through leisure and sport interests. These are all extraordinarily important, and those resources are directly tied to water quality.

My amendment to this bill is similar to H.R. 1053, the Chesapeake Bay Accountability and Recovery Act. I have authored this legislation to help clean up the Bay because I believe that it is very much a matter of national importance that this national treasure be restored.

My amendment would implement and strengthen management techniques like crosscut budgeting and adaptive management to ensure that we get more bang for our buck and continue to make progress in Bay restoration efforts.

Both of these techniques, I believe, will ensure that we are coordinating how restoration dollars are spent, and that we make sure everyone understands how individual projects fit into the bigger picture. That bigger picture is making sure that we restore the Chesapeake Bay. That way we know that we are not duplicating efforts, spending money that we don't need to, or worse, working at cross purposes between agencies, both at the Federal, State and local levels.

My amendment would require OMB, in coordination with State and Federal agencies involved in the Bay, to report to Congress on the status of Chesapeake Bay restoration activities. My amendment would also require EPA to develop and implement an adaptive management plan for the Chesapeake Bay and all of the related restoration activities.

Adaptive management relies on rigorous scientific monitoring, testing, and evaluation, and also provides for the flexibility to modify management policies and strategies based on changing conditions. Folks, the Chesapeake Bay continues to change, and we should also change along with it how we manage the restoration activities therein.

Crosscut budgeting and adaptive management should be key components for the complex restoration activities that are occurring presently within the Chesapeake Bay Basin.

Madam Chairwoman, I want to thank the Rules Committee for making this amendment in order, and thank Chairman OBERSTAR and Ranking Member MICA for their consideration. I also ask my colleagues to support my amendment to help restore the Bay.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, though I do not oppose the amendment, I ask unanimous consent to take the time in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Thank you.

I support the amendment of the gentleman, and I also want to note that all amendments requested by Republican members of the Rules Committee have been made in order, though not all Democratic requests were made in order.

I just want to make that little observation to ensure that our committee is being fair and open and, more importantly, inclusive.

The gentleman's amendment is extremely important, as was the offering by the gentleman from Maryland, Mr. KRATOVIL, along with Ms. MARKEY. The Chesapeake Bay is not just a Virginia-

Maryland resource, it is a national and international treasure. It is an estuary.

The estuaries of the world are the places where the meeting of fresh water and salt water creates new forms of life. They are resources for the future. They are a window on the past. And the Chesapeake Bay, perhaps the greatest of all estuaries in the world, has been deteriorating at an alarming pace.

There was a time when the oysters of the Chesapeake Bay turned over that water once every 24 hours. There were millions of oysters. They are down to 1 percent of their number. Shad are down; rockfish are coming back; crabs are down. Why? It's not the watermen who are taking too much, although they are taking more than they probably should be, under these deteriorating, declining conditions of fish and shellfish in the Bay.

But it's the waters from as far as New York, Pennsylvania, and West Virginia, as well as Maryland and Virginia, that come in the Rappahannock and the Shenandoah and others that discharge into the Bay, along with the Potomac and the Anacostia, that are bringing pollutant loads and toxic materials into the Bay that are killing the fish and the shellfish and the life of this Bay.

I was very pleased when President Obama designated Lisa Jackson to be administrator of EPA. I had a conversation with her before her confirmation. And after her confirmation she said, ''I will make the Chesapeake Bay a priority consideration during my service.'' And she has already designated a special advisor to deal with the needs of the Chesapeake Bay and the Anacostia River.

I want to assure the gentleman and all of our colleagues that the Committee on Transportation and Infrastructure will consider reauthorization of legislation governing the quality of waters of the Chesapeake Bay, but we are going to do this in due course after extensive review and consideration of nonpoint source pollution. And the recommendations from the OMB from the gentleman's amendment will be important in making sure that we take the right policy choices to bring back this Bay, to restore this quintessential estuary and protect future forms of life that can be created in this great meeting place.

I thank the gentleman for his amendment, and I urge its support.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

This amendment requires the Director of the Office of Management and Budget to submit to Congress a financial report containing an interagency crosscut budget for restoration activities that protect, conserve, or restore water quality in the Chesapeake Bay watershed. It also directs the Administrator of the U.S. Environmental Protection Agency to make management decisions on an adaptive and ongoing basis.

I commend Congressman WITTMAN for making a good and initial step on addressing the ongoing, water quality problems in the Chesapeake Bay. I appreciate his raising this issue at this time.

This magnificent estuary has occupied a central place in our nation's history. The English explorer, John Smith, established the first permanent English settlement in North America, Jamestown, on the shores of the Chesapeake. And while the Chesapeake Bay watershed transcends only six states, it is the collective context of its history, its vast recreational outlets, and its important fisheries that sum to add to our economy and culture as a whole. Therefore, the degradation of the Chesapeake Bay must be perceived as a national problem—and not simply a regional one. For example, many of the Bay's fish and shellfish populations are below historic levels. Just this past year, both Maryland and Virginia announced stringent catch limitations on blue crabs due to significant declines in populations. Oysters are at less than one percent of historic levels, and the abundance of shad is only at 22 percent of the targeted recovery goal.

It is only through a renewed Federal and congressional commitment to the Bay that we will be able to make the necessary changes to address its varied problems. To this end, the Obama administration has already begun moving in the right direction. The EPA Administrator has already selected a special advisor who will focus on rehabilitation of the Chesapeake Bay and the Anacostia River and the Administrator's appointment signals the agency's commitment to this special region.

The Committee on Transportation and Infrastructure will consider reauthorization of the Chesapeake Bay Program in this Congress and the OMB analysis of a crosscut budget will help ensure that we make the right policy choices to rehabilitate the Chesapeake Bay.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Virginia.

I reserve the balance of my time.

Mr. WITTMAN. I'd like to yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. I would like to associate myself with the chairman's remarks. I can't say it as eloquently as he did, but I think that we are all very much in agreement that this is a very, very important body of water that needs to be protected, and we appreciate the gentleman from Virginia stepping forward with this amendment. And we certainly will support it.

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

Mr. WITTMAN. I would like to thank, again, the chairman for his remarks. He is indeed correct. The Chesapeake Bay is a national treasure and an international treasure. It has tremendous economic value, but it also has tremendous cultural value. It is a symbol of not only the eastern part of the United States, but the United States in general.

I don't think any of us have misgivings about wanting it to be back where it was when Captain John Smith landed here. We certainly would like for it to be there, but I'm a realist and know that it may not get to that point.

I think it's realistic to expect that we can get it back to where it was in the middle part of this century, in the 1950s, when it was, by far, the most productive body of water in the world. It is critical not only economically, but culturally to this country.

I do thank the chairman, again, and the members of the Rules Committee for consideration of this.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–36.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill is amended to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking ''this section $750,000,000'' and all that follows through the period at the end and inserting ''this section $500,000,000 for each of fiscal years 2010 through 2014.''

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

I want to take this opportunity to thank the chairman of the committee for his tremendous work on this bill. I bring before the House a simple amendment, and that amendment simply increases the authorization for combined sewers and sewer overflow grants from $1.8 billion to $2.5 billion over the 5-year period. I think this is critically important, and I think we need to put this in perspective, Madam Chair.

The EPA estimates that the total need for combined sewer overflow systems in the United States is $54.8 billion. The need for improvement in sanitary sewers, as estimated by the EPA, is $88.5 billion. That is a total, Madam Chair, of $143 billion in needed investment for sewer infrastructure in these United States.

I hail from Cincinnati, Ohio. In Cincinnati, it's estimated that the cost to fix the sewer problem is almost $3 billion. My colleagues around the Midwest and the east coast share our pain. So this is a simple amendment that would simply increase the amount to $2.5 billion.

Just as a point of information that I think is important: Since 2003, the United States has allocated $2.7 billion for water and wastewater infrastructure improvement in Iraq. I would think that we could do at least this much in the United States.

I would yield 1 minute to my friend and colleague from New York (Mr. MCMAHON).

Mr. MCMAHON. I rise today as a cosponsor of the amendment offered by my good friend, the gentleman from Ohio (Mr. DRIEHAUS) to increase the amount for sewage control grants in this bill to $2.5 billion. I also commend the great chairman of the Committee on Transportation and Infrastructure, Congressman OBERSTAR, for his great work, and commend him for the great spirit of bipartisanship which he's engendered in this room today.

H.R. 1262 provides critical assistance to communities across the Nation for sewage water runoff, watershed restoration, and other water infrastructure projects. As a former New York City councilman and head of the sanitation committee for New York, I know that municipalities rely on these funds.

As the gentleman from Ohio said, there's a backlog of $140 billion worth of projects. Imagine this. In Staten Island, houses were built without sanitary sewers. This needs to be resolved. The Federal Government has to help us.

So that is why this amendment is so important. It will increase support that is so badly needed across this country and in my district.

Mr. DRIEHAUS. I thank the gentleman from New York, and I would yield 1 minute to my colleague from Ohio, from northern Ohio, who also shares this problem with his constituency, the gentleman from Ohio (Mr. BOCCIERI).

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

Mr. BOCCIERI. I rise in support of this bill and this amendment, and I applaud the chairman of our distinguished committee for his efforts to make this a bipartisan bill. This bill makes key investments to improve water quality, and could create approximately 480,000 jobs over the next 5 years. This will also bridge the gap of our local communities—who experience significant financial trouble—$3.2 to $11 million annually in trying to fill the gap to modernize their water needs.

□ 1315

The Driehaus amendment would further improve our ability to manage wastewater infrastructure by increasing funding for sewer overflow and control programs.

Sewage overflow is dangerous to all of our constituents, but these days our communities are facing tight budgets that prevent them from addressing these serious and most basic infrastructure needs. We know our country's wastewater infrastructure is old and crumbling, and we must do our part here in this legislation to improve that. Adequate funding will not only preserve the environment and our local political subdivisions to help them modernize their aging sewer infrastructure. It will protect lives. If we did it in Iraq, we should do it here in America.

I rise and support this amendment of the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. We support the gentleman's amendment. It is vitally important to deal with combined storm and sanitary sewer overflows. Seven hundred million dollars is peanuts compared to a whole lot of other expenditures that have been made in the TARP and the rest. So this is a real investment whose benefits we and future generations will see.

Mr. BOOZMAN. If the gentleman will yield, I also support the amendment.

Mr. DRIEHAUS. I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Chair, I rise to claim the time in opposition to this amendment and reserve my ability to object.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. I know there are many sewer projects all around this country that need funding. There are two that have been already authorized through the Water Act of 2007 that are in my district that we are trying to find funds for. But what I have an objection to is, we are continuing to build greater and greater debt for our children across the country, and not only our children, but our grandchildren. I think their standard of living is going to be much lower than ours today if we don't stop this borrowing of funds from our grandchildren.

We see budget after budget that continues to increase the Federal debt, and we have just got to stop the spending. We are spending too much, we are taxing too much, we are borrowing too much, and at some point we have got to stop that, because our grandchildren are going to pay a very heavy price for us doing so. So I call upon my colleagues on the Democratic side for us to work together to try to find some ways to bring forth these worthwhile projects, but to stop borrowing from our grandchildren and our children. It is absolutely critical for the future of this Nation that we do so.

The Democratic budget that has been presented by the administration does nothing but increase the debt, and we have got to stop it. It is absolutely critical for the future economic well-being of this Nation. Republicans have presented many, many ideas that have not been considered by the leadership of this House nor by the Senate nor by the administration. I call upon my Democratic colleagues to work with us, to consider the things that we bring forth as potential solutions to the economic woes we have as a Nation.

American people are hurting. They are hurting tremendously. We are hurting small business, which is the economic engine of America. We are taxing and we are overregulating them, and we have got to stop it. We have got to build a strong economy in America, and just stop this idea that we can spend more and more money. Consequently, I have objections to continuing to build greater debt for our Nation.

So I call upon my colleagues on the Democratic side, let's work together, consider alternatives, consider ways of solving this economic crisis we have as a Nation, and not continue down this road that I believe is going to lead to not only lengthening the recession and deepening the recession, but, as Warren Buffett just said yesterday and the day before, off the cliff. And I think we may very well be headed to a deep depression, deeper than we saw even in the thirties, if we don't stop the spending that we are doing here in this Nation.

So I call upon my colleagues on the Democratic side, please, let's work together. Let's find some commonsense solutions to these economic woes that we have as a Nation, and do some things for the American people, not for government. Government is not the solution. The private sector is the solution. Small business is the solution. We have got to find those solutions that make sense economically for this Nation. Socialism never has worked, never will work, and it won't work today.

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

Mr. DRIEHAUS. Madam Chairman, we certainly are hurting. And this country is hurting because of a failure, a failure to invest in basic infrastructure over decades and decades. That is why this country is hurting.

I would remind my colleagues on the other side of the aisle that this is an authorization. This is an authorization to say we in the United States, the people that inhabit our cities, deserve as much attention as the folks in Iraq. This actually doesn't even get up to the level of spending on sewers and water projects that we have spent in Iraq over the last 5 years.

So I would remind my colleagues that this is an authorization, not an appropriation, and that the appropriate committees can determine the prioritization; because this is about priorities. We are saying through this amendment that infrastructure and sewer spending is a priority of this Congress, and I would hope that the Appropriations Committee would take the time to validate that and move forward. This is not about spending more; it is about identifying priorities.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I understand this is an authorization. There is no question in my mind what this stands for. And, frankly, in my opinion, we have spent too much money not only since we have had a Democratic majority in the House and

the Senate, but also the previous administration.

Mr. OBERSTAR. Madam Chair, before proceeding with the vote, I ask unanimous consent to proceed for 2 minutes, equally divided, between the Democratic side and the Republican side, for the purpose of offering a technical amendment to the amendment of the gentleman from Ohio (Mr. DRIEHAUS).

The Acting CHAIR. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. We have discovered during the consideration of the gentleman's amendment that there is a technical phrasing of language in the gentleman's amendment that could affect the underlying bill, and we have consulted with the Parliamentarian about the proper phrasing of the language which is now being drafted.

While that language is being written, I would assure the distinguished gentleman, Mr. BROUN, that we will work together in the appropriations process. We worked together in our committee on both sides of the aisle to incorporate views of both parties in shaping the bill we bring to the House today, and this will be one of many considerations reviewed by the Budget Committee and later, when the real decisions are made by the Appropriations Committee.

I share the gentleman's concern. We are spending an enormous amount of money, Madam Chair, on this asset recovery plan that started last August and September of 2008. We have seen money go out the door, and we have no idea where some of that money has gone that is supposed to stabilize the domestic and international financial structure. And maybe it has done that. But the increasing demands to support this bank and that bank and this insurance agency and that, and now to an international global financial meltdown. The gentleman is right, we have to take stock and balance our equities. But we also have to get this economy moving. We have to put people to work. When people have a job and have incomes and we are paying people to work and not paying them for not working with unemployment compensation, then maybe we can get this economy back on track and get people consuming, and we can start the flow of capital.

Madam Chair, I ask unanimous consent to modify the amendment of the gentleman from Ohio. The Driehaus amendment inadvertently struck a subsection of the manager's amendment adopted earlier today. The amendment to accomplish my request is pending at the desk.

The Acting CHAIR. The request for modification will need to be made by the gentleman from Ohio, the author of the amendment.

MODIFICATION TO AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

Mr. DRIEHAUS. Madam Chair, I ask unanimous consent to modify the amendment. The amendment, as stated, inadvertently struck out subsections of the manager's amendment adopted earlier today, and I would ask for conformity.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill follows:

In the matter proposed to be inserted as section 221(f)(1) of the Federal Water Pollution Control Act strike ''$250,000,000'' and all that follows through ''expended.'' and insert ''$500,000,000 for each of fiscal year's 2010 through 2014.''.

The Acting CHAIR. Is there objection to the modification?

Mr. BOOZMAN. No, Madam Chair. We understand that the amendment created a technical problem, and we agree with this solution.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in House Report 111–36 on which further proceedings were postponed.

AMENDMENT NO. 2 OFFERED BY MR. MACK

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 284, not voting 13, as follows:

[Roll No. 122]

AYES—140

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—284

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Roskam

Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—13

Bright
Conyers
Dingell
Etheridge
Faleomavaega
Hensarling
Miller, Gary
Olson
Radanovich
Roybal-Allard
Sestak
Speier
Tanner

□ 1401

Ms. WASSERMAN SCHULTZ, Messrs. BAIRD, DELAHUNT, NADLER of New York, RUPPERSBERGER, DAVIS of Tennessee, ABERCROMBIE, RUSH, WEINER, MINNICK, Ms. DEGETTE, Ms. EDWARDS of Maryland, and Ms. WATSON changed their vote from ''aye'' to ''no.''

Messrs. BILIRAKIS, TERRY and POLIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POLIS. Madam Chair, I would like the RECORD to reflect that on rollcall 122, I inadvertently voted "aye" when I intended to vote "no."

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

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

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. CAPPS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, pursuant to House Resolution 235, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 1262 will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 224.

The vote was taken by electronic device, and there were—ayes 317, noes 101, not voting 13, as follows:

[Roll No. 123]

AYES—317

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—101

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Campbell
Cantor
Carter
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Dreier
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Hall (TX)
Hastings (WA)
Heller
Herger
Hunter
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Linder
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Rogers (AL)
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Wolf

NOT VOTING—13

Bright
Conyers
Dingell
Etheridge
Hensarling
Miller, Gary
Olson
Radanovich
Roybal-Allard
Sestak
Speier
Tanner
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there is 1 minute remaining in this vote.

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF PI DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 224, 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 Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 224.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 10, not voting 30, as follows:

[Roll No. 124]

YEAS—391

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

NAYS—10

Chaffetz
Flake
Heller
Johnson (IL)
Miller (FL)
Neugebauer
Paul
Pence
Poe (TX)
Shuster

NOT VOTING—30

Ackerman
Bishop (NY)
Bright
Castor (FL)
Conyers
Crowley
Dingell
Doyle
Etheridge
Giffords
Hastings (WA)
Hensarling
Higgins
Israel
Larson (CT)
Linder
Maffei
Miller, Gary
Olson
Perlmutter
Radanovich
Rangel
Roybal-Allard
Sestak
Slaughter
Speier
Tanner
Thompson (CA)
Wasserman Schultz
Welch

□ 1430

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would vote "yea" to H.R. 1262, the Water Quality Investment Act of 2009, and "nay" to Representative MACK's amendment. Furthermore, I would vote "yea" to H. Res. 224.

PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Speaker, I was ill today and was not present for votes on the Mack amendment to H.R. 1262 (rollcall 122), final passage of H.R. 1262 (rollcall 123), and passage of H.R. 224 (rollcall 124). Had I been present, I would have voted "nay" on the Mack amendment, and "yea" on final passage of H.R. 1262 and H.R. 224.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 31

Mr. MCINTYRE. Mr. Speaker, I ask unanimous consent to remove Representative MANZULLO's name as cosponsor of H.R. 31.

The SPEAKER pro tempore (Mr. GRIFFITH). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the minority whip for yielding.

On Monday the House will meet at 12:20 p.m. for morning hour and 2:00 p.m. for legislative business. On Tuesday the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday no votes are expected in the House, which is a change from the previously announced schedule.

We will consider several bills under suspension of rules. A complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow. In addition, we will consider H.R. 1388, the Generations Invigorating Volunteerism and Education Act, also known as the national service legislation.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, there are 3 weeks remaining prior to the 2-week Easter recess. Since the last recess, this House and Congress have sent a $410 billion spending bill to the President. We have passed a bill imposing housing cramdown, and we just voted on a water quality bill, as well as one celebrating Pi Day.

I would ask the gentleman if he intends to use the next 3 weeks to try and focus on the fear that exists out

there on the part of so many Americans about their jobs, and whether we can commit to focusing on preserving, protecting and creating jobs over the next 3 weeks?

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

In fact, we are going to continue, as we have been doing for every week that we have been in session in this Congress, to focus on jobs, focus on job creation.

In fact, I would say to the gentleman, the three bills you mentioned, other than the Pi Day bill, were focused on jobs, focused on investing in our economy, in clean water, in education, in the safety of our public streets, keeping cops on the beat.

So I say to my friend, the answer to your question is, we are going to continue to focus on jobs during the next 3 weeks as well. We think we have been doing that.

We have had some disagreements on whether that was the way to do it, I understand that, but there is no doubt that we are going to continue to focus on jobs. One of those will be at some point in time before we leave for the Easter break. As the gentleman knows, it's our intention to bring up the budget as well.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman, given this budget that he intends to bring to the floor, and the fact that, frankly, we feel that budget has an Achilles' heel, which is it increases taxes on the primary job creators in the country, which is small business. Can the gentleman tell us if there are other bills that are specifically focused on helping small business people get back into the game, so that instead of just raising taxes, redistributing wealth, we can actually focus on job creation, wealth creation, and get back on the road to prosperity?

Mr. HOYER. One of the things I want to say in response to the gentleman's first question, in response to what he referred to as the cramdown, as the gentleman knows, there were three very important provisions which were not controversial, which is perhaps why I didn't mention them, notwithstanding the fact that many voted against the bill to help homeowners, to help those who were either at risk or may be at risk of losing their homes.

The bankruptcy provision was to try to facilitate, in league with the very substantial reform proposals proposed by the administration, which would be under Fannie Mae and the Treasury Department, and under Sheila Baird's aegis, trying to help homeowners. So that bill, we think, was a very important part of the comprehensive homeowners affordability plan announced by the administration.

With respect to helping small business, as the gentleman knows, we passed the Recovery and Reinvestment Act. As the gentleman also knows, notwithstanding the fact that that was not supported by any on your side of the aisle, it had very substantial tax cuts in there for exactly the people you are talking about. That is, small businesses.

So we think that, as you do, that small businesses are a vitally important part of creating jobs and creating economic opportunity in this country, and we have been supporting policies to assist them.

The gentleman and I were at the fiscal summit together, we went down to the health summit. We weren't in the same breakout group, but one of the things we are looking at, as you know, is trying to help small business with health care costs. That's a major challenge confronting the small business community.

Our friends at NFIB, as you know, have shared that interest. Now we haven't gotten to a specific proposal, so we will have to see what happens when we get there. We certainly share your concern, but we also believe we have been acting toward the end the gentleman suggests, and that is assisting small businesses to grow and to create jobs and to stay in business.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to draw the gentleman's attention to several news reports lately that have alluded to Chairman OBEY and others in the majority caucus preparing a second stimulus bill.

I know the chairman was quoted in CongressDaily this morning as saying that it is spectacularly unreasonable to expect to see the stimulus package that we passed produce any action any time soon.

Further, we see that the economist, Paul Krugman, thought and has written that the first stimulus bill that passed has failed because it didn't spend enough.

Now we know that the economist, Mark Zandi, has met with the Majority Caucus this week and said that the stimulus that passed would fall short of the goals that were originally put out there to create 3.5 million jobs.

So I have asked the gentleman, should we expect in the House for there to be another stimulus bill and, if so, would you include some of the Republican proposals that were in our plan that were focused on job creators, focused on small businesses, entrepreneurs and the self-employed?

I yield further to the gentleman.

Mr. HOYER. I presume the gentleman is referring to the job creators that we had in our bill.

As you know, we believe that the substitute that was offered to the recovery and reinvestment package that was defeated in a bipartisan way created—and there is a difference in this—our perception of this is 2 million less jobs than the bill that we offered and that was passed, which we think either created or saved 3.5 million jobs.

Having said that, you asked about an additional relief package. I note you quoted the newspapers as talking about Mr. Zandi, who was one of Mr. MCCAIN's advisors during the course of the last campaign.

But I also noted in the paper that you are also quoted as saying, House Minority Whip ERIC CANTOR didn't rule out the idea of a second stimulus package and said Wednesday he would be willing to sit down with the White House and congressional Democrats to discuss any new emergency spending proposals.

I appreciate that offer, and I want to show the gentleman that when and if—and I have no reason to believe, by the way, that Mr. OBEY is doing anything as reported in the paper that he might be doing, I have no reason to believe he is doing that—but I want you to know that in light of your interest in sitting down, that I share that interest, and we will do that.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to, for the record, set it straight. My comments were that if we are going to get serious about focusing on job creation, yes, I would support a bill that would provide relief to the small business people of this country, so we can get the entrepreneurs back into the game of putting capital to work so we can not only save the jobs that we have got, we can begin to create new ones for our families and our communities.

Mr. Speaker, I would like to ask the gentleman if he would respond to some of the reports that there may be a bill dealing with stem cell research coming to the floor next week, and whether he could confirm that and, if so, what is the substance of that bill.

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman.

First, in a very short response to your question, I do not expect the legislation dealing with stem cells to be coming to the floor next week.

I do, however, respond to the gentleman that we are considering bringing to the floor legislation, similar, in terms of specifics, very similar, if not the same, as the bill that passed this House on a bipartisan vote in the last Congress.

We believe that that will be consistent with the President's action this week dealing with the executive order on stem-cell research.

We believe this research provides real hope for some of mankind's most difficult diseases and afflictions and challenges. We think the research is promising.

On the other hand, we want to make sure that it does, in fact, do what we say we want to do. As you know, when we passed legislation like that before, we made it very clear that human cloning was not something that the Congress supported and that we were specifically prohibiting that.

So in answer to your question, I would think the legislation would be very much along those same lines. But we do not expect it to be here this week. I want to tell the gentleman it may be, however, on the floor prior to our leaving for the recess.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I know that the gentleman is aware, as all of us are, about the tremendous job losses that we have experienced in America of late, 650,000 plus jobs just last month.

There is an announcement yesterday that we all read about, that the card check bill was introduced. Along with that introduction, there was a new nonpartisan study that was published that predicts that passage of card check legislation will result in the immediate loss of 600,000 jobs.

So I would ask the gentleman, number one, when he expects to bring that card check bill to the floor, and if, in the interim, if he is considering that if the Senate is to act, and we are to act in these economic times, why would we be doing that if we know, through nonpartisan studies issued, that it's a job killer? Why would we be bringing that to the floor?

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman for yielding. First of all, let me respond. We don't know that. Somebody reported that. We don't know that at all and, very frankly, we don't accept that figure. We don't accept the figure that we will, in fact, lose jobs.

We on this side of the aisle feel very strongly that the working men and women in this country have the right under law to organize and to bargain collectively for wages and benefits and working conditions. We think that is inherent in the rights, in the free market.

Very frankly, I would tell my friend that I have traveled, as he has, in many parts of the world, and rarely have I seen a successful democracy that didn't have a free trade union movement. So we feel very strongly about that. We feel very strongly about the right to organize, and that means that it is the employee's choice of how to organize.

Now, having said all that, let me also say that we have observed that there has been, in many ways, a relationship between the decline in union membership and a decline in the buying power of the American worker.

And the greatest disparity between what average workers make and what the bosses make now exist in our country to a greater extent than any other place in the world. We think that's a problem.

Consumerism is what drives this economy. Consumerism is down, incomes have been frozen, and you see, in my opinion, some of that result.

I don't, by any stretch of the imagination, want to say that the reason that we are in the decline that we are in today, and facing the challenge that we are today, is a direct result of the fact that union membership is down.

But, certainly, I believe that one of the results is the reduction in the buying power of average Americans in this country.

Now, having said that, we passed this bill. We passed it pretty handily. We passed it in the last Congress, and it's our expectation that the Senate is going to be dealing with this legislation. They have not yet considered it; and it is my belief that we want to see whether they can pass it. We believe they can.

□ 1445

We are going to be interested in what action they take.

Mr. CANTOR. I thank the gentleman.

For the record, any democracy has also in it the elections that afford one the right to a private or secret ballot, which this bill completely takes away from the workers of this country.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Not yet, Mr. Speaker. I would say again that our economy is not just built on consumerism, our economy is built on investments and, frankly, the rebuilding of this economy will take place with job creation. And if we know that card check is a job-killer, folks across this country have got to be scratching their heads right now, wondering what in the world is Washington doing passing a piece of legislation that has been proven to kill jobs, not promote jobs.

Mr. HOYER. Let me say that, as I said before, we don't believe it's a job-killer, number one. But, number two, the gentleman and I have a disagreement factually as to what the bill does. We don't believe this kills the right of the employees to have a free election at all. Period.

We believe in fact the employee has that choice. The employee has the absolute right to respond, ''No, I don't want to sign your card. Let's have an election. And I will sign it for that purpose, and that purpose only, to give you the 30 percent you need to get the election.''

I think I'm right on 30 percent. But, in any event, we believe this is the employees' choice of how they want to organize, not the employer's choice.

So we are not and did not by passage of this legislation take away from the employees the right to have an election if they so choose.

Mr. CANTOR. I thank the gentleman.

One remaining question, Mr. Speaker. Can the gentleman inform us as to whether the public lands bill will be brought back up under a rule in this House.

Mr. HOYER. We think the public lands bill that failed just by two votes yesterday is a very good bill. Overwhelming support. Essentially two-thirds of this House supported it. Two-thirds of the Senate supported it. Actually, I think it was probably even more than that.

In any event, we believe that bill is a very, very good bill. We are hopeful that a number of your members will conclude that maybe they should have voted for it. We will see on that.

So the answer to your question is that we may bring it up either by rule or by suspension, but we want to see this bill pass. Having said that, let me say that Leader REID, the senior leader of the Senate, has indicated that he is going to file for cloture on that bill in the Senate tomorrow. So they may well move on it as well.

There are a number of options for us to pursue. As you will not be surprised, we are going to pursue the one we think is most successful.

Mr. CANTOR. I thank the gentleman, Mr. Speaker, and I yield back.

ADJOURNMENT TO MONDAY, MARCH 16, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

TRACKING THE TARP FUNDS

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

Mr. KUCINICH. Yesterday, our Domestic Policy Subcommittee held a hearing about how the Treasury Department has accounted for TARP funds. The taxpayers of the United States have already paid $700 billion of their tax money into this bailout program. We found out that the Department of Treasury doesn't track the funds after they give them to the banks and, as a result, we have seen that, of these funds that were supposed to go to help the U.S. economy, $8 billion has gone through Citigroup to Dubai; $7 billion through Bank of America to China; $1 billion through JPMorgan Chase to India.

I want the American taxpayers to think about that because with all the pressing needs we have here with the people who are starved for credit—businesses are dying because they can't get loans from banks—banks are taking our tax dollars and they're shipping them abroad.

It's time that we started to take care of things here at home. It's time that we started to ask the Treasury Department to keep track of these TARP funds and make sure that they're intended for the purpose that the American people want them to be spent for, and that is revive our American economy.

TRIBUTE TO LEE ANNENBERG

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

Mr. DREIER. Mr. Speaker, it is with great sadness that I rise today to share with my colleagues the news of the passing earlier this morning of a very

dear family friend and one of our Nation's greatest citizens, Mrs. Walter Annenberg.

Lee Annenberg was an extraordinary person who lived every day with elegance, generosity, and a dedication to improving the quality of life of her fellow man. Members of this institution will recall countless instances of a strong commitment to the United States House of Representatives and both Houses of Congress.

She in fact made it possible for us to, for the first time since the founding of our country, convene on the anniversary of September 11, when we all went to Federal Hall in New York. She underwrote the bipartisan civility retreat that we held. Several years ago, the California congressional delegation came together at her beautiful home, Sunnylands, in Rancho Mirage, California, to hold the first ever bipartisan California congressional delegation retreat.

Mr. Speaker, no two people have been more personally committed to public service, education, and philanthropy than Lee and Walter Annenberg.

BUILDING TO FIX THE ECONOMY

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

Ms. JACKSON-LEE. Mr. Speaker, I think it is very important as we begin to build the building blocks of fixing this economy that maybe we should give a greater understanding of what the stimulus dollars are to be utilized for.

There are Congresspersons and Senators and Governors and State legislators and others, but the President's intent, the administration's intent is these dollars are to be in the hands of taxpayers.

The good news for those who have been criticizing is the Dow went up this week, and the Governors of the Nation were in Washington to get their instructions on how to make sure that these grants and these moneys are transparent, to make sure that grants are competitive and, yes, that the dollars are in the hands of small businesses; of primary and secondary schools; of hospitals; of municipal governments; of putting shovel in the ground, if you will, fixing utilities, fixing roads.

That should be the message and the work of those of us who serve in the United States Congress. It's my intent to be at home educating those of my constituents on how to use this money effectively.

The only way that they will be successful is if they can count jobs one at a time. That's what the President wants. That's what we are doing. And those who are criticizing need to look at the people who are now working.

CONDEMNING THE ACTIONS OF THE CHINESE

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

Mr. FORBES. Mr. Speaker, 5 days ago, a U.S. naval vessel was traveling in international waters 70 miles off the coast of China when it was harassed by a Chinese frigate that went dangerously across its bow. Shortly thereafter, it was buzzed by a Chinese maritime aircraft and a demand was given for that vessel to leave international waters or suffer the consequences. When it tried to do so, there was an attempt made to stop it, and then five Chinese vessels harassed it.

Mr. Speaker, yesterday we passed a resolution condemning Chinese actions for harassment for the people of Tibet. I filed a resolution that would condemn these actions and make sure that we understand the message the Chinese government was sending to us through these actions was very clear. So far, I question whether we have sent a response that has equal clarity.

I hope that the Members of this House will join in this resolution and let those individuals on that vessel know that we are standing behind them in condemning these actions that were taken by the Chinese government.

THE DEMOCRAT BUDGET

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

Ms. FOXX. The Democrat budget spends too much, taxes too much, and borrows too much. Contrary to what Democrats say on this floor all the time, the government doesn't invest. It spends. It spends money it takes from American citizens, to whom the money belongs.

Here's a look at the increase in government spending the Democrats want to impose on the backs of American families. The budget increases spending to $3.9 trillion in 2009, or 27 percent of GDP, the highest level since World War II. This is simply too much spending and will lead to higher taxes, slower economic growth, and fewer jobs for middle-class families.

Despite their claims, the Democrats' budget promises historically high deficits stretching out to 2019, when the budget deficit will stand at $712 billion. The Democrats' budget would produce a $1.75 trillion deficit, or 12.3 percent of GDP in 2009. This deficit level is more than three times the previous record deficits.

Over the first fifty days of the new Administration, Democrats have spent approximately $1 billion an hour, most of it with borrowed money.

Beginning in 2012, and every year thereafter, the government will spend more than $1 billion a day in net interest.

Mr. Speaker, American families and small businesses cannot afford all of this government spending and the Democrats need to show some fiscal responsibility, just as President Obama promised.

Where is the responsibility and accountability so often mentioned but never embraced by President Obama?

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OMNIBUS SPENDING BILL

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. Mr. Speaker, the phones in my offices have been ringing off the wall today because people are very upset that we just passed the omnibus spending bill for $410 billion that has between 8,000 and 9,000 pork barrel projects in it.

The people of this country can hardly believe the way we are spending money up here. They all want to see the economy turn around, but I think they realize that the way to turn the economy around is by instilling enthusiasm and confidence in the American people by cutting taxes across the board, including taxes for businesses, such as the capital gains tax.

Mr. Speaker, so far, we passed a TARP bill for $700 billion, and that TARP bill that was supposed to help get the economy moving and help the financial institutions—we found that $8 billion of that was loaned by Citigroup to Dubai public sector entities; $1 billion was invested by JPMorgan in India; $7 billion was invested by Bank of America in the China Construction Bank Corporation.

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And the American people are wondering why the $700 billion that their representatives voted for is being used to help other countries. That money was supposed to help our economy.

In addition to that, we spent $14 billion for the auto bailout, almost $1 trillion when you add in interest for the stimulus bill and the omnibus bill I just talked about. And the budget is coming up, and it is going to cost about $3.9 trillion, of which $635 billion is for a new socialized medicine health program. But that is not the end of it.

The stimulus package that we passed, almost $1 trillion, was supposed to really help get the economy moving, and now we hear that there probably is

going to be another stimulus package. We don't know how much that is going to cost.

Speaker PELOSI is quoted as saying that she is open to a second stimulus package. That was on CNN. It says, ''The Democrats eye another stimulus bill on the Hill.'' ''Pelosi open to another stimulus,'' in Roll Call. ''Pelosi raises the prospect of another stimulus economic package, a second one, this year,'' in CQ. ''Pelosi leaves the door open to a second stimulus,'' in Reuters. And the Wall Street Journal talks about that by saying, ''Lawmakers weigh the need for a second stimulus to spur job growth.''

If you add all this together, Mr. Speaker, we are spending God only knows how many trillions of dollars that we do not have, and we are mortgaging the future of our kids and grandkids.

I have been down here night after night talking about this, and I cannot understand why we don't approach the solving of these problems in a logical and orderly manner as we have in the past under people such as John F. Kennedy and Ronald Reagan. They cut taxes to stimulate economic growth, and it worked, giving us economic recovery and long periods of economic growth. But what we are doing is just throwing taxpayers' money at it as fast as we possibly can, and it is money which we don't have. And we are going to print that money, the money that we can't borrow from somebody else.

We already owe China about $800 billion, $900 billion. We owe Japan about $600 billion. They are not going to continue to loan us money. We have borrowed money from the Social Security trust fund, so much so that it is probably bankrupt if we were to really look at it today. Yet, we continue to spend money and spend the future generations right down the tube.

The inflation rate that we are going to face in the next 2, 3, 4 years I think is going to be untenable. I really believe we are going to have double-digit inflation as well as double-digit unemployment because of the way we are going about solving these problems. Mr. Speaker, I just cannot understand it.

Then, on top of that, what did we do to stimulate buying homes? We cut the amount of mortgage deductions that people can deduct from their taxes by about 30 percent. So if a person has a mortgage deduction on their house, we cut that. We reduced it by 30 percent. There is a real inducement for people to buy a home. Then, as far as charitable giving is concerned, we reduced the amount that people can deduct from their taxes for giving money to charities, and that is going to put the charitable institutions in a real bind, and that means the government will probably pick up more of the responsibility of taking care of the people of this country. That is just unconscionable, in my opinion. We need to be doing what is necessary to stimulate economic growth and not put this country into a financial trick bag.

Mr. Speaker, my colleagues and I have been down here night after night talking about this. We feel like it is falling upon deaf ears, but we must come down here and try to explain to our colleagues and the American people how really horrible is the approach that we are taking right 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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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 gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. CHAFFETZ) is recognized for 5 minutes.

(Mr. CHAFFETZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, many people were quite relieved when President Obama promised to reduce taxes on 95 percent of Americans. Last week, the President introduced his new budget that depends upon a staggering tax increase of $1.4 trillion over the next 10 years. If that fell on every one of us, that would come to nearly $15,000 for an average family of four, or about $1,500 per year, out of that family's paychecks. So what a relief it was to hear the President's assurances that that is only going to be a tax on the rich. Except, it is not.

As we begin dissecting the President's new taxes, it is becoming crystal clear that they are actually hitting squarely at the middle-class, working families who are struggling to make ends meet in the worst economy in a generation. Let me walk you through the reasons why the President's new taxes are something that every middle-class family should fear.

There are about $650 billion of direct tax increases, including a boost in the income tax of nearly 40 percent. Now, that is the part that the President says will only be on the very wealthy, which he defines as people making $125,000 a year or couples making $250,000. But when you scratch the surface, you learn that more than half of these folks aren't folks at all; they are small businesses. So if you work for or you own a small business, chances are this tax is for you. The rest is coming from increases in business taxes, either directly, or as cap-and-trade taxes for carbon dioxide emissions. That is a huge levee on every business that emits carbon dioxide. That includes construction, agriculture, cargo transportation, energy production, manufacturing, baking, distilling. Is that anything for the middle-class to worry about? You bet it is.

I will let you in on a little secret of government finance: Businesses do not pay business taxes. There are only three possible ways that a business tax can be paid. It is paid by us as consumers through higher prices; it is paid by us as employees through lower wages; or, it is paid by us as investors through lower earnings, that is, what is remaining of our 401(k)s. There is simply no other possible way a business tax can be paid.

The income tax deduction for charitable contributions is being curtailed for upper income taxpayers upon whom charities rely for the vast bulk of their donations every year. That means a lot less charitable contributions and a lot more demand for government services.

At just the moment when investment is desperately needed to create new jobs, the President proposed hiking the capital gains tax. That means a lot less investment and a lot less job creation.

Now, this is not a complicated principle: If you tax something, you get less of it. If you tax productivity, you get less productivity. If you tax charitable contributions, you get less charitable contributions. If you tax investments, you get less investments and less jobs. If you tax energy production, you get less energy.

So just at the time when we need more productivity, more charity, more investment for jobs, and more energy, the Obama administration proposes a massive tax increase that they have the gall to tell us will stimulate the economy. These taxes will hammer every American, either directly or indirectly. At exactly the time when we should be reducing burdens on the economy, this administration wants to increase them.

If the President wants to raise taxes because the government is out of money, what makes him think that the American people happen to be flush with cash? This is exactly the mistake that Herbert Hoover made in responding to the recession of 1929. He dramatically raised income taxes, import taxes, and spending, and he turned the recession of 1929 into the depression of the 1930s.

Adam Smith, the father of modern economics, pointed out that a government that raises taxes in response to a recession makes exactly the same mistake as a shopkeeper who raises prices in response to a sales slump. California has again ignored that warning. It is set to impose the biggest State tax increase in history on April 1. That is going to be $13 billion from California families, proportionately a little bit less than the President's taxes, but it is in the same ballpark. I suspect that by the time the Obama budget, with all of its tax increases, comes up for a vote, California will have become a poster child for what not to do. Maybe, by then, the administration and the majority in Congress will figure out that raising taxes in a recession is not exactly the smartest thing that we could be doing.

SO MUCH MONEY TO GIVE AWAY AND SO LITTLE TIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, these are interesting times we are living in. It just seems like the motto we hear in Congress is, so much money to give away and so little time. Wow.

How can we give away more and more money? Well, to give it away, we have got to tax, we have got to borrow, and we have got to print more money. All of these are not good things to be doing. And how ironic this week to see an article in national papers that, as Mr. Geithner is encouraging other countries to follow our lead and spend and spend and tax and spend and borrow and spend, Europe, of all places, is saying, we are not sure that this idea of spending and spending more and more money is such a good idea. Whoever would have thought that Europe would be the ones to give us a lecture on overspending not being the way to go? But these are the people that have been overspending. They know, it doesn't work. Yet, here we are, trying it ourselves.

Now, we keep hearing about the deficit. When I was here as a freshman in 2005 and 2006, I was upset about the overspending. I was upset about the deficit going up. And it wasn't the tax cuts that created the problem. The tax cuts created the greatest revenue coming into the U.S. Treasury in American history, more money than ever coming into the Treasury. That wasn't the problem. But as it came in faster and faster, we were spending even faster than that, and there were some of us who were upset about it. The American people were upset about it. So as our friends across the aisle kept pointing out, you have got to cut out this deficit spending, the voters heard them. They said, they are right. The Democrats are the ones saying don't be spending and running up the deficit on our children and grandchildren. The voters were right. The Democrats were right to say that, because we were overspending. Many of us in the Republican party were saying the same thing. But that was not what carried the day. There was overspending.

As a result, we got this comment after the election in November of 2006 from our now Speaker: ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in the history.''

In fact, we even voted a few weeks ago in here that we would not even vote or take up this horrible spending bill, spendulus, porkulus, whatever you want to call it, until we had at least had 48 hours to review it. We voted on that. The vast majority, it seems like it may have been a super majority, voted that we would not vote on that bill until we had seen it for at least 48 hours. Then it gets on the web at 11:00 or 12:00 at night. I got my copy to review the next morning about 9:00, and we are debating at 10:00. And we are told, people are losing their jobs every minute you are delaying passing this bill. We have got to pass it. You don't have time to read it, you have just got to trust all the people, the staffers and everybody that put this together. We don't know what is air-dropped in there; we don't know what all is part of it, because we don't have time to read it, either. Nobody on either side of the aisle read it, but we had to pass it.

It doesn't exactly match up with the transparency and the openness that was promised. It doesn't match up with the President of the United States, President Obama, promising there would be no bill that would be taken up and voted on unless we had 5 full days before he signed it to have comments, 5 full days. Well, we were told we had to pass it, we had no choice, people are losing their jobs. And the thing is, people were hearing things that were supposed to be in the bill, and yet the very week that this bill was being brought to the floor to vote on, there were tens of thousands of jobs every day being lost because businesses were giving up hope. They were trying to hang in there, hang on to their good employees. So many of those jobs lost were good union jobs. They were trying to hang in there. But then, from what they were hearing it didn't sound like this so-called stimulus or spendulus bill was going to allow them to come out from under the trouble they were in, so they gave up and kept laying jobs aside. People, families were hurt. So we were told, ''It has got to be fast. Don't read it, just vote on it.'' So it was passed, and 4 days later it gets signed into law.

□ 1515

Now, how is that an example of being open, honest and transparent? As a young attorney, I always advised people, if people want you to sign off on something but say, ''you don't have time to read it, just sign it,'' then it is even more important to read before you sign off on it, before you put your name on it. And here we had the Congress of the United States put their names on a document that they were not allowed to read all because it had to be passed immediately. And then 4 days later, once we get the press and all of that going on, have the photo op there in Colorado, then the bill gets signed. And I'll bet the folks there, I'll bet the President had not read the bill. Of course he hadn't. He hadn't had time.

I am joined by my dear friend from Indiana, Mr. DAN BURTON. I would love to yield time to him such as he would use and do so at this time.

Mr. BURTON of Indiana. Thank you very much. I appreciate it. And I'm happy to stick around here tonight with you to go into some of the things that I think ought to be explained to our colleagues and to the American people if they happen to be paying attention here tonight to what we are doing.

The people really do have a right to know where we are spending this money. And we had people from the Treasury Department appear before the Senate Banking Committee last week. And Senator SHELBY, as I recall, asked where some of the money was being spent. They actually would not even tell him where the money was going. And we are talking about $700 billion that was passed by the House and the Senate. There was supposed to be transparency so that we knew where the money was going.

Now we did find out, and I mentioned this in a previous Special Order tonight, we did find out that some of the money that was given to the financial institutions to get the economy moving again was used to help other countries. Now this is $700 billion that was supposed to be used to help the American people, help the American economy and help the financial institutions to be able to survive. And yet $8 billion, $8,000 million, was loaned by

Citigroup to Dubai, $1,000 million was loaned by JPMorgan Treasury Services to India, $7,000 million was loaned by the Bank of America to the China Construction Bank Corporation, and a whole lot more. There were 297 other entities that got the money, and they would not tell us where the money went.

Now we are the representatives of the people. The Senators are the representatives of the people. And we have a right to know where the money is going when we vote to spend it. That is one of the reasons why I voted against almost every one of these spending bills this year because we haven't been able to understand where the money is going to be spent or why it is being spent, and there hasn't been any real plan. We have just thrown money at it, like that is going to solve the problem.

If we are going to spend taxpayers' dollars, in my opinion, they have the right to know where the money is going, number one. And number two, we need to see the plan, as representatives of the people, so that we know where the money is going to be spent, how it is going to be spent and whether or not it is going to be spent wisely. And so far, every single one of the spending bills that I have looked at—and I think my colleagues looked at it as well—not one of them really gives us a plan on how to work our way out of this morass that we are in.

I went into some of the things that I have mentioned in the past. And we are looking at trillions and trillions of dollars that we have been spending. And when I talk to the American people out in my district, in the Fifth District of Indiana, about all this spending, and you talk to them about $1,000, they understand, $1 million they understand, $1 billion they start to glaze over. And when you get to $1 trillion, it just does not register because it is so much. That is a thousand thousand million dollars, $1 trillion. And we are spending money in the trillions. The budget that is coming up here after we have already spent trillions of dollars is going to be almost $4 trillion in addition to that. And today we found out that the Speaker of the House has indicated we might have another stimulus bill, which means we will probably add another $1 trillion on top of that.

Now I brought a chart with me tonight, Mr. GOHMERT. I can't talk to the American people, because we are in the well. But if I were talking to them, I would like for them to take a look at this chart just like my colleagues do. And it shows what happens when you inflate the money supply. And when I talk about ''inflating the money supply,'' I'm talking about when we spend all these trillions of dollars that we don't have. We have to either borrow it from countries like China or we have to borrow it from countries like Japan. And we owe Japan over $600 billion. We owe China over $700 billion. And it will soon be over $1 trillion. And when we borrow that money, it is supposed to help out the problem. But we have to pay them interest on that money. But the money that we cannot borrow, we have to print. And I hope my colleagues are listening to this. We have to print the money. And so far, we have increased the money supply by almost 300 percent. That means if we were buying something 1 week ago or 1 month ago, such as a car, in the future, when this money starts getting into circulation, because we have increased the money supply 300 percent, we are going to have a heck of a rate of inflation. That means the cost of everything is going to go up and up and up. That means college educations, cars, refrigerators, homes, the price of everything will go up.

If my colleagues doubt this, I hope they take a look at this chart. It shows the money supply and how it has changed over the years. And you go all the way to 1990 and you start to see a rise. And then you see in 2000 it goes up more rapidly. And then you go to where we are today, and you see the money supply is going straight up. I mean it is going up straight. It is not going at an angle anymore. It is going straight up. And that means we are continuing to spend more than we are taking in. And we are printing that money.

We had this problem back in the 1970s. Mr. GOHMERT remembers. I think you're old enough to remember that. Back in the 1970s, we had this problem when President Carter was in office. And we ended up with double-digit inflation. We had 14 percent inflation and 12 percent unemployment. And they ended up raising the interest rate to slow the inflationary trend at 21 percent. And that put us into a deep, deep recession.

What we are doing today is going to bring those days back in spades. It is going to be worse because we are increasing the money supply and spending much more rapidly than they did in the 1970s. And that was a tragic experience. Ronald Reagan came in and cut taxes across the board. And we ended up working our way out of the economy, and we had a long period of time of economic growth. But we are digging such a hole right now with this spending that it is going to be much, much more difficult to dig ourselves out of that than it was back in the 1980s when Reagan was President. So I really appreciate Mr. GOHMERT taking this special hour. He is one of the real stalwarts as far as fiscal responsibility is concerned.

Unless we get our colleagues on both sides of the aisle to start paying attention to what we are doing and not just thinking, ''oh, my gosh, we don't have to worry about the spending, it will take care of itself,'' then we are going to continue to dig ourselves into this hole.

And I just wish the American people, Mr. Speaker, would call every one of their congressional representatives and their Senators and say, hey, let's start being fiscally responsible. Let's cut spending. We want to know where the money is going, and we don't want to waste it. And we certainly don't want to have hyperinflation.

This will be passed on to our kids and our grandkids in our posterity. They are going to pay more in taxes. They are going to be paying more in inflation. And their quality of life is going to go down if we don't change this stuff pretty dog-gone quickly.

With that, I want to thank the gentleman for yielding. I appreciate being with you tonight.

Mr. GOHMERT. Thank you. I'm so grateful to my friend from Indiana. I always learn something every time I hear him speak. And I appreciate him any time he wants to speak while I've got time, he is welcome here. It is interesting though. It just seems like we do not learn the lessons either of history from other countries or of our own history. We keep trying the same things over and over again.

For one thing, though, we had this massive bailout back in September. And there were a few dozen, I think maybe 60 Republicans that joined with the vast majority of the Democrats and passed that bailout bill. I thought it was a huge mistake. I knew it was a huge mistake. I begged my colleagues across the aisle, this side, please don't do this. And yet, we did. Seven hundred billion dollars. It was an outrageous amount. It may be that only $250 billion of that—only—only $250 billion of that was spent before the new administration came in. And they immediately asked for the other $350 billion, another $800 billion in a stimulus, spendulus, porkulus whatever you want to call it bill, and then followed that up with over $400 billion on top of that. We only get $1.21 trillion in from income tax, from individuals for the entire year of 2008. And yet, just in a matter of weeks, $1.6 trillion, $1.7 trillion, an incredible amount of money.

I have said this before, people I think are getting the idea, you want to increase the economy and help the economy? Let every taxpayer know they can keep their own tax dollars. Now originally my bill proposed 2 months. But for the kind of money we have been spending, we would be better off to tell everybody you have the whole 2008 tax year off with no taxes. If you send it in, you're getting it back. If you haven't paid it, then don't. We would have been better off. Cars would be bought. Homes would be bought. Homes would be built. Businesses would be built. American Dreams would be made all over.

It is interesting to hear a study this morning that we went from an American Dream of having our children have it better than we have to now the current American Dream, the majority American Dream is to own their own business, to have a small business. Then also know that American businesses, small businesses, that is, have 70 percent of the employees in the

country. You want to help the country? Help small business. And yet all we are hearing is we are going to hammer the people that may make more than $250,000, the very people who I've heard from who have said, ''I would like to hire at least one or two employees, but if I'm about to get hammered with a tax, I'm going to have to pay that in taxes. I can't afford to hire anybody. So I'm waiting back here to see if I'm going to get hammered with more taxes. And if not, then I will hire more people. And if I am, then I'm not hiring anybody. I will just kind of hang on to what I've got.''

One of the things we learned back in history classes was that the power to tax is the power to destroy. That is so clear. Over and over, no matter what country you're in, the government has the power to tax, unless it is a socialist country, in which case all money comes into the government, and they pay everybody, so they just own everything, which kind of seems to be the way we are going right now, but if you tax something, you get less of it. If you want more of an activity, then not only don't tax it, but give it an incentive to have more of that.

There is no better example than in the 1960s when the people in this body, in the House of Representatives, had a big heart, a tender heart, and wanted to help single women who they knew, there weren't that many, but there were some who were having to deal with deadbeat dads, who were not helping raise the children and were not helping with funding. They said, let's help those women. Let's give them a check from the Federal Government for every child they can have out of wedlock. They meant well. But now, 40 years later, we have gotten what we paid for. We have gotten a Nation in which nobody would ever have dreamed at this time that so many of our children would be born out of wedlock. Some of the greatest contributors to this country have come from single-parent homes. And I just have great praise for the single parents who try to raise kids and have done so effectively. It is a tough, tough job. But studies indicate, generally speaking, kids end up better off if they come from a two-parent home, as long as there is not abuse, things like that, we know that. As a former judge, I sure do.

Well, then if you look at some of the things we have taxed, we still have a marriage penalty. If you're married in America, and you are both working, then you're going to pay a higher tax than you would if you were living together in what used to be called in the Bible Belt, ''living together in sin.'' So what does the government do? The Federal Government, this body, because this is the only body that can do it, this body taxes marriage. Well, you get less marriage when you tax marriage.

Now, we have heard over the last few decades all kinds of solutions, we are going to try to fix the marriage penalty, we are going to lower the tax here, fix this, do that and have less of a penalty, oh, we think we have fixed it. I have gotten sick of hearing those messages. And I intend to have a bill filed in the next couple of weeks as soon as we get it back from legislative counsel. It is very simple. It just says, if you're married, then you have got a choice. You can file married jointly or you can file as a single individual, whichever is better for you. Boom. No marriage penalty. That's the end of it.

Now that is how you deal with a marriage penalty. You give people who are doing a good thing, being married, you don't penalize them, you help them.

□ 1530

And then we hear in the President's budget, his plan, we are going to disallow charitable contributions beyond a certain extent. It will be interesting to see how it ends up shaking out. But we are going to disallow tax advantages beyond that and allow that income to be taxed.

Guess what? If you are going to start taxing that money instead of allowing the charitable deduction for the full amount, you are going to get less charitable deductions. I have said all along that this President is a smart man. I think he is. I wish that he would leave the teleprompters alone because the things that we need and what we need to fix America will not be found in a teleprompter. I wish he would look us straight in the eye and talk to us.

In any event, if you are really, really smart and you are pushing to provide less tax incentive for charitable deductions, charitable contributions, you are going to get less of them. If you are really smart, you know that. You know you will get less. So what can you be meaning? What can your thoughts be?

Well, the inevitable conclusion is that you intend to have fewer charitable organizations because you intend to do all of the charitable giving by the government. That is the only conclusion that can logically be drawn. You think you're better at giving charitable donations to the right places than the American public could be, and that the government will do better with those donations, we call them taxes when they are to the government, than those charitable organizations will be.

As I have traveled around the world as a Member of Congress, I haven't done it but a few times, but what I see, the best work for individuals suffering in other countries doesn't come from the U.N. It doesn't come from the United States dollars. When the United States gives, it has to go through another country or through the U.N., and all these people get their cut of the action. And sometimes we prop up corrupt governments by trying to help their people. No, the best work gets done by charitable organizations that go straight in and help the people directly. That's where the greatest good gets done.

Now with this President's new budget, he is proposing to cut that back so the government will be the end all charitable donor. That is so offensive. That is so offensive.

I am delighted to be joined by one of the greatest Members of Congress that we have here. We were delighted when she joined our ranks a couple of years ago because this is someone who comes from the heart, incredibly sincere, and it is hard to beat somebody who is both sincere and very, very intelligent. I would yield to my friend, the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I want to thank the gentleman from Texas, LOUIE GOHMERT, and I want to thank you for the great idea that you proffered to this body earlier on, which is if we want that true stimulus, Mr. President, I recall you saying, Mr. GOHMERT, then why don't we let the American people keep that stimulus dollar directly, pull the United States Government out as the middleman and let's prohibit the government from skimming off its portion to go into a bureaucratic cliff that no one knows where the money goes, let's let the American people keep their money. That was the LOUIE GOHMERT plan.

People all across America have said to me, Do you know that LOUIE GOHMERT? Have you heard of his plan?

And I tell them, You bet I know him.

I can't imagine a more stimulative impact.

As a matter of fact, I was with two ladies yesterday, women who don't necessarily think about politics day and night, and I told them about the LOUIE GOHMERT stimulus plan. They said hey, I would love that. I would love to have of that money because, as the gentleman from Texas knows, in the last 50–52 days under the current Obama administration, the average American family has just had placed on their shoulders an incredible debt load of over $18,500 per family. That is just in the last 52 days. I don't know about you, my family cannot afford these current spending policies.

What we have seen in the last 52 days, out of a Democrat-controlled House, a Democrat-controlled Senate and a Democrat-controlled White House, is spending at historic proportions: $18,500 per American family. That's on top of the debt load that we already have.

What has been the response of the American people? In the month of January, the American people were spooked about what is happening in this economy. What did the American people do? Their personal savings rate has elevated to 5 percent. You know what that savings rate was before, Mr. Speaker, that savings rate was minus 1 percent. The American people are so afraid of these historic levels of spending, they are holding on to every dollar they have, and the personal savings rate has increased to 5 percent. I think that it is great that the American people are going down a savings route. It

shows that inherently the American people are prudent with their own money.

But what has been the Obama plan? The Obama plan has been to raise spending to such historic levels that it will force the United States Government to continue to borrow more money from China, and the Chinese right now are a little skittish about buying more American debt. So skittish are they that our Secretary of State, Hillary Rodham Clinton, had to go to China about 2 weeks ago and practically beg the Chinese to continue buying American debt. Our Secretary of State wouldn't be in that embarrassing position if the Obama administration wouldn't be so bent on spending this level of money.

Well, if we don't have to spend this kind of money, then we don't have to borrow from China. We don't have to have punishing high tax increases, and that is what is amazing to me in the President's budget. He was just here in the Chamber about 2 weeks ago with his State of the Union address, and he said that he plans to tax the American people under the new cap-and-tax plan.

Under this tax plan, which is hard to believe, I know, in the midst of a recession, adding to the burden of the American people $646 billion in new energy taxes. Well, we all remember how much fun it was last July to pay over $4 a gallon for gas, that is the road we are heading down again. In fact, some estimates say that the average American family will see an increase in their yearly energy bill of over $1,400 a year in their utility bill because of this energy tax. Why do we have to have this tax? Because spending is out of control. As a matter of fact, it won't just stop with the utility bill, it is also the gas bill when you go to your local gas station and fill up. The energy tax will impact the price of food. It will impact the price of goods at Wal-Mart. If you go to a local clothing outlet like Target, it will increase the cost of things there. Everything we touch will be impacted by the energy tax. We wouldn't need to do this if we didn't have these historic levels of spending.

One thing that was alluded to by our colleagues, Mr. BURTON and Mr. GOHMERT, is the fact that what we will see happen, other than punishing tax increases and going to other countries to borrow money, we will have to resort to inflation. What's that? Inflation occurs because the Federal Reserve is printing money 24 hours a day, 7 days a week and putting that money into the money supply. If we have $100 in the money supply and the Federal Reserve puts another $100 into the money supply, what does that do to the $100 we have now? It means that our $100 is actually worth half of what it was before.

The cruelest tax of all is the tax of inflation, especially for senior citizens and especially for people who have spent their entire life trying to create wealth, and that is the genius of the United States of America, freedom. Freedom is the genius of our country. And with freedom, we have been able to amass private wealth creation.

Now I'm not just talking about billionaires, I am talking about my grandparents who lived through the Depression. My grandfather made a dollar a day working as a meat cutter, $7 a week. He had seven children that he had to feed on $7 a week. But they wanted to create as much private wealth as they could in their family. My grandmother and grandfather never became wealthy, but what did they try to do individually, they tried to save as much money as they could so that someday they could afford to buy a home.

My little grandmother was eventually able to buy a one-bedroom home. She was so proud of that home. She took such good care of that home because she wanted to make sure that my mother and her six brothers would one day have an inheritance. And at the time of her death, she was able to give them $10,000 each. That was her goal, to transfer to them some of her private wealth. And that is what I am so worried about, Mr. Speaker. That is what I am so worried about, that we are going to take away the right of the American people to amass private wealth no matter how much because they want to be able to use it to be able to pass on to their own kids.

They cannot do that, Mr. Speaker, when this body continues to spend money on the most worthless projects imaginable. We could spend the next hour in this Chamber going after worthless project after worthless project. We just saw in this body this week, President Obama signed it yesterday, almost 9,000 earmarks; 9,000 earmarks. And that is after President Obama campaigned and said I will be a new President. I don't want to see earmarks; I don't want any more earmarks. And what did he do in the first 52 days, putting a burden on the American people of over $18,500, including wasteful projects, 9,000 of them, and having the audacity to say to the American people, This is the end of the old way of doing business. From here on out, it is the new.

It is not the new, Mr. Speaker, not when you are looking at continual rampant spending to have continual rampant taxing. That is what is around the corner.

This horrible energy tax is going to forever change our American way of life, and now is our opportunity to stop it.

I know, Mr. Speaker, that Representative GOHMERT and I were talking about that earlier today. The opportunity that we have between now and May when the Obama administration wants to make sure that the American people are saddled with this horrible new tax, and how do we know that? He has already built it into his budget. He has already assumed that you are going to be paying $4,000 per family in new taxes to finance these boondoggles that all of us come up with here in Washington, D.C.

I didn't vote for any of this. I am more proud every day that I voted against every one of these wasteful spending programs. I know that Representative GOHMERT feels the same way.

With that, I would like to hand it back to Representative GOHMERT, and I would be happy to talk about that with him.

Mr. GOHMERT. Thank you, and great points all. I was enjoying the points you were making.

But what came back to mind was the story about Davy Crockett in the House of Representatives. Some people don't know he was a representative, and yet there is a great story, a true story about him going back home to Tennessee and somebody, one gentleman just lowered the boom on him and was really fussing at him because Congress had decided to give money to help some business that had burned. The gentleman was telling Davy Crockett, if you want to help somebody or some business because it is a noble cause, give them your money, don't give them my money. And Crockett came back here and told about the incident as part of the CONGRESSIONAL RECORD, telling his colleagues: How about for once we don't just force the taxpayers to give up their money and give it to where we think it ought to go. If we think that this business deserves some charitable help, then let's give it out of our own pockets.

□ 1545

They took up a collection. Can you imagine if the debate here on the floor were along those lines these days, that the children need our help, so I'm passing the hat and would like for everybody to kick in their own money here on the floor so that we can help these children? No, that's not what we hear.

Mrs. BACHMANN. If the gentleman would yield. I'm familiar with that story as well. Davy Crockett did come back to this Chamber, he did go to his fellow representatives and ask for money. And the disgraceful thing is that Members did not want to give money personally out of their own pocket to be able to help—it was a widow, I believe, they didn't want to give that money to the widow.

I have only been in this body for 3 years, but if there is anything that I have learned it is how easy it is to spend other people's money. It is so easy to be generous. But one thing that this body needs to remember, one thing that President Obama needs to remember, we are not a philanthropic society, we are not the family, and we certainly are not the church. And when government tries to be the church, when government tries to be the family, and when government tries to be a philanthropic society, we distort everything and usually mess it up.

If you look today, the news just came out that Freddie and Fannie, which

were the engines behind this failure on the housing mortgage meltdown, Freddie and Fannie need another $30 billion of infusion of money because, guess what? They're now nationalized; they're owned by the American taxpayer. They can't stop spending money. They're addicted. As a matter of fact, our government charged Freddie and Fannie with making more loans to people who can't even afford to put down payments on houses. The government hasn't learned its lesson, and it seems unwilling to learn its lesson. I don't know why in the world we would want to take more money out of the hands of people who get how to save it and how to spend it and bring it here to Washington to people who have proved for all time that they have no clue how to spend it.

I yield back.

Mr. GOHMERT. Thank you. Actually, I guess it was right at the end of 1 year, my freshman year here, there were so many of our friends across the aisle quoting Scripture. And it was being used in a way to say things like, well, Jesus said take care of the widows and orphans. And some of you guys, you want to just neglect the widows and orphans and help your rich friends. And others would say, Jesus said that we should be good Samaritans and help those less fortunate. Somebody else said Jesus had said to them that we're to love our neighbors as ourselves, ''the golden rule.'' When a lawyer asked him what is the most important commandment, he said, love your neighbor—those were the two, love God and love your neighbor.

But anyway, we were getting beat up over that, that we ought to be taxing people, taking from other people and giving to these folks that were in need. And I had to point out that night that Jesus never said go ye therefore, use and abuse your taxing authority to take somebody else's money to help them. He said, you do it. You do it. He was talking to the individual. He was talking to the individual heart. And the individuals who were supposed to do it, not go and abuse taxing authority, take somebody else's money, and yet that is what has happened. And a great example was Zacchaeus. Because if you look at what Zacchaeus did after he met Jesus, he went and cut taxes. Not only did he cut taxes, he gave rebates to those he over-collected from. And that is what would be called a tax holiday.

Mrs. BACHMANN. And if the gentleman would yield. We could go to the Old Testament as well and look no further than the Ten Commandments. The Ten Commandments say, ''Thou shalt not steal.'' And whether it comes from government or whether it comes from an individual, we are not to steal from our neighbor.

That's what has me so concerned about this new energy tax from the Obama administration because it literally will be widows and orphans that will be in the worst possible position. Because this energy tax will hit every aspect of American Society, it will forever lower America's cost of living and our way of life. We need look no further than Europe. Europe has already instituted this energy tax. It is continuing to lower the standard of living in Europe, and it is creating job losses all across the United States. Why would we be cruel to widows? Why would we be cruel to orphans?

This will not work. It has been a disaster. And now is the time for the American people to raise up, contact their Member of Congress, and say, please shield me from this Obama energy tax, I can't afford it. Why would we do this when we see crushing debt loads?

Earlier this week, Mr. Speaker—I was sharing this with Mr. GOHMERT—I met with people from the furniture industry. And I don't know if the American people know yet, the furniture industry, if you look at their stock value, the stock value of the American furniture industry has dropped 90 percent. So if you have people who spent their life working in the furniture industry and that's what their retirement was made of, they have lost 90 percent of the value of their wealth assets. Why would you impose a cruel energy tax where we are going to require more jobs to flee from this country?

I yield back to the gentleman.

Mr. GOHMERT. That is such a great point. And it goes right along with the corporate tax. We have people come in here and say the corporate tax is the way to go because these mean, cruel, greedy corporations, let them pay the tax. Well, if a corporation does not pass that tax on to its customers or its clients, then it goes out of business. So that is so deceptive. And I think it is so wrong to say, we all know in here we're going to stick it to the little guy, the guy that is just working and doing all they can to stay up, or the seniors who are on Social Security, we're going to stick it to them, but we can't just stick the tax to them any more than we already have, let's tax the corporation, and then they will have to pass it on. But it won't say ''tax'' when it's passed on because it's from us to them, and it's our way of sticking it to the little guy without them knowing.

But at some point the American public is going to wise up. And I've looked into this as well because there are some that say we need to erect tariff barriers and say, if you're going to sell stuff in this country, your country may be subsidizing this kind of thing, but we're going to put a tariff. Well, that triggers so many penalties. It would trigger a tariff war around the world if we did that. Whereas, what I have looked into is, what if we said we are not going to allow Congress to stick it to the little guy by popping the tax on the corporations that they have to pass on. Let's just say no corporate tax.

Corporations that have fled this country because of the high corporate tax rate have said, our manufacturing jobs will be back in America. The furniture jobs, even though labor is cheaper elsewhere, it would open them up. And some would say, well, that's subsidizing. But the nice thing is it would not trigger any penalty or any tariff war, no trade agreements, penalty provisions would be triggered by doing away with corporate tax so that the people in America wouldn't be taxed further.

But how much more insidious could it be than what President Clinton did as soon as he took office with a Democratic majority when he raised this massive tax on Social Security benefits? These people have worked their whole life, paying taxes on what they made, putting a little bit into Social Security, and actually they're only getting back about one-fourth to one-third of what they would have been if they could have put it into their own private retirement account. But anyway, here it is, they're getting so little as it is, and now you're going to put a tax on top of that? To me, that was pretty insidious. And it continues. There's talk about even possibly increasing the Social Security tax. I think it's outrageous.

We have been joined by my good friend from Iowa. It is always a pleasure, Mr. Speaker, to see him here on the floor. I yield to my friend, Mr. KING.

Mr. KING of Iowa. I appreciate the judgment of the good judge from east Texas. I was listening to this dialogue, and I thought I would come over here and engage in it. And I appreciate you recognizing me and yielding.

The point that the gentleman from Texas makes that—I'll say it succinctly—corporations don't pay taxes, corporations collect taxes that are imposed upon their bookkeeping system and aggregate the money from people and customers and flow that money to the Federal Government into the Treasury. That's how the corporations function, they are tax collectors for the government. But it is always the people that have to pay the taxes, it is always the customers that have to pay the taxes. And by the way, neither do LLCs pay taxes, neither do sole proprietorships, or partnerships, or any other business configuration that has customers out there pay taxes. They have to transfer those to their customers. They have to add it in and calculate it in.

I made payroll out for 28 years. I transferred a lot of those costs onto my customers. I had to. And if you didn't do that, in the first place you couldn't cash flow a business; you would never get it started in the first place. You would never get it to expand. You've got to have capital. By the way, Adam Smith made this real clear. This is something I like to tell the people that will not respond to this charge. There are two components to the cost of everything we buy, it is the cost of capital and the cost of labor. And the capital cost is included in everything that we purchase.

And so if we are going to have policy in this legislature that raises the cost of capital—which takes place easily when you see the tax increase—if you increase taxes on businesses that are doing business, that are investing, that are holding mortgage-backed securities, there is a capital cost to that. If you raise the cost of capital, then you are putting more burden on the economy.

And the other component is labor. Adam Smith wrote it this way: ''The price of gold plummeted in Europe as the Spanish galleons began arriving on the continent from the new world.'' Adam Smith didn't say that because they stole the gold from the Incas and the Aztecs. He described it as they lowered the cost of labor for getting that gold out of the ground and getting it into the marketplace. And that's how this economy works. But corporations have been demonized by the people on the left side of the aisle because they don't understand that simple equation; the cost of capital and the cost of labor is the sum total of all of the things that we buy, and that the businesses in the country have been enlisted, by law, to collect those taxes from people, impose them on people. And what do we do? We impose the acrimony on top of the businesses that are the tax collectors for the government. I'm with LOUIE GOHMERT; let's take the tax off of all these corporations. Let's take all the tax off of productivity, actually.

Mrs. BACHMANN. If the gentleman would yield.

Mr. KING of Iowa. I would. I think I like where you're going.

Mrs. BACHMANN. I would like to add to the stunning STEVE KING from Iowa for his comment. He is absolutely right that the cost of a good is labor and capital. But the third component is the added cost of government. That's the third component that goes into an item. And that cost is getting exceedingly high. And I know that my colleague from Texas, LOUIE GOHMERT, knows this very well because, if you look at the energy industry, at oil and gas production, the amount of money that companies make in profits is exceeded dramatically by the amount of money that the corporations pay in taxes to the government.

People think that oil and gas companies have obscene profits, but they pay even more obscene levels of taxation. Literally, they have spent trillions of dollars that they've paid over to government in taxes, while they've kept billions of dollars in profit. But out of that profit pool, that is where the oil and gas companies have had to take that money to invest back into the business so Americans can enjoy more energy.

I am so pleased about the positive solution that's been offered by one of our colleagues, JOHN SHADEGG, and also Mr. BISHOP, and also Senator VITTER, and it is the No Cost to the Taxpayer Stimulus Bill that says, very simply, let's open up and legalize all forms of energy production all across the United States—wind, solar, biofuels, oil, gas—all of them, let's open all of them up—in fact, I say hamsters running on cages. No matter what it is, let's make sure that we legalize the source of energy. And that is zero cost to the taxpayer. It relieves the American people's burden on dependable gasoline at affordable prices. Let's do that.

I know I was absolutely astounded, Senator Obama, during the campaign—and I will yield back after this quote. This is a quote from our now President. He said, during the course of the campaign, ''What I've said is that we would put a cap and trade system in place that is as aggressive, if not more aggressive, than anybody else's out there. So if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they are going to be charged a huge sum for all that greenhouse gas that's being emitted.'' He is admitting that his plan will bankrupt coal companies.

''When I was asked earlier about the issue of coal, you know, under my plan of a cap and trade system, electricity rates would necessarily skyrocket.'' That's the future that the American people have to look forward to, and I think that's audacious.

I yield back.

Mr. GOHMERT. I would yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman.

When you describe this, this cap and trade tax that is on everything, I would ask, Mr. Speaker, that we illuminate this for the American people. Think if America were a continent unto itself, what if we were a planet unto ourselves; would we manage ourselves this way? And I would say no. Because we are wasting all kinds of resources; we are wasting labor, we are wasting capital—we're not even using sound science—if we were a planet unto ourselves. But we have to compete with the rest of the planet. So this cap and trade proposal ties our hands, ties our legs. And we are like Gulliver tied up by the Lilliputians with the cap and trade legislation that looks like it's coming down the pike which will immobilize America's economy while India's and China's are growing. And not only are they growing, but they're emitting CO_2 gas and greenhouse gases at an accelerating rate.

□ 1600

So our little piece of this pie that we could possibly effect is so minimal a century from now that it really can't be measured by science. Sound science doesn't support this. Sound economics doesn't support this. And there are many better solutions, even if there was a prediction that could be made accurately.

Mr. GOHMERT. I thank Mr. KING and I thank Mrs. BACHMANN.

That's such a great point about energy. We have been blessed in totality with more natural resources in the United States of America, I think, than any other country. It's just been fabulous. And yet we continue week after week, month after month with the Democratic majority to continue to put more of our natural resources off-limits.

One of the things some of us have been advocating, and I have got my staff working on a bill we talked about yesterday that would be in conjunction with our friend Mr. SHADEGG, with Senator VITTER, but we all agree: We want all-of-the-above energy. Use it all. But make sure we protect the environment. And that can be done. But open up the OCS to drilling. Put litigation on a fast track so they can't tie it up for 10 or 20 years and just keep repeatedly bringing them to court. But let's go use it if it's legal, if it's proper, and it will be if it's done right.

And then something that had been negotiated before that could be done is that the Federal royalty that could be obtained by leasing the OCS would be more than traditionally a property owner gets from leasing their land to produce oil and gas. Traditionally that's been one-eighth. One-eighth of the royalty is what the owner normally got. We could get at least three-sixteenths. We could split it with the States. We've got States coming up here like California saying, please, give us some money. I'm so proud they worked on their budget. They still need money.

You've got all kinds of money sitting in the vault, sitting in the bank, right off your coast. Use what you've got. If it's solely in the State's territory, it's yours. If it's out beyond that and in Federal territory, we will split the money with you. And then my feeling is, and this is what I've talked to the staff about in a bill, we'll take half of the Federal part of that because we should share it with the States, but then with our half, take half of that and devote it completely to research for alternative fuels. You don't have to tax anybody else. You don't have to add more costs to the already hard-working people that are paying to sustain this unwieldy government. But you could fund our own alternative research so that as things run out, we've got it.

And it's really beginning to appear very disingenuous, this stuff about the global warming, and that's why we are no longer hearing ''global warming.'' They're not using that term. They are using ''climate change.'' Climate change happens four times a year. It's the seasons.

Mrs. BACHMANN. If the gentleman would yield, in Minnesota that's true.

Mr. GOHMERT. I yield to the gentlewoman from Minnesota.

Mrs. BACHMANN. Thank you. I think we see two separate agendas at work here. The American people want low-cost energy that's dependable. We need that. Not only just individuals but also businesses, we need low-cost, dependable energy. But the Obama administration has taken a very different

view on energy. Then Candidate Obama said he wants high-cost energy. Why? Because he wants to force the American people to have to pay the carbon tax that's about to come down the pike. We wouldn't need this terrible carbon tax that will completely damage our economy, especially in this time of recession, if the Obama administration wasn't addicted to spending. Because they are so addicted to these high levels of spending, President Obama, in his State of the Union address, said what he wants to do with that money. He wants socialized medicine. Is that what the American people want? The American people aren't crying out for socialized medicine, but that's what President Obama wants to give to the American people.

Not only that, but in his State of the Union address, he said his vision for America is that government's hand would be in the hospital room of a brand new baby with a brand new mother. He wants, from cradle to career, the Federal Government's hand on the life of that child. I don't know about you, but the people in the Sixth Congressional District of Minnesota, moms and dads want to have one of the parents at home with that baby to be able to love that child, rear that child. They don't want to send that little baby off to a government daycare center from the day that baby is born. That is President Obama's vision for child rearing, that the Federal Government would be involved in the cradle stages of a child's life. Massive spending demands a way of taxation.

This cap and trade isn't going to solve our energy problem. It will add to our energy problem because, again, it's going to take out of the pockets of the middle class of this country to put into the pocket of the Federal Government.

Mr. KING of Iowa. Will the gentleman yield?

Mr. GOHMERT. I yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman for yielding.

I would add to this. Again, take it back to a big picture, and that is this is about freedom. It's about preserving the freedom we have, defending the freedom we have, and, in fact, we should be expanding the freedom that we have.

Our freedom has diminished generation by generation since the founders established this country. When you move to the left, it always includes an increase in taxes and an increase in government interference in every aspect of our lives, from raising our families to micro-managing energy to sticking their fingers into education, every aspect of our lives. So when you expand the role of government, you expand also the taxation and you diminish the freedom.

And whether you do it insidiously by saying I'm going to take your child now at age 3 or 2 or 1 as opposed to 5 or 6, as it used to be, or whether you do it in a blatant way by saying we're going to impose this Draconian regime on everybody in America and we're going to confiscate your income, the point that's been made by this administration and this majority, not in so quite many words is this: You're not really entitled to the money you earn, in their view, but the people that claim they have a need are entitled to the money that you earn.

That's the philosophical divide that's been turned. When you go to the left, you give up freedom and it's diminished. When you move policy to the right, you expand freed and it's enhanced.

We need to be about expanding everyone's freedom in this country. That's the foundation of America, and that's where our vitality comes from. That's why we are the unchallenged greatest Nation in the world, because our vitality comes from our freedoms. Acts that diminish it diminish our vitality and handicap us.

I thank the gentleman from Texas for his indulgence.

Mr. GOHMERT. I appreciate my friend from Iowa's (Mr. KING) help.

I would be willing to yield for any final comments to my friend from Minnesota.

Mrs. BACHMANN. I thank the gentleman from Texas. I appreciate that.

I would just like to expand on what Mr. KING said. When you look at this body of the House of Representatives and when you look at the United States Senate and when you look at the White House, one thing that we all do when we come in is we take an oath and we pledge our allegiance, not to the American people, not to an issue; we pledge our allegiance to the Constitution of the United States.

Every time this House acts in contravention of the Constitution, we cause a distortion of freedom and we cause a diminution in the freedom of the people. We cause a diminution in the prosperity of this great land. That's the problem. Our founding principles are all contained in the Declaration of Independence. Abraham Lincoln republished and reaffirmed this Nation to a new foundation grounded in the Declaration of Independence.

And, of course, we know what that beauty is. The beauty is that our rights were given to us from a Creator. Those rights are not from government, the rights of man. The rights come from a Creator God. And that Creator gave those rights to every human being on the planet. Among those rights are life, liberty, the pursuit of happiness. Those are rights that only God can give. Government can't give them; government can't take them away. And our government was instituted for only one reason, and it was to secure those unalienable rights.

None of us in this Chamber with an election certificate has any right to violate those rights because we are here only by the consent of the governed. And when we act in contravention of that, that's how we get into the soup we're in. And today we are in some kind of soup. So if we return to our Constitution, we're in good shape.

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

THE PROGRESSIVE CAUCUS: D.C. VOTING RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, as we come in week and week out, the progressive message is up again, as we come back every Thursday in order to make the progressive position clear on the critical issues.

I'm going to be joined tonight by a number of colleagues who are making their way to the House floor, but tonight our topic is going to be the very critical issue of District of Columbia's voting rights, the District of Columbia's voting rights, which is a vital and essential issue which has been dogging our country for many years. We certainly hope that this issue of D.C. voting rights is an issue that the country focuses its attention on. D.C. voting rights is a question of giving rights and conferring rights upon Americans who pay their taxes, Americans who send their children to war, Americans who are equal in every way to Americans who live in the various States. And because of this important role that they play in our country, this equal role, we're looking forward to seeing legislation come out that will allow members of the District of Columbia to be able to have a representative who can cast a vote in our Congress. We are looking forward to this in the near future.

But before we get to that topic, I want to yield to the gentleman from Virginia, who is going to take a moment to make a critical statement.

YEAR OF THE MILITARY FAMILY

Mr. NYE. I want to thank my colleague very much for yielding to me.

I am rising today to express my strong support for a resolution this House passed yesterday by unanimous vote, Mr. Speaker, the resolution urging the President to designate 2009 as the ''Year of the Military Family.'' And while no words or gestures can fully match the service or sacrifice of our soldiers and sailors, our airmen and Marines, we must also remember those Americans that do not wear a uniform: our military families.

In my home district of Hampton Roads, we know all too well that the challenges faced by our military families are not just financial. They are emotional and physical too. Men and women in my district wake up every day not knowing if their loved ones are safe, not knowing when they will return, or what scars they might bear when they do.

Dealing with that and explaining it to your children with a smile on your

face is not easy, and it must never be overlooked. These hardships are not limited to our active duty military families. The families of Guard and Reserve members also confront regular absences for training, and in the years since 2001, more and more families have seen their loved ones deployed overseas to Iraq and Afghanistan.

Mr. Speaker, I look forward to working closely with Chairman SKELTON, who introduced the resolution, and with all the members of this House to support our military families.

I again thank my colleague for yielding.

Mr. ELLISON. Let me thank the gentleman for his quick message. Though not directly related to what we're talking tonight, we are happy to yield to a colleague at any time, particularly in light of his very good message.

But, again, Keith Ellison here coming today with a progressive message. The Congressional Progressive Caucus comes every week to make the point that there is a progressive vision for America, that we have a vision that is inclusive, that brings Americans of all colors, all cultures, all faiths together, and this progressive message is going to be heard and will be heard every week, week in and week out. This is the Progressive Caucus, and we are here with a progressive message.

And what I want to do without any further delay is to ask my good friend from the great State of Missouri to weigh in on this critical issue of D.C. voting rights.

Mr. CLEAVER, Congressman from the great State of Missouri, how do you understand this critical issue of D.C. voting rights?

□ 1615

Mr. CLEAVER. Thank you, Congressman ELLISON.

One of the most significant measures to find its way into the United States Congress is legislation put forth by our colleague, ELEANOR HOLMES NORTON, who is the delegate for the District of Columbia.

This legislation would allow the citizens of the United States of America, who live in the District of Columbia, to finally, to finally, after more than 200 years, have the opportunity to cast their vote to place a representative in the United States Congress. This is a city of almost 600,000 people, and many people around the Nation may be surprised to learn that the District of Columbia is the only city in the United States that must submit its municipal budget to the United States Congress.

That, in and of itself, is an injustice. That means that this city, unlike any other city, is subservient to the Congress of the United States and they have no voice whatsoever.

The sad thing goes further. Forty percent of the District of Columbia own their own homes, and coming from those homes are young men and women who have died in the world wars, who have died in Vietnam and who are still dying in Iraq and Afghanistan.

Mr. ELLISON. Let me ask, we know that there is no voting representation for final passage issues for the people of the District of Columbia. Are they exempt from military service, are they exempt from taxes?

Mr. CLEAVER. No, in fact, this is something that most people probably don't know and I hope will become angry over this fact. The District of Columbia, the residents, pay the second highest taxes of any city in the United States, and yet they have no right, given to them by the United States Congress, to vote.

Mr. ELLISON. They have to pay, but when it comes to making decisions in Congress, they don't get to play; is that right?

Mr. CLEAVER. Yes, sir. The people of the District of Columbia work hard every day. They pay their taxes, they do the right thing. But when time comes to vote, the Government of the United States says, ''Shut up, you don't have a right to vote. We just want your tax dollars. We want your sons and daughters to go into the sands of Iraq and Afghanistan, but we don't want you to vote.''

Now I was elected to Congress because the people of the Fifth Congressional District of Missouri, Kansas City, Independence and the surrounding areas, needed a representative in Congress. I am that representative, but the people of the District of Columbia, in over 200 years, have never been able to say, ''This is my representative.''

So, Mr. Speaker, I would just like to say that if the people of the United States would like to get something to be angry about, I mean there are a lot of things, fluff issues that people get connected with that really are not significant, but if you want something that is significant then try getting involved in and becoming supportive of the effort to make the District of Columbia, the citizens thereof, an opportunity to be full Americans, full Americans.

They are not asking for anything special, they want what all other Americans have, the right to vote, the right to have their own municipal government that does not have to cow down to the Federal Government.

As I close, I would just like to say that this is a Nation of people who love justice. I mean, of all the nations on the planet, the United States is a Nation that says it is a just nation, and yet we will not act in any way to support the people of the District. And further, all the opinion polls in the United States will reveal that the public, the people of the United States are just and they believe that an injustice is taking place here.

Mr. ELLISON. The gentleman from Missouri made a very eloquent and clear statement.

We are here with the Progressive Caucus message tonight. We are talking about voting representation for the District of Columbia, and we have just been joined by a gentleman from the great State of Maryland, who has been a very able and strong representative of many, many issues.

I am just curious to know if the gentleman from Maryland, ELIJAH CUMMINGS, former chair of the Congressional Black Caucus, leading member on the Committee for Oversight, has a view on this issue of a voting representative for the District of Columbia?

Mr. CUMMINGS. I want to thank the gentleman and I want to thank you and the Progressive Caucus, of which I am a member, for taking up this cause.

I also want to thank Congresswoman ELEANOR HOLMES NORTON. I don't care where she goes, she has made it clear that the people of the District of Columbia deserve a vote. As a matter of fact, if it were up to me, they would have two senators and representatives.

You know, I have often said that we have one life to live. This is no dress rehearsal and this is that life.

But we have people here in the District, as my good friend from Missouri just said, who do it right. They get up every morning, you can see them at the bus stops. They go to work, they raise their children, they do the same things that people do in your district and in mine. They pay their taxes and they are part of the society, building a society and making it the best that it can be.

But then when it comes time for them to have a vote in this body, then suddenly we say ''no.'' It just seems to me that that just smacks democracy in the face.

When we think about our representative government, we think about going to a town hall meeting, for example, as I did just 2 weeks ago, listening to my constituents, and then was able to come to this floor and vote their wishes. That's what representative government is all about. That's the essence of a democracy.

The other piece of that democracy that is so significant is that individuals's right to vote, and the ability to take that vote and transform it into power. They all cannot come here and be a part of this process so, therefore, it becomes very significant that they have representation.

As a matter of fact, when you think about it, it's very unfair to the people of the District of Columbia when everybody else has a vote. But then suddenly when it comes to them, they have no votes, and they can express their will, they can express their frustration, but at the same time, when it comes to their representative coming to this floor, no vote.

Mr. ELLISON. The gentleman from Maryland just offered views on this important topic, and that is this, you have made a very clear case that a representative vote for D.C. is fair, it's moral, it's right, and it's the proper thing to do. But how will it benefit people across America for D.C. to have a vote?

Mr. CUMMINGS. If you really think about democracy, I think it goes hand in hand with diversity. We know that I would hate to even think of having this Congress and not having the views of my friends from California or the views from the folks in Utah or the views from the folks in South Carolina.

Although I am from Maryland, I need to understand, I need to have their views, and I have to have their input. Because I have often said that if we are going to make laws for a diverse society, that we must, indeed, be diverse, and we must be representative of that entire society.

Because I think that when you are not totally representative, it really—I don't care how you look at it—taints the process.

Mr. ELLISON. What you are describing to me is kind of like pushing a cart in a grocery store when one of the wheels isn't really running right.

Mr. CUMMINGS. That's right.

Mr. ELLISON. The other three might be, but one of the wheels isn't being represented and holding up, and the cart just doesn't run smoothly. It almost sounds like you are saying that America is a better country, and the values of the people are more accurately reflected when everyone has a vote here.

Is that your opinion?

Mr. CUMMINGS. That's my view, and I think about the little kids that every day do what we did when we were little kids. They stand up to a flag and they say,

''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God.''

I guess they have to ask the question, when they found out that they don't have a vote and everybody else has one well, is this really, am I really a full citizen? If they find out their mother and father can go out there to the town hall meeting, can go and vote in the election, what have you, but yet, and still, when they ask Mom and Dad, ''How did our representative vote, Mommy and Daddy,'' their mother or dad says, ''I am sorry, son, we don't have a vote.'' There is absolutely something wrong with that picture.

And so all of this is important, and I think it goes to the integrity of the process, the Democratic process, the one, this process that we participate in all the time.

But let me just say one other thing. One of the interesting things that Ms. NORTON will tell you is that when anything comes up controversial like needle exchange or anything of that nature, we have over and over again, folks from all over the country come and try to tell the District of Columbia, by the way, what to do.

Now, they will not dare having us come to their districts, and they wouldn't even think of it and tell them what to do. But yet still they will come and tell this District of Columbia what to do, and then, to add insult to injury, then not give them an opportunity to have a vote in this body. This there is absolutely unequivocally something wrong with that picture.

Mr. ELLISON. Well, you know, Congressman CUMMINGS, you represent a district very close to the District of Columbia and, therefore, you know people who live in the District and you know people who work in the District and I am sure many of them are your friends, your colleagues, your constituents, you have come to know on a personal basis over time. What is their opinion?

I mean, did the public want this or is this just something that D.C. wants? What do the public opinion polls say? I mean, it looks like the Washington Post might have done some research on this issue.

What, in your view is the public opinion of giving Washington D.C. a representative vote in the Congress?

Mr. CUMMINGS. I can tell you my district in Baltimore, which is only an hour drive away from here, folks feel that the residents of the District of Columbia are being cheated, period. They are being cheated and not treated fairly, and they are overwhelmingly for the District of Columbia having their vote.

And so I just wanted to come on the floor for a moment to be supportive. And I think that, again, we cannot give up this fight.

I get a lot of my energy, to be frank with you, from Congresswoman HOLMES NORTON, because she has never, ever, given up the fight. I also applaud our Progressive Caucus. By the way, this should not just be about the Progressive Caucus, this should be about all of us wanting to make sure that we have a democracy that is truly a democracy.

Mr. ELLISON. I certainly thank the gentleman and do thank him for coming down here, Congressman CUMMINGS, sharing his views about what he knows personally about the people of the District of Columbia and the surrounding area, sharing his views about how children ask their parents about who is sticking up for me, who is speaking up for me. And, unfortunately, in the District of Columbia, parents have to say well, we have a delegate who is really, really good, but she doesn't get to vote on some stuff.

So I have just been joined by other members of the Progressive Caucus, one of whom is Congresswoman BARBARA LEE, who is a Member from the great State of California and is also the Chair of the Congressional Black Caucus; and we also happen to be graced with the presence of that very special delegate that we have all just been talking about, Congresswoman ELEANOR HOLMES NORTON.

I think it's important to say that Congresswoman ELEANOR HOLMES NORTON is not on her own here, she is not fighting the fight by herself. I am all the way from Minnesota, and I feel passionately about the importance of the District of Columbia having a representative. And I look forward to seeing ELEANOR HOLMES NORTON's vote up there on that board count equally with everybody else.

But this is the position of the Progressive Caucus, that we believe firmly in the idea of equal representation.

□ 1630

Yes, it is true that the Washington Post has done research on this issue and it is the will of the American people for the District of Columbia to have a vote.

With that, I'd like to invite the gentlelady from the great State of California to weigh in on this topic of the District of Columbia having a vote, standing equal with the rest of the country, being able to express an opinion.

I yield to the gentlelady from California.

Ms. LEE of California. I want to thank the gentleman for yielding, but also for your leadership and sounding the clarion call once again on behalf of what is right and what is just. And I can't think of any issue that we need to address here 24–7 than this issue we are talking about today, and that is voting rights for a representative from the District of Columbia.

Mr. ELLISON. Would the gentlelady yield for just a moment?

Ms. LEE California. I would be happy to.

Mr. ELLISON. The gentlelady is all the way from California. It takes you 4½ hours to fly here. Why do you care about whether D.C. has a vote or not?

I yield to the gentlelady.

Ms. LEE of California. I care like the entire country cares, based upon the public opinion polling. This is just basic fairness, it's basic justice. And let me just say, first of all, I raise my kids here in Washington, D.C. They went to Washington, D.C. public schools.

My children and myself have been residents. Even though I live and represent California, we are here 3 or 4 days out of the week. I always say that Congresswoman ELEANOR HOLMES NORTON is my representative 3 or 4 days of the week here in the District. We know the District, we know the residents. Whether we do or not, it's important that we make sure that there is equal representation; the civil rights issue for a vote. One person, one vote. I mean it's unbelievable that here in 2009 the District of Columbia does not have voting rights on this floor.

Let me say that we just went to Montgomery, Selma, and Birmingham this past weekend with a great hero, Congressman JOHN LEWIS. We walked across the Edmund Pettis Bridge. We honored those whose lives were given for the right to vote. Bloody Sunday, 44 years ago.

There's no way that I'd be standing here as a Member of Congress if it weren't for the civil rights movement and those martyrs who we honored this

past weekend. In participating in this pilgrimage, I couldn't think about anything but about voting rights for the District of Columbia. This is the unfinished business of this great civil rights movement.

There is no way in the world that the residents of the District of Columbia should continue to be discriminated against and penalized. The District residents pay taxes. Come on, they pay taxes. Our young men and women here go to war. They participate in all aspects of our country's society and all aspects of our work here, and they are citizens of this great country. So why would you deny United States citizens the right to have voting representation on this floor? To me, again, it's a moral issue. It's an issue of fairness and justice.

I have got to say that I am very proud as Chair of the Congressional Black Caucus that we didn't blink when we said this was a top issue for us as the Congressional Black Caucus, to unify and to say that there is no way that we are going to back off of this and allow any type of gun amendments or any type of amendments taint what should be a bill that would celebrate finally the realization of our democracy.

And so this is quite a moment. We have President Obama in the White House. We have major, major breakthroughs in our country. This is a transformative moment. And I would say that those who really want to put their money where their mouth is, they should really step up to the plate and they should say that finally, finally the residents of the District of Columbia's day has come when they can fully participate in this great democracy.

Short of that, there still remains much unfinished business. And I don't think we want to let this moment pass, Mr. ELLISON. I don't think residents in your district want to see the residents of the District of Columbia continue to be discriminated against. We have what, 500,000 people who live in the District—600,000? To me, that's unconscionable. It's unconscionable. The billions of Federal tax dollars that are paid each year and all of the responsibilities of United States citizenship are embraced by the residents of the District of Columbia.

And so on behalf of the Congressional Black Caucus, I just want to thank you once again, Congresswoman ELEANOR HOLMES NORTON, for waging such a noble fight because this is a day and night struggle for you. I want to salute you and I just want to say to you that we are not going to rest until you have this vote here.

I know this vote is not for you personally. This vote is for those 600,000 people who deserve the right to vote in this body.

Thank you, Congressman ELLISON. I thank the Progressive Caucus for your leadership. I hope that the country hears us today and I hope they understand what types of games are being played on a civil rights bill that should never, never, never happen.

And so we have got to move on. We have to pass this. We have to pass the bill as it is written.

Thank you again.

Mr. ELLISON. Thank you for yielding back, gentlelady from California. Let me now recognize the person who we have all been building up to for a moment. Again, Congresswoman ELEANOR HOLMES NORTON is not by herself on this. We are standing shoulder to shoulder with her. But there is also no doubt that she has been quarterbacking this issue, she's been spearheading this issue. No matter what kind of metaphor you want to use, she's been in the leadership of this issue and has offered tireless, unrelenting leadership.

At this time I want to yield to the gentlelady to sort of lay out the issues for us on this critical issue of D.C. having a representative vote in Congress. I yield to the gentlelady.

Ms. NORTON. I thank the gentleman not only for yielding to me, I thank the gentleman for his leadership. When people see me come to the floor, they are used to my coming to the floor for a bill on the District, often a bill I've sponsored.

This is what is known as a Special Order or Special Hour, but it wasn't a Special Hour that I requested. I cannot say enough about how much it meant to me to hear colleagues who could be on a plane now give up that time to come to the floor to speak on this matter.

The chairman of the Progressive Caucus could be halfway—is from halfway across the country in Minnesota; not to mention the Chair of the Congressional Black Caucus, who has even further to go.

Indeed, it ought to be said that today the Congress let out early. So many hightailed it, of course, to their own districts, who would have otherwise been here.

The gentlelady from California has my thanks for another initiative she took, and that is the meeting that was held yesterday with the Speaker of the House.

The Congressional Black Caucus—of course, this is a largely African American city, but it's also a city where the Black Caucus would be out in front for the vote if anybody was denied the vote. But the Black Caucus has carried this since it was founded. The Speaker, in fact, agreed to a meeting with us in her office. It was a very important and very gratifying meeting, all at the leadership of the Congresswoman from California.

I cannot thank her enough. It's very important to me what Mr. ELLISON and Ms. LEE have done because it is their own initiative. It's very important to say that, unlike with so many issues, they are broadly representative of our House and of our Senate and of our country in believing that we should have the vote.

The poll that I think is duplicated perhaps in what Mr. ELLISON had shows an unusual majority across all lines; most Democrats and Republicans. And think about it. What red-blooded American would oppose the right to be represented in the national legislature?

How many of us would want to be at the mercy of a group of people, however benevolent, where none of them was accountable to us, even by a single vote. That's been where the residents of the District of Columbia have been for 212 years now because the expectation of the Framers that Congress would in fact make sure that the vote continued after the 10-year transition period has not occurred. Congress dropped the ball.

Those who gave the land from Maryland and Virginia actually got in the first Congress legislation that assured them that the residents of Maryland and Virginia, who now, after 10 years, would be part of the Nation's Capitol, would be left with exactly what they had when they left Virginia and Maryland. They voted for Members of Congress. They voted in the same way all the other Americans did. It is a long, sad story as to why that did not happen.

Understand what my colleagues have been talking about—only the House vote. We are not talking about a vote in the Senate of the United States. Only in the people's House. We are seeking from the House exactly what the House gave us last time.

In an extraordinary vote, this House was the first to pass this bill and send it to the Senate. They fell three votes short because, remember, over there, 51 percent is not a majority. You need 60 percent. That's a new definition of majority that the Senate has created.

I want to thank my colleagues first for the leadership of my colleagues who have come forward as representative, I can truly say, of this House. But I want to thank for all of those who voted for this bill last year.

This bill originated with one of my Republican colleagues who thought of the idea of making it as bipartisan as possible in the hopes that that would draw members of his party as well as my party because the District, like every large city virtually in America, has more Democrats than Republicans.

So he teamed us with Utah, which had barely missed getting a vote because Mormon missionaries, who were out of the State on a religious mission, always had been counted, and they were not counted in the 2000 census.

Utah was only too happy to join. I want to thank the Governor of Utah, its own delegation, who have been with us from the beginning.

Two hundred-nineteen Democrats voted for this bill last time. Only six voted ''no.'' That is very extraordinary. And I am asking each and every one of them to repeat the vote they made last time.

I was in a meeting with a Republican Member who shares my view on the Capitol Visitor Center because there's some things we want to fix about how

staff can conduct their own tours. He came to me afterwards and said, By the way, I'm voting for D.C. voting rights this time.

I do expect that there will be more Republicans voting for the bill than last time. Twenty-two Republicans voted for the bill. They were under some pressure not to. I want to thank Tom Davis, who spearheaded this bill. He has since retired but is helping me even as I speak.

I do want to say that the bill carries a triple bonus. How often is it that we use the word bipartisan and it doesn't quite mean that each side gets exactly what the other side gets?

Look at what happens here. Utah felt cheated, and that is a good word that Mr. CUMMINGS used for how residents who pay taxes and go to war here feel, and they have joined with the District of Columbia, which has never had a vote. If that isn't bipartisan. One for you, one for me. No compromises there. One each. If that is not bipartisan, I haven't heard a real definition of the word.

This vote does something for the House. It increases the House for the first time in 100 years. Every time that a new State has come in, you have the same 435 seats. You're going to have 437 seats now.

□ 1645

In addition to Republicans and Democrats each getting one, now they have one more seat that makes it easier for each to compete. You would think that Republicans would particularly welcome that since they are in the fastest growing areas of the United States. This failure of the House to permanently increase the House in 100 years has been broken if we pass this bill.

Before I ask another question of my good friend who has remained with us for a little while, I do want people to know what it is that moves most Americans by these kinds of margins, almost two-thirds of all adults, for example, being for the bill, almost 60 percent Republicans, almost 70 percent Democrats. What is it that moves them?

Americans would have given us this vote before, I am sure, if we could have gotten the word out. We have an indigenous organization called D.C. Vote. We have got a leadership conference on civil rights with its 200 organizations spreading the word for one-half dozen years now. That is the only way that this has become visible enough so that people who didn't even know we didn't have the vote, which is most Americans, now know it and cannot conceive of it.

Who can conceive of somebody in our country paying taxes without getting any payback on that right to vote ''yea'' or ''nay'' on whether those taxes should be paid or not? And I know Americans cannot conceive of the experience I have had of going to Arlington Cemetery to bury residents from the District of Columbia in the Iraq and Afghanistan war, who have now succeeded in getting the vote for the people of those countries who did not have it before, and died without having that vote in their own Nation's capital, the only capital of any nation to deny the vote to its own residents. This is an anomaly. Don't blame it on the framers, and don't blame it on the American people. Now that they know it, they say do it; don't leave us in this way with this message that steps on our message of democracy around the world, a district the average size of congressional districts in the United States and a district that is larger than some States.

This point has been made, but let me drive it home when they say the notion of having everybody who can vote, except you. What Members are referring to is that among the things that the District has to do is to send its budget here before it can spend a dollar of its own tax-raised money; send its laws here, and let them lie over and see if someone wants to overturn them.

So, this House will see the D.C. appropriation come forward this year. That is another way of saying the taxes that the people who live in the District of Columbia alone have raised, they will see that come forward as an appropriation.

Now, my good friend from California is now a member of the Appropriations Committee. I wish you would describe what it means to come forward with this bill, knowing good and well that you are going to have a vote on it, every Member on both sides of the aisle are going to have a vote on it, but that no Member from the District of Columbia will have a vote for it. You are on that committee.

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. LEE) is recognized for the balance of the time as the designee of the majority leader.

Ms. LEE of California. Let me first thank you for the historical perspective that you have put this in, because I think you are right; had the word gone out, had we sounded the alarm throughout the country much before now many years ago, these numbers would have been readily there many, many years ago, because the American people care about democracy and they care about making sure that every person has a vote on this House floor.

As a member of the Appropriations Committee, it is very important that we, one, establish the priorities in terms of funding priorities for our country; we also establish and work on priorities for our own congressional districts. In fact, it is only us who know our districts. We know our districts ourselves, just as you know this district, Congresswoman NORTON. So when the appropriations bills come to this floor, it is incumbent upon us to vote for them, ensuring that, one, the bills are in the national interest in terms of funding priority, but also in our own constituents' interest.

If a bill comes to the floor that is objectionable to the residents of the District of Columbia, you should be able to vote ''no.'' If an approps bill comes to the floor that you believe is deserving of the support of the residents of the District of Columbia because the funding priorities are such, the types of initiatives that are in that bill are representative of the needs of the District of Columbia, you should be able to vote ''yes.'' The people of the District of Columbia don't have a vote in terms of our national budget, our national priorities.

What if we say we want to support as a national priority health care reform? Which we do. How in the world will the residents of the District of Columbia vote for an appropriations to implement a health care reform initiative?

So, Congresswoman NORTON, it is extremely important from a funding perspective of our national government that you have a vote right here, because the tax dollars that are paid by the residents of the District of Columbia, they are part of this overall national budget. They are part of the U.S. Treasury. So, my goodness, I don't even know how I would feel if I did not have a vote when in fact my district, my constituents, are paying the taxes, I would be very angry, I would be very upset, each and every year.

So I think you have turned this frustration and this anger, which it really should be, the whole country should be enraged about this, into a very positive struggle for civil and for human rights. And that is really, basically, what this is.

Finally, let me just say, this country continues to promote democracy and democratic movements all around the world. We need to start promoting some democratic movements here in our own country, starting right here with providing the vote for the residents of the District of Columbia, and I think that the polling data shows that the American people want that.

So I am optimistic. As I said earlier, I think we have made a quantum leap and there is a new environment. People want change, and I think this is basic change. This is fundamental to our democracy, and I applaud you again for working day and night to make sure the democratic ideals are realized through this vote.

Ms. NORTON. That is why I have been so pleased, that even Members who are far more conservative than I voted for this bill on the Republican side and on the Democratic side. On the Democratic side, we had many Members who come from districts, we are so pleased to have them, because we are the signature of big tent political party ever since FDR, and the unity that we have shown and the many Republicans who voted for me does say to me that people understand

this vote to be just like the reauthorization of the Voting Rights Act of 1965 a couple years ago.

Remember, in our country when in another part of the country almost nobody of color had the vote. We changed all that. So the only people who don't have that kind of representation here are, of all people, the people who live in plain sight of the Congress.

We feel very deeply about our people who have gone to war. We talk about no taxation without representation. That pales beside giving your life for a country that doesn't think enough of you to give you even a vote in the people's House. This time, I dedicated the bill to an unknown soldier and to the first soldier who died in the Iraq war.

The unknown soldier is a soldier who lived in the District of Columbia, who went to war on the war cry of ''no taxation without representation.'' That was the reason that you could get people to take up arms against the mother country, an act of treason. Imagine if they hadn't succeeded what would have happened to them.

The other soldier I dedicated the bill to is one whose name I know very well, Army Specialist Daryl Dent, 21 years old, a graduate of Roosevelt High School, National Guard. When you sign up for the National Guard, especially at the beginning of this war, a kid who I am sure did not envision that he would be overseas, he went the way Guardsmen and reservists and enlisted men and women have always gone, ready to do their duty for the United States of America. I am just asking that we do our duty to these veterans who leave me feeling the same way that all of you feel, only with a deeper hole in my heart.

I could have dedicated this to a lot of other men and women who have died for the District of Columbia. In World War I, this city lost—this is a city, now—lost more than three States. So there were three States that didn't lose as many men at that time as we did. World War II, more than four States from this one place. Korea, more than eight States. Vietnam War, more than 10 States. We have paid our dues. I don't think that can be doubted.

One of my constituents now is a man who owns a business here and lives here, and he was born in Iraq. He stood with me, and I want to quote from him. I don't think Americans know the facts as he told them. His name is Andy Shallal.

He said, ''People like me of Iraqi ancestry, and even my son who was born in the United States, are entitled to vote in the Iraqi election due in large part to the service of the citizens of the District of Columbia and other Americans who have fought and died in Iraq.'' I just think that says it all.

This country was so intent on making sure that Iraqis, all Iraqis, and even Diaspora, and people who could not even be counted in their Diaspora because they were in fact born here and raised here just like the gentlewoman and I, those people had the right to vote in the Iraqi elections. And that is what we in the District are told we are supposed to swallow. That is why I must give my thanks to Governor John Huntsman of Utah, who continues to support this bill strongly. If I could quote from him.

''The people of Utah have expressed outrage over the loss of one congressional seat since the last census. I share their outrage. I can't imagine,'' Governor Huntsman wrote, ''what it must be like for American citizens to have no representation at all for over 200 years.''

I want to say to the gentlelady what I believe most Americans don't know. The schools of the District of Columbia were integrated as a result of Brown versus Board of Education just as I was about to leave high school. The District of Columbia was one of five Brown versus Board of Education States, right along there with South Carolina and the rest of them. Why? Because the Congress of the United States saw to it that all public accommodations, that public schools, were indeed segregated. They went further. The Congress of the United States left these American citizens for 150 years without any mayor or city council. Instead, the President, with the consent of the Congress, appointed three commissioners. These three unelected people ruled the city for more than 150 years.

There can be no doubt that while race has very little to do with this today, it seems to be all about partisanship. I say to my colleagues, my colleague who chairs the congressional black caucus, it was your party and mine that denied the vote to the people of the District of Columbia, denied any kind of self-government.

□ 1700

We were denied any kind of self-government. It was the capture of our party then by southern Democrats who are today gone and forgotten, because there is a new South, white and black, that looks very different because they could not conceive of a denial on race alone. Of course, what particularly hurts this third-generation Washingtonian is that for most of that time, the city was a majority white jurisdiction. The presence of a significant number of black people was enough to rally the anti-civil rights forces to keep all people from getting representation and from getting any right to govern themselves until the civil rights movement broke through in all.

Ms. LEE of California. Would the gentlewoman yield for just 1 minute? I just have to say I am mesmerized listening to this history because I have to remember and recall the fact that when I learned of this, I was actually working for my predecessor, now mayor, former Congressman Ron Dellums. And he chaired the Committee on the District of Columbia. And his goal, and we used to talk about this, because we were very active in the home rule movement, was to, as Chair of the District Committee, I can always remember him saying, we have got to use this committee to turn over the workings of the District of Columbia to the people of the District of Columbia and transfer that power to the residents of the District of Columbia. And so this is another step. This is the next chapter in that effort.

It is a shame and disgrace that in 2009 we are still here talking about full voting rights for the representative from the District.

Ms. NORTON. To show you the shame on us, we were granted, for a brief period, a delegate, we finally got the delegate and home rule, as we call it, at the same time. But Madam Chair, there was a brief period where when in the 19th century we got the delegate and the right and a mayor and a city council. And that was when the Republicans came to power after the Civil War. Again we are talking about a city where they could see the reason for the disempowerment. And this, of course, is why so many African Americans nationally became Lincoln Republicans and why you would expect the Republican party to be right here with me, as Tom Davis and so many Republicans here, have been.

The fact is that during Reconstruction, we had basically the same kind of home rule we have now. It wasn't an African American mayor. But that is not what we were after. We were after self-government for everyone here. Reconstruction ended. And I will say to my good friend and colleague who chairs the Black Caucus that one of the first things that the Democrats did in reclaiming power was not simply to resegregate the South. What the Democrats did was to wipe out what the Republicans had done with the District of Columbia. They wiped out the delegate. And the Democrats wiped out home rule.

We don't have clean hands. The Democrats got religion, finally, on matters of equal rights long after the Republicans had it and kept African Americans, of course, as a constituency, because they never forgot it until the New Deal came. And our party was still full of segregationists. But the bottom line of survival and the New Deal brought them here.

Madam Chair of our caucus, the thing has for me been a great ride for my constituents. But I tell them the truth that there is also something personal in this for me because I'm a third-generation Washingtonian, and my great-grandfather, Richard Holmes, got here shall we say the hard way. He walked off of a Virginia plantation where he was being held as a slave and got as far as the District of Columbia, and the Holmes roots got planted here. And so on the Holmes side, those who continued to live here have never experienced the same rights that others have seen, including rights that they saw people down South get just a few decades ago.

So Madam Chair of our caucus, this has racial roots. But those roots have been dug up. They are not there anymore. All that is left is a partisanship that exists here in the Congress but not in the country. I think we are close to bringing the two together, the people with the Congress.

I especially am pleased that the gentlelady from California has never ceased to carry this personally when she worked as Chief of Staff for Congressman Ron Dellums, who has gone on, as she said, to be the mayor of another great city, Oakland, and now is Chair of our caucus, I would like to say one word about the constitutional question which is raised. Well, I can't swear that any bill we passed is constitutional. All I know is we are not the ones who decide that question. We decide questions of right and wrong, of whether or not a bill should be passed or not. But I am not worried about the constitutional issue, not when former Court of Appeals judge Kenneth Starr appeared before us and testified in very scholarly testimony that the bill is constitutional. I am really not worried about it when Professor Viet Dinh who spent some years as the constitutional point man in the Justice Department, Attorney General for Legal Policy it is called, has been one of the prime constitutional advocates for the bill. I'm relying not only on people who usually agree with me on constitutional issues, but on scholars who will concede that any bill as unprecedented as this would raise constitutional issues. But in good faith, after more than 200 years, who are we to continue to deny these rights when the very Constitution they cite has ordained an independent institution to make that final judgment? We will be held accountable for this judgment. And so they say you are not a State, so how can you possibly have the rights of States? There is very scholarly testimony from former Assistant Attorney General Dinh about how in each and every instance, more than half a dozen, where the notion of treating the District as a State has been raised, each and every time the Congress and the Supreme Court had said the same thing, when it comes to the Commerce Clause, the fact that it says commerce among the States does not mean, said the Congress first, and then, of course, the court, does not mean it doesn't apply to the District of Columbia. There is not a case which extracts us from that line of reasoning, both congressional reasoning and, of course, the reasoning of the court.

I have to say to the gentlelady, the one that I think makes me smile most is article 1 section 2 clause 3 which provides that representatives and direct taxes shall be apportioned among the several States. The court said, go away from here. When it comes to paying your income taxes, D.C., that means you. Don't take these words so literally that they are meaningless. You are not outside the United States. You are different from the States.

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

Ms. NORTON. Since the gentleman from Georgia has come in, I hope that he will have a 5-minute period.

HONORING COLD WAR WARRIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would be happy to yield 5 minutes to my colleague so that he can express his opinion on this important discussion. And then I will reclaim my time, the 55 minutes I have left, after 5 minutes.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, this is so very gracious of you. I do appreciate it. This is such an important issue. Home rule is a concept that we take for granted, those who live in cities around this great Nation, those who live in counties, those who live in States as we all do. But all of those levels of government afford to their citizens home rule, which is basically the right to have some self-determination of your governmental affairs.

Unfortunately, however, the citizens of Washington, D.C. have not enjoyed that same liberty. And it was only back in I think 1973 that home rule was conferred by this body, the United States Congress, to the citizens of Washington, D.C., and since that time, they have been able to, as a city council, and as a mayor, school system, they have been able to have control over their governmental issues on the local level. And that was certainly something that was prudent for this body to do.

However, the ability of those same citizens to actually vote for President and Vice President of this great Nation still had not been authorized. And it was 1961 when that occurred. So in other words, citizens of D.C. first were given the right to actually vote for President and Vice President, and then they were given the right to govern themselves.

Now, it is important that we logically extend those rights to the citizens of Washington, D.C. to have a Congressperson who has a vote in this great body. We have our illustrious delegate, as she is technically called, but I refer to her always as Congresswoman, a very effective voice in this Congress. And she, on behalf of the citizens of the District of Columbia, deserves to have a vote in this great body. And I'm here in support of that.

I will say that with this fundamental liberty that we are talking about, the right to be represented in this great body, that is a very awesome and fundamental right that should not be bogged down by extraneous matters, particularly when those extraneous matters have to do with tying the hands of this local government that has been granted home rule. It is just totally different. And it is an insult to link a gun control measure to a people's right to have a representative who can vote in this Congress.

So, let's not compound the tragedy and the injustice any further. I'm asking the public to understand that let's not play politics with the people of Washington, D.C.'s ability to be adequately represented. And certainly they are adequately represented. Congresswoman NORTON deserves a right to cast a vote here to have total equality as all of the rest of us have. And so I don't think that is too much to ask.

□ 1715

The SPEAKER pro tempore. The gentleman from California has 55 minutes remaining.

Mr. ROHRABACHER. I appreciate the very sincere presentation we have just had about a serious issue. Although my talk tonight will be focused on some other issues, I would like to have a slight commentary.

Those of us who are conservative Republicans share the concern that has been expressed that the American citizens who reside in the District of Columbia have not been permitted to have the voting rights that people who live in other parts of the United States have. That was taken care of in terms of the Presidential elections by specifically permitting the people involved, and right now as we know the people from the District of Columbia participate in Presidential elections and have Presidential electors, et cetera.

I would suggest that people who are listening do understand there is an alternative to what is being presented which I believe is very serious which is not being considered but should be looked at because I believe that the current path that we just heard being advocated has a chance of being declared unconstitutional. Several scholars testified to that in the hearings.

One method that we know would be constitutional would be to permit the people of the District of Columbia to vote for Federal representation as part of the State of Maryland. That would not only permit the people of the District of Columbia to vote for a representative that would then have every right of every other Representative, but also the right to vote for two United States Senators. They would be the Senators as part of the voting population of Maryland. They would be able to vote for the two Senators that come from Maryland.

This alternative has been somewhat ignored by those people who are pushing for the alternative that you have just heard outlined. But I would suggest as we move forward, I would hope in the spirit of compromise and in the spirit of really trying to get this job done, because I agree with the assessment that there is taxation without representation.

One of my colleagues suggested, well, then let's eliminate Federal taxation

for the people of the District of Columbia. I would support that. But I think it would be better for us to approach a situation where the people of the District of Columbia could vote as part of the voting system in Maryland, the Federal voting system; and thus, they would have a chance to vote for a Member of Congress and two United States Senators. That would be an alternative that I would hope would be looked at and given very serious consideration.

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. ROHRABACHER. I would yield.

Mr. JOHNSON of Georgia. I appreciate the gentleman yielding. I would say that the voting rights bill that Congresswoman NORTON has introduced and which has already been passed by the House in the 110th Congress, that act provides for an expedited judicial review as to the constitutionality of these actions that Congress would take by passing this legislation.

There is also a difference of opinion among constitutional scholars about whether or not the Congress has the authority under the constitution to actually do what this legislation proposes. There are those on both sides of the fence on that.

Mr. ROHRABACHER. That is correct.

Mr. JOHNSON of Georgia. I think it needs to be adjudicated in court. This legislation is conducive to that, provides for that, and the fact that we are doing something that would cause us to have to go to court and defend our powers is no reason to not pass the legislation.

Mr. ROHRABACHER. Reclaiming my time, let me just note that I do believe there is an alternative that should be looked at seriously. And whatever happens to this legislation, I would hope that this other alternative which would permit the people of the District of Columbia to vote for not only a Representative but also two United States Senators is given some serious thought.

With that, tonight I rise, Mr. Speaker, in remembrance of a champion of freedom who recently passed away, a great man who influenced the world in which we live, but left the world with little notice of his passing. His name was Dr. Fred Schwarz. He died in his native Australia on January 24, 2009, at age 96. Dr. Schwarz was a medical doctor, a brilliant thinker, with the most disciplined thought process and intellectual honesty than any other person I have ever met. And that is saying a lot.

At an early age, Dr. Schwarz was able to identify the philosophy of communism—Marxism and Leninism—as the major threat of that day to the human race. He spent decades of his life exploring and exposing the basic ideas of Marx and Lenin and other communist thinkers. He was sounding the alarm as to the logical consequences of those ideas.

Most anti-communists in the United States at that time never got in greater depth than that of a cliche. They were opposed to communism. ''The dirty rotten commies.'' But even though they were using these cliches, they didn't have an inkling as to what the actual philosophy and tenets of communism were all about.

Dr. Schwarz saw communism as an evil religion that corrupted the human sole to the point that idealistic people all over the world, humane people, were turned into murderers and mass slaughter was taking place. People were executed. And yet, even thoughtful people in our own society whose thought patterns were corrupted by Leninism and Marxism ignored this mass slaughter that was going on in the communist world, and sometimes even excused it. From Lenin to Stalin, from Castro to Pol Pot, it was no freak accident that every regime led by people who believed in communism ended up with mass killing and the debasement of civilized and human values. And yes, ended up with having people who flirted with this Marxism and Leninism, were affected in some way by the philosophy, ignoring that torturous existence that the people who lived under communism had to endure.

Dr. Schwarz took it upon himself to educate as many people as he could, especially opinion makers and future leaders, not only about the evil doings associated with communism, but also with the ideology itself that resulted in these evil consequences. In fact, one of the Dr. Schwarz's favorite quotes was ''ideas have consequences.''

Thus, it was vital in the Cold War years that the basic ideas and concepts of this evil theory that threatened the world and threaten to bring upon the human race death and misery wherever it happened, it was vital that we understood the basis of this philosophy and what was causing these evil things to happen in the world.

In those days, communism could propagandize about creating a more peaceful world and benevolent society, even as they turned whole countries into concentration camps and murdered anyone who resisted their power, and murdered anyone who was related to anyone who resisted.

Dr. Schwarz was an Australian, but when he realized that the Cold War would be won or lost by the strength and conviction of the American people, he moved here and became a major educational force teaching young and old alike about the inherent danger that lurked in Marxist-Leninist philosophy. He was a disciplined intellectual, and had no fear in engaging in direct confrontations and disagreements. He was always seeking the truth. He would never put up with faulty logic or inaccuracy of fact on our side or on their side.

Now somewhat forgotten, perhaps ignored, the fact is he had a major impact. He had a major impact on the American conservative movement, giving substance and depth to anti-communist activists that were such an important part of that movement. He thus equipped the intellectual soldiers who eventually won the Cold War. He equipped them with what they needed to understand in order to understand the Cold War.

I owe so much to Dr. Schwarz. The education he gave me was invaluable. From the time I went to Saigon in 1967 during the height of the Vietnam War in search of young political leaders to enlist in the anti-communist cause, to the time I marched arm in arm with anti-Soviet activists in the streets of Prague in 1968, what he taught me could be very well seen in those locations in that day of the evils of communism. And what he taught me helped me all the way through the time I was a journalist, all of the time I spent in the 1980s writing hard-hitting, anti-communist speeches in the White House for President Ronald Reagan. Of course, over these last 20 years as a Member of Congress, what Dr. Schwarz taught me has served me well and helped equip me to serve my country and to serve the cause of freedom.

Speaking of President Reagan, it is significant that President Ronald Reagan was the master of ceremonies, before he was President, of course, at several rallies conducted by Dr. Fred Schwarz during the 1960s. Dr. Schwarz's Christian anti-communist crusade drew thousands to rallies and seminars. And I have no doubt that Ronald Reagan's anti-communist attitude, as well as his understanding, were to a great degree shaped by Dr. Fred Schwarz. Early on as a union leader, Ronald Reagan knew that he was anti-communist. But after Dr. Schwarz, Ronald Reagan knew why he was an anti-communist.

I was not the only Ronald Reagan speech writer who subscribed to Dr. Schwarz. Tony Dolan, Ronald Reagan's chief speech writer who worked with Ronald Reagan on the Evil Empire speech and other historic utterances, was a devotee of Dr. Schwarz.

Dr. Schwarz gave us the intellectual ammunition to relegate communism to the dust bin of history. All of us who he equipped to do battle remember him and are grateful to him.

He has been laid to rest now in his native Australia, and I pay tribute to him, along with the other Cold War warriors, for the contributions that he made to us as individuals and to the cause to which we were all so dedicated.

And yes, we as a global coalition of free men and women defeated the Soviet Union without an all-out war with Russia because we defeated their ideas and understood their ideas and fought them at that level as well as with weapons. One of the factors that helped us win was that we understood and defeated the ideology behind that communist tyranny.

Thank you, Dr. Schwarz, for helping us learn what we needed to learn and to know what we needed to know and then to do what we needed to do.

I will submit for the RECORD an obituary of Dr. Schwarz to give a small background on Dr. Schwarz.

[From the Christian Today, Australia, Jan. 30, 2009]

FRED SCHWARZ, RIP

(By Bill Muehlenberg)

Jesus once said that a prophet is without honour, except in his own country. One of the greatest Australian prophets of the past century has just passed away, and nothing that I am aware of about his passing can be found in the Australian mainstream media.

While Australia has many heroes—especially sporting figures and movie stars—perhaps the greatest hero to arise from Australia in recent times has been totally overlooked by our secular, leftist media. I refer to Dr Fred Schwarz, who died earlier this week at age 96.

Schwarz was a successful medical doctor originally from Brisbane. He left a successful medical practice in Sydney, although with a young family, to devote his whole attention to warning people about the dangers of atheistic communism.

Born in 1913, he accepted Christ as his personal saviour in 1934. In the mid 1940s he began his medical work. He combined this with active Christian work, and also became aware of the threat of Communism during this period. He soon was reading everything he could find on the topic, especially the source materials.

Each night he devoured the works of the founders of Communism. Thus his wife Lillian would quip that she often found four men in her bed: Marx, Lenin, Stalin and Fred. He soon was debating leading Australian Communists.

He became aware that most Christians were clueless as to the menace of totalitarian Marxism, and he dedicated his life to educating the public, and the church, about these dangers. He was invited to speak in America in 1950. He was urged to form an organisation dedicated to instructing people about the Communist threat, and how it is the polar opposite of Biblical Christianity.

In 1953 he established the Christian Anti-Communist Crusade (CACC). He closed his Sydney medical practice in 1955 and devoted the rest of his life to this project, moving to America to fully engage in the work. In 1960 his best-selling book was published, You Can Trust The Communists (to be Communists).

I picked up a secondhand copy of this book in Madison, Wisconsin in the mid–80s. He said this in the book, ''In the battle against Communism, there is no substitute for accurate, specific knowledge. Ignorance is evil and paralytic.''

This book and this ministry were profoundly influential. They influenced a generation of Americans who would do battle against the Communist foe. These include such luminaries as Ronald Reagan, William F. Buckley, Jack Kemp, James Jobson and James Kennedy.

Schwarz had countless debates with Communists, gave countless speeches and talks on the subject, and wrote countless articles, booklets and books on the topic. His life was energetic, passionate, and committed to standing up for biblical Christianity, and warning against the Marxist evils.

When asked which was more dangerous, the external or internal threat of Communism, Fred would reply, ''If you were on a ship that was sinking, which would be the greatest danger, the water outside or the water inside? I was illustrating that the external and internal forces were manifestations of the same danger.''

And the dangers were very real indeed. In one of his first pamphlets Schwarz argued that Communism is a disease: ''Communism has already killed many millions of people and proposes to kill many millions more. Therefore, by definition, it is a disease. It is a threefold disease. It is a disease of the body, because it kills; it is a disease of the mind, because it is associated with systemized delusions not susceptible to rational argument; and it is a disease of the spirit, because it denies God, materializes man, robs him of spirit and soul, and, in the last analysis, even of the mind itself, and reduces him to the level of a beast of the field.''

And even though atheistic, Schwarz could clearly see that it was a religion, albeit a false religion, and the main contender against Christianity. He noted that many ex-Communists have spoken of the religious nature of Communism.

When people charged Schwarz with bias, he confessed: ''I plead guilty. We are biased in favour of truth, freedom, and life; we are against deceit, slavery, and unnecessary death. We believe that Communism leads to classicide through the liquidation of the bourgeoisie, that it leads to the justification and practice of mass murder.''

But, critics will complain, what about the good of Communism? ''In rebuttal I explained that a pathologist is a specialist in the characteristics of a disease, not health, and that a mixture of good and evil is often more deadly than an undiluted evil.''

The complete and incredible story of this modern prophet is told in his autobiography, Beating the Unbeatable Foe (Regnery, 1996). This 600-page story is an inspiring read, and shows us the dedication, zeal and perseverance of this one amazing individual.

It tells of the waves of opposition, not just from the Communists and the Soviet Union, but from leftist, liberal allies and ''useful idiots,'' to use Lenin's phrase. The lies, deceit, slander, and malicious attacks on Dr. Schwarz were relentless and are mind-boggling to read about. Yet despite all this incessant opposition and attack, he remained steadfast to his calling.

The book also speaks about how the Christian churches were especially targeted by the Communists. Internal subversion was an important tactic of the Communists. And many churchmen of course were completely taken in by the Communist propaganda.

One notable thing that struck me as I read this book was that a very similar battle is being waged today, and there is a similar need for accurate information to withstand a vicious enemy. I refer to militant Islam, and the war it is waging against the free West. The parallels between its internal and external attacks are so close to what we found in the Communist offensive.

And in the same way today many Christians are completely ignorant of the threat to the Christian church, or are being duped by various ''peace'' initiatives and interfaith endeavours. In the same way that many believers were hoodwinked by the Communists last century, many believers today are being deceived by the Islamists and their interfaith supporters.

Dr. Schwarz eventually returned to Sydney where he has now finally received his eternal reward. This man was a modern-day saint, a genuine prophet, and a tireless worker for Christ and his Kingdom. He achieved more in his lifetime than most people ever will.

Yet incredibly I still cannot find any news of his death, or any obituaries or eulogies about this remarkable man. Like Jesus, he was certainly a prophet without honour in his own land. But his life and work deserve to be widely heralded. And if no one else will, I most certainly will. God bless you richly Fred Schwarz.

I would also like now to rise in honor of another heroic champion of freedom, a distinguished scholar, a Cold War strategist, a man who, yes, like Dr. Schwarz did not get all of the recognition that he deserved, but those of us who were involved in the final days of the Cold War and the implementation of an anti-communist strategy that worked, we remember Constantine Menges.

Constantine Menges passed away in 2004. Again, like Dr. Schwarz, there was not a great deal of attention that was paid to his passing, yet he had been a powerful force in shaping the world in which we live.

He was a profound thinker. Constantine Menges had a Ph.D. He was someone who thought things out in the long run, and had tremendous historical perspectives which he shared with us.

□ 1730

He was the one who put together the strategies and the maneuvers that would end the Cold War with the defeat of the Soviet Union while minimizing the chances of all-out war between the Soviet Union and the United States.

Although it wasn't called it then at the time, the Reagan Doctrine—that strategy of confronting Soviet expansionism without confronting the Soviet Army itself with American troops—this idea flowed from a basic strategy laid forward originally, as far as my first contact with it, from Constantine Menges, who was, at that time, a senior National Intelligence Officer for Latin America at the Central Intelligence Agency under William Casey—of course that was during Ronald Reagan's administration. I remember him showing me that plan.

I also remember that basic plan later when Dr. Jack Wheeler stepped forward and said, I'm going to go out and meet the various people of these anti-Soviet insurgencies and anti-Soviet movements throughout the world so that we can put a face to that strategy. And then of course we had Oliver North, who was then working in the White House to help that insurgency in Nicaragua that helped turn the tide there.

Constantine Menges was the man who strategized these moves, the man who then, after working in the CIA—and serving CIA Director Bill Casey very well—was brought to the White House. And there in the White House he fought the internal battles that made sure that strategy worked. President Reagan had signed on to that strategy—the Reagan Doctrine—of defeating the Soviet Union by supporting those folks in various parts of the world who themselves were resisting Soviet expansionism. But you would think, well, that just speaks for itself, of course we should have done that. Well, in the 1980s, that was not something that was just taken for granted.

The fact is that there were people within the Reagan administration itself who were constantly trying to undermine that strategy. For example, I just mentioned Oliver North, who was

actually in the National Security Council, along with others—by the way, for only 1 year, with our help to the insurgents who were trying to fight the Sandinista dictatorship in Nicaragua, only for 1 year was that not a legal operation. And the years before we gave hundreds of millions of dollars, and the years after that hundreds of millions of dollars were given to support that resistance movement. But constantly there was this effort by people within the Reagan administration—and also from without, I might add, people here in Congress—who were trying to undermine our support for those who were trying to force democracy and democratic elections on the Sandinista dictatorship.

And what was one of the major issues? It was whether or not we should cease our support for these insurgents before or after the Sandinista permitted free elections. And there were those who were trying to pressure Ronald Reagan, people within the administration—and I might say, I believe that our Secretary of State Schultz supported this position—of actually cutting off our arms to the anti-Sandinista insurgency before the Sandinista dictatorship actually permitted the elections to take place.

With Constantine Menges constantly at Reagan's side reminding him that, no, what would work is only after the elections we will pledge, no matter how the elections come out, that we will withdraw our military support for those people in that insurgency, without that, we would have withdrawn our support and the Sandinistas would never have permitted a democratic election because they were committed to the same type of philosophy that you have in Cuba and in other communist countries; they were Marxist-Leninists. As Dr. Schwarz would say, you can trust the communists to be a communist. And Marxist-Leninists don't believe in democracy. And unless we were forcing them to, they would not have permitted free elections.

And once those elections happened in Nicaragua—which was a tribute not only to the championship and to the courage of those people who fought that insurgency, but also a tribute to the Ollie Norths and the Constantine Mengeses who were fighting the inside fight. If we would not have done that, there would never have been those free elections. And with those elections, the Sandinistas were soundly defeated. By an American standard, that election was a landslide against them.

So what happened? There was a solid move to democracy in that region because what we had done is we had thwarted the Soviet Union's strategy of their own to catch the United States by surprise and undermine our security by supporting those pro-communist elements in Latin America, supporting the guerrilla movements in Latin America. And that base of operations was going to be in Nicaragua. We put the Nicaraguan communists on the defensive, and by doing so, we permitted Central America to have a chance for freedom.

And sure enough, the countries in Central America have been stalwarts for democracy in the years since the end of the Cold War. They have benefited by the Constantine Mengeses, who worked their hearts out inside the White House and outside the White House to make sure that they had the political support and the strategic support they needed to establish democracies there.

Constantine Menges wrote book after book. His last book that I remember dealt with the emerging threat of China, but he was also very focused on Latin America and warned us about potential inroads being made in Venezuela, for example.

So tonight we remember Constantine. And we are grateful to Dr. Fred Schwarz, we're grateful to Ollie North, we're grateful to Dr. Jack Wheeler, we're grateful to Constantine Menges. These are individuals whose names most people don't know. Without them, freedom wouldn't have had a chance during the Cold War. But yet, we won the Cold War without actual warfare between the Soviet Union and the United States and, again, democracy was secured in Central America.

Unfortunately, now in Latin America we see an ominous trend, a very ominous trend, when we see the rise of a left-wing, semi-Marxist Cedillo in Venezuela, this Chavez, this boisterous anti-American, we see him aligning himself with communist Cuba, one of the last communist dictatorships in the world. And again, we see this in Bolivia. But yet, we see ominous trends. For example, in Nicaragua itself, the pro-democratic elements of that society were split, and they ended up with the Sandinista, the thugs from the old Sandinista Marxist regime returning to power even though they only had 40 percent of the vote. The 60 percent of the vote that was anticommunist was split, and that in itself is an ominous trend. And then of course we have the elections that will be coming up this weekend in El Salvador. And from what I understand, it is within a margin of error now, it's neck in neck, who will be elected to be the government of that country.

El Salvador has had a solid and a stable democracy all of these years since the end of the Cold War, since Ronald Reagan determined we would be supporting not right-wing dictators to defeat communism, but instead, we would solidly support democratic elements. Otto Reich, one of the champions during the Reagan years, testified just yesterday that when Ronald Reagan became President of the United States, 90 percent of Latin America was under right-wing military dictators. When Ronald Reagan left, 90 percent of Latin America was under democratic rule and governed by people who had been elected in free elections. What a tremendous, tremendous legacy.

But now that legacy is a threat because the people of these countries have learned to take that democracy for granted and to forget the basic nature of those Marxists and Leninists who tried to implement, tried to impose communist dictatorship on those countries back in the 1980s.

Well, now the FMLN—which was a terrorist organization, basically a Marxist-Leninist military arm back in the 1980s which tried, by force, to become the government of El Salvador—since then they have been operating within the democratic process; but this same group that would have imposed a Marxist-Leninist dictatorship now has a chance of winning the elections in El Salvador.

Free people should be alarmed, especially the people of El Salvador. They have learned to take for granted the stability, the progress, the democratic rights that they have. The FMLN is made up of people who have allied themselves with al Qaeda, Iran, Cuba, and other state sponsors of terrorism. For example, the current vice presidential candidate of the FMLN, that candidate, a few days after 9/11, celebrated the attack on the United States with a demonstration in El Salvador and burned American flags and claimed that America had brought 9/11 upon ourselves. That's the kind of leadership, that's the kind of belligerence represented by the FMLN.

Now, the people of El Salvador have every right to elect whoever they want to head their government, whether it's the FMLN, or anyone else—certainly no one is suggesting otherwise, but obviously there are consequences that need to be considered when choosing who your leader will be.

In this case, all of the cooperation, all of the economic cooperation, all of the stability that we've had, the friendship that we've had could be destroyed if the FMLN, a political party in El Salvador that is hostile to the United States—they hate the United States. And if you elect someone who hates the United States, then the people of El Salvador cannot expect that there will be a good relationship between our countries.

Now, if the people of El Salvador want to have a bad relationship with the United States, they don't want to have the same type of economic policies, fine, they should elect the Marxist FMLN. But if they want to be friends of the United States, they should understand that you can't elect people who celebrate 9/11 and say good things about al Qaeda and ally themselves with Marxist dictatorships and think that they're going to have the same positive relationship with us.

In this case, we have had very positive economic policies for which we bestowed upon the Government of El Salvador because it was democratic and because it was friendly to the United States. Those economic policies will not stand up if the Government of El Salvador is hostile to us or hates us, or

is anti-democratic, or starts—as the tough guy in Nicaragua has done, he has already started to repress his own people and to use a heavy hand in place of a democratic process in that country.

So the people of El Salvador need to think about what relationship do you want to have? What will it cost us if we have an anti-American government? Well, today there are over $4 billion that come from El Salvadorians who are in the United States in remittances, $4 billion from these people who are here, who are El Salvadorians, flow into El Salvador. Now, they're called remittances. Well, we do not need to permit those remittances; we do this as a favor to that country and to try to help its economy. But if we have an anti-American government there, that issue will be hotly debated in the United States Congress.

If you have a country that is run by people who burn American flags and congratulate al Qaeda terrorists for flying planes into our buildings and killing thousands of Americans, yes, we will have an honest debate about whether or not we should restrict the billions of dollars that now flow in remittances from the United States to El Salvador. If people want to vote for that there, they have every right, and we respect that. That's democracy. But we, too, will respond. And we, too, will have things that we have to do to protect our interests if we have a country that is allying themselves with the people who slaughtered our American citizens on 9/11. We can't expect to permit the free flow of billions of dollars to continue if that's the case. That shall be solidly debated if the FMLN is brought to power. So we need to make sure that good people who support democracy throughout this hemisphere, who we helped during the wars in the 1980s, that they do not then become complacent and take all of the democracy and progress that has happened there for granted.

There was tremendous chaos in the seventies and eighties in Latin America and Central America. People don't need that anymore. They don't need the hatred and the vitriol that was down there and all of the anti-Americanism—and the outside interference, I might add, that came in when the Soviet Union pumped a billion dollars worth of military equipment into Nicaragua thinking they were going to roll up Latin America. Well, brave people in Latin America stood against Marxism-Leninism then. They should continue to do so because, in the end, all of us, what kind of country we live in is in our hands. We wish the people of El Salvador well; we do, we wish them well. We wish them a successful election. We hope that they will remain friends of the United States.

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Unfortunately, I know there is a large number of Members of Congress who signed on to a letter suggesting whatever happens in the election, it's not going to make any difference in American policy. Well, those Members of Congress, and many of them are my friends, they have a more liberal left outlook in life than I do, and I can say that they're misguided in presenting that to the people of El Salvador. The fact is that what happens in this election will have impact on our relations, and it is not just something that the people can elect an anti-American government and expect everything to stay the same.

So I hope we remain friends. I hope the people of El Salvador vote to be friends. But if they don't, that is their right to do so. I think it would be much more beneficial for the people of El Salvador and other Latin American countries to remain good friends of the United States rather than attaching their future to the likes of Hugo Chavez and other despots and bellicose Cedilloses.

These military strongmen who are in the right wing that dominated Latin America back in the 1960s, that was a tragedy for the people of Latin America, and that was a tragedy that the United States did not oppose that type of authoritarian rule as much as we should have. And it was Ronald Reagan that turned that around, and I am very proud that during Ronald Reagan's administration that we stood for democracy, not just anti-communism; and that with Constantine Menges there to help us strategize, we turned back the tide of communism in Latin America and throughout the world, and we created a better world without having the kind of nuclear exchange or massive military fight with the Soviet army that was predicted so often back in the 1950s and 1960s.

So tonight we look back on the heroes, the heroes of the Cold War who brought about a more peaceful and a more democratic world. And we reach out to those people now in Latin America who are making decisions, making the decisions as to whether or not they're going to take for granted what was accomplished during this pro-democratic revolution that took place under Ronald Reagan and took place at great risk and great hardship for the people in Central America.

Now is not the time to go back to Marxism-Leninism with another face. Let's again go back to Dr. Fred Schwarz. Dr. Schwarz told us that if you really read what the communists and the Leninists believe, you will see that they believe in the dictatorship of the proletariat. You will see they believe in the centralization of power, the arrogant ''we know what's best for everyone'' notion that results in dictatorship every time but also results in poverty and results in a decline in the standard of living and results in conflict with other peoples. Latin America nor anywhere else in the world needs the conflict, needs the repression that will come with a resurgence of Marxist-Leninists who now put on a democratic face and say, no, we're actually different now. Well, maybe they aren't using guns, but putting them in power in any way will not make this a better world or a better country. That is for people of each country to decide for themselves. We wish all of those people, whether in El Salvador or elsewhere, free elections, open discussion, open debate.

I hope that my words today will be seen as part of the debate here as to what we should do if indeed a change in policy happens and a change in leadership happens in El Salvador so that we will know what policies will change if indeed the FMLN, which was a Marxist-Leninist terrorist group back in the 1960s and 1970s, whether or not, if that group comes to power, what changes will be brought about.

With that said, Mr. Speaker, I would also put into the RECORD at this point an obituary about Mr. Constantine Menges, dated July 14, 2004.

[From the Washington Post, July 14, 2004]

CONSTANTINE MENGES; NATIONAL SECURITY AIDE

(By Joe Holley)

Constantine Menges, 64, a national security aide for Latin America during the Reagan administration who had a central role in planning the U.S. invasion of Grenada in 1983, and who focused on the continuing threat of communism in books and numerous articles, died of cancer July 11 at Sibley Memorial Hospital. He lived in the District.

At the time of his death, Dr. Menges was a senior fellow at the Hudson Institute, a public policy think tank. His recent work had focused on the threat to the United States of a growing pro-Castro alliance throughout Latin America; state-sponsored terrorism, including what he considered Iran's subversion of Iraq; and the rise of China as a superpower.

Dr. Menges had just completed the manuscript for a book titled ''China, the Gathering Threat: The Strategic Challenge of China and Russia.'' He also was the author of a memoir, ''Inside the National Security Council,'' several other books, and numerous articles.

Dr. Menges was born in Ankara, Turkey, the son of political refugees from Nazi Germany. The Menges family, fearing that Turkey would enter the war as an ally of the Axis powers, moved from place to place through war-torn Europe. The family arrived in the United States in 1943.

Dr. Menges received a bachelor's degree in physics from Columbia College and a doctorate in political science from Columbia University. He taught political science at the University of Wisconsin before joining the Rand Corp.

He entered government service in the late 1970s, first as assistant director for civil rights, then as deputy assistant secretary for education in the Department of Health, Education and Welfare.

From 1981 to 1983, he was a national intelligence officer for Latin American affairs at the Central Intelligence Agency under Director William Casey. From 1983 to 1986, he worked for the National Security Council as a special assistant to the president, specializing in Latin America.

In ''President Reagan: The Role of a Lifetime,'' author Lou Cannon described Dr. Menges as one of a cadre of National Security Council aides who believed, as did Casey, ''that the West should be mobilized to fight Communists with their own methods.''

Cannon described Dr. Menges ''as one of the most forceful of these polemicists'' and ''a principled conservative.'' White House and State Department pragmatists, according to Cannon, dubbed him ''Constant Menace,'' a play on his name, for his ardent support of action, covert and otherwise, against Nicaraguan Sandinistas and Salvadoran rebels.

Deeply involved in White House support for the Nicaraguan contras, Dr. Menges also argued that an American strategy for combating communism in Latin America should include suppression of right-wing death squads and promotion of land reform.

''He believed that the United States should compete with the Soviets in sponsorship of 'national liberation movements' in Third World nations,'' Cannon wrote.

Dr. Menges contended that the invasion of Grenada helped avert a possible Grenada nuclear deployment crisis and strengthened President Ronald Reagan's hand in deploying intermediate-range missiles in Europe in late 1983.

From 1990 to 2000, Dr. Menges was a professor at George Washington University, where he founded and directed the program on Transitions to Democracy. His work on democratic transitions included the post-communist states, Iraq, Iran and the Americas. He also began a project on U.S. relations with Russia and China and the new Russia-China alignment.

In articles that appeared regularly in The Washington Post, the Washington Times, the New York Times, the New Republic and other publications, Dr. Menges continued to warn that the communist threat persisted.

In a Washington Post opinion article in 2001, he wrote that ''Russia and China are using mostly political and covert means to oppose the United States on security issues and to divide America from its allies.''

As a college student, Dr. Menges helped individuals escape communist East Berlin in 1961, and in 1963, he worked in Mississippi as a volunteer for equal voting rights.

Survivors include his wife of 29 years, Nancy Menges, and a son, Christopher, both of Washington.

Mr. Speaker, I appreciate the fact that in this country we have demonstrated to the world something really important, and that is that we have had a shift in power in the United States. And I hope people see that the Republicans and the Democrats stood there and applauded as our new President was sworn in. We wish this country success, and we wish this President success. We may have a difference of opinion on how to achieve success, but we all are rooting for people who fundamentally believe that democratic dialogue like the one I'm talking about and democratic process is the answer to the future.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 11, 2009 AT PAGE H3336

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Mr. HOYER) for today on account of illness.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. CHAFFETZ, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, March 19.

Mr. JONES, for 5 minutes, March 19.

Mr. MCCLINTOCK, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, March 16, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

843. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Canadian Forces Snowbird Air Show, Duluth, MN. [USCG-2008-0359] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Carp Society Northeast Regionals fireworks, Seneca River, Baldwinsville, NY. [USCG-2008-0358] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V MAERSK JEWEL [USCG-2008-0362] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Gulf of Mexico, FL. [Docket No. USCG-2008-0364] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

847. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New York Air Show, Atlantic Ocean off of Jones Beach, NY [Docket No. USCG-2008-0371] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

848. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0370] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

849. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wilmington River, Savannah, GA [USCG-2008-0387] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

850. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Birthday Fireworks Display, Gulf of Mexico, Florida. [Docket No. USCG-2008-0402] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

851. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V BRUGGE VENTURE [Docket No. USCG-2008-0435] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

852. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco, CA [Docket No. USCG-2008-0430] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

853. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fish Barrier Testing, Chicago Sanitary Ship Canal, Chicago, IL. [USCG-2008-0300] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

854. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Fleet Week Sea and Air Parade; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0298] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

855. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stockton Asparagus Festival; Stockton, California [Docket No.: USCG-2008-0324] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

856. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Exclusion zone for sunken barge; Miami River, Miami, FL [Docket No.: USCG-2008-0325] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

857. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V BBC ALABAMA [Docket No.: USCG-2008-0342] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

858. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [Docket No.: USCG-2008-0336] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

859. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Cinco de Mayo Fireworks Display [USCG-2008-0357] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

860. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Woodrow Wilson Bridge Dedication Ceremony, Potomac River, Arlington and Fairfax Counties, VA, Prince Georges County, MD and Washington, DC [Docket No.: USCG-2008-0393] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. BROWN of South Carolina (for himself, Ms. BORDALLO, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. KIND, Mrs. BONO MACK, Mr. KING of New York, Mr. TANNER, and Ms. ROS-LEHTINEN):

H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, 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. MALONEY (for herself and Mr. KANJORSKI):

H.R. 1455. A bill to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. ACKERMAN, Mr. MILLER of North Carolina, Mr. ELLISON, Ms. SPEIER, Mr. TIERNEY, and Ms. ESHOO):

H.R. 1456. A bill to extend the protections of the Truth in Lending Act to overdraft protection programs and services provided by depository institutions, to require customer consent before a depository institution may initiate overdraft protection services and fees, to enhance the information made available to consumers relating to overdraft protection services and fees, to prohibit systematic manipulation in the posting of checks and other debits to a depository account for the purpose of generating overdraft protection fees, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. MCGOVERN, and Mr. KLEIN of Florida):

H.R. 1457. A bill to amend the Public Health Service Act to deem certain geriatric health training to be obligated service for purposes of the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. KIND):

H.R. 1458. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. NADLER of New York, Ms. WATERS, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. PAYNE, Mr. COHEN, Ms. NORTON, and Mr. RANGEL):

H.R. 1459. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM (for himself, Ms. BALDWIN, Ms. KAPTUR, Mr. BISHOP of Georgia, Mr. SMITH of New Jersey, Mr. TAYLOR, Mr. LOEBSACK, Mr. HARE, Ms. DELAURO, Mr. MCMAHON, Mr. MICHAUD, Mr. RANGEL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. GORDON of Tennessee):

H.R. 1460. A bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Mr. GRIJALVA, Ms. CLARKE, Mr. HARE, Mr. DAVIS of Illinois, Mr. ANDREWS, and Ms. WOOLSEY):

H.R. 1461. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. HINCHEY, Mr. GRIJALVA, and Ms. BERKLEY):

H.R. 1462. A bill to provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes; to the Committee on Natural Resources.

By Ms. HARMAN (for herself, Mrs. TAUSCHER, Mr. ROYCE, and Mr. CONNOLLY of Virginia):

H.R. 1463. A bill to restrict United States military assistance to the Government of Pakistan; to the Committee on Foreign Affairs.

By Mr. FOSTER:

H.R. 1464. A bill to require Federal agencies to collaborate in the development of freely-available open source educational materials in college-level physics, chemistry, and math, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 1465. A bill to amend the Consumer Product Safety Act to provide regulatory relief to small and family-owned businesses; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Ms. NORTON, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. COHEN, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. PASTOR of Arizona, Mr. STARK, Ms. FUDGE, Mr. FATTAH, and Mr. DAVIS of Illinois):

H.R. 1466. A bill to concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. BOEHNER, Mr. COBLE, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. JORDAN of Ohio, Mr. ROONEY, Mr. HARPER, Mr. SULLIVAN, Mr. PENCE, Mr. CANTOR, Mr. SHADEGG, Mr. HUNTER, Mrs. BACHMANN, and Ms. FALLIN):

H.R. 1467. A bill to extend certain provisions of the USA PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act of 2004 for 10 years; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 1468. A bill to provide health care liability reform, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, and Mr. ROGERS of Michigan):

H.R. 1469. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. HERGER, Ms. KOSMAS, and Mr. REICHERT):

H.R. 1470. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. GINGREY of Georgia, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Mr. MARSHALL, and Mr. BARROW):

H.R. 1471. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN (for herself, Mr. HUNTER, Mr. GOHMERT, Mr. KLINE of Minnesota, Mr. CHAFFETZ, Mr. LAMBORN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. MANZULLO, Mr. SMITH of Texas, Mr. AKIN, Mr. WAMP, Mr. LATTA, Ms. FALLIN, Mr. BISHOP of Utah, Mr. OLSON, Mr. MCCLINTOCK, Mr. FLEMING, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGG, Mr. FRANKS of Arizona, and Mr. BURTON of Indiana):

H.R. 1472. A bill to establish reporting requirements each time funds from Troubled Assets Relief Program or the American Recovery and Reinvestment Act of 2009 are received or redistributed, and to establish a waste, fraud, and abuse hotline for such funds, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROSS, Mr. SHUSTER, Mr. SNYDER, Mr. BOREN, and Mr. BERRY):

H.R. 1473. A bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees at lands and waters administered by the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. BOCCIERI, Mr. WALZ, and Mr. ALTMIRE):

H.R. 1474. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. AL GREEN of Texas, Mr. TOWNS, Mr. RUSH, Mr. LEWIS of Georgia, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, and Mr. CLAY):

H.R. 1475. A bill to amend title 18, United States Code, to restore the former system of good time allowances toward service of Federal prison terms, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. INGLIS, Mr. ISRAEL, and Mr. BARTLETT):

H.R. 1476. A bill to require automobile manufacturers to ensure that not less that 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Energy and Commerce.

By Mr. GRIFFITH:

H.R. 1477. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for long-term capital gain on property acquired or disposed of during 2009 or 2010; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 1478. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and for other purposes; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1479. A bill to enhance the availability of capital, credit, and other banking and financial services for all citizens and communities, to ensure that community reinvestment requirements are updated to account for changes in the financial industry and that reinvestment requirements keep pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN (for himself and Mr. PETRI):

H.R. 1480. A bill to amend the Tariff Act of 1930 to require that certain laminated woven bags be marked with the country of origin; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1481. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 1482. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to appropriate the proceeds for the Low-Income Home Energy Assistance Program; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. WU):

H.R. 1483. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 1484. A bill to award a Congressional Gold Medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Ms. MATSUI (for herself, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. POE of Texas, and Mr. DOGGETT):

H.R. 1485. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEEK of Florida:

H.R. 1486. A bill to amend the Fair Credit Reporting Act with respect to requirements relating to information contained in consumer reports, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 1487. A bill to amend the Electronic Fund Transfer Act to require notice to the consumer before any fee may be imposed by a financial institution in connection with any transaction for any overdraft protection service provided with respect to such transaction, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 1488. A bill to establish a fair order of posting checks and deposits to prevent unjust enrichment of financial institutions from fees that accrue only by virtue of the order used by the institution for posting checks and deposits, and for other purposes; to the Committee on Financial Services.

By Mr. MOLLOHAN:

H.R. 1489. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I-68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Transportation and Infrastructure.

By Mr. MOORE of Kansas (for himself, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. HOLT, Ms. SHEA-PORTER, Mr. CHANDLER, Ms. BALDWIN, Mr. OLVER, Ms. KAPTUR, Mr. HINCHEY, Mrs. DAVIS of California, Ms. SCHWARTZ, Ms. MOORE of Wisconsin, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. KUCINICH, Mr. CONYERS, Mr. SABLAN, Mr. PAYNE, and Mr. CARNAHAN):

H.R. 1490. A bill to establish a grant program to assist in the provision of safety measures to protect social workers and other professionals who work with at-risk populations; to the Committee on Education and Labor.

By Ms. MOORE of Wisconsin (for herself, Mr. ROGERS of Kentucky, and Ms. KAPTUR):

H.R. 1491. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. WELCH):

H.R. 1492. A bill to establish a pilot program to provide assistance for partnerships supporting applied sciences in renewable energy; to the Committee on Education and Labor.

By Mr. PAUL (for himself and Mr. PRICE of Georgia):

H.R. 1493. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1494. A bill to ensure that a private for-profit nursing home affected by a major disaster receives the same reimbursement as a public nursing home affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 1495. A bill to amend the Internal Revenue Code of 1986 to make health care coverage more accessible and affordable; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1496. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1497. A bill to amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance against negative outcomes from surgery, including against malpractice of a physician; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H.R. 1499. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Science and Technology.

By Mr. PETERS:

H.R. 1500. A bill to amend the Internal Revenue Code of 1986 to increase and make refundable the dependent care credit; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 1501. A bill to amend title XVIII of the Social Security Act to increase inpatient hospital payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 1502. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. POSEY:

H.R. 1503. A bill to amend the Federal Election Campaign Act of 1971 to require the principal campaign committee of a candidate for election to the office of President to include with the committee's statement of organization a copy of the candidate's birth certificate, together with such other documentation as may be necessary to establish that the candidate meets the qualifications for eligibility to the Office of President under the Constitution; to the Committee on House Administration.

By Mr. RANGEL:

H.R. 1504. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Dominican extraction or descent; to the Committee on Oversight and Government Reform.

By Mrs. SCHMIDT (for herself and Mr. OBERSTAR):

H.R. 1505. A bill to authorize the Secretary of Health and Human Services to provide services for birth parents who have placed a child for adoption, and for other purposes; to the Committee on Education and Labor.

By Ms. SLAUGHTER (for herself and Mr. BURTON of Indiana):

H.R. 1506. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. WAXMAN, Mr. TOWNS, Mr. BRALEY of Iowa, and Mr. PLATTS):

H.R. 1507. A bill to amend chapter 23 of title 5, United States Code, relating to disclosures of information protected from prohibited personnel practices, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on 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 Mr. WEXLER (for himself and Mr. NADLER of New York):

H.R. 1508. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BACA:

H.J. Res. 40. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. REHBERG:

H. Con. Res. 71. Concurrent resolution expressing the Sense of the Congress that the Federal Government should not create a national database tracking firearm owners or firearm purchases; to the Committee on the Judiciary.

By Mr. FORBES (for himself and Ms. BORDALLO):

H. Con. Res. 72. Concurrent resolution condemning any action of the PRC that could unnecessarily escalate tensions between our two countries, including the actions taken on March 8, 2009 relating to the USNS Impeccable and the subsequent rejection of United States protests to the incident; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut:

H. Res. 237. A resolution Electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. FLAKE, Mr. INGLIS, Mr. BILIRAKIS, and Mr. WOLF):

H. Res. 238. A resolution recognizing the threat to international security and basic human dignity posed by the catastrophic decline of economic, humanitarian, and human rights conditions in the Republic of Zimbabwe; to the Committee on Foreign Affairs.

By Mr. CHILDERS (for himself, Mr. THOMPSON of Mississippi, Mr. HARPER, and Mr. TAYLOR):

H. Res. 239. A resolution honoring the 125th anniversary of Mississippi University for Women; to the Committee on Education and Labor.

By Ms. SHEA-PORTER (for herself, Mr. TOWNS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. YARMUTH, Mr. COHEN, Ms. SCHAKOWSKY, Mr. KENNEDY, Mr. FILNER, Mr. MOORE of Kansas, Mr. LOEBSACK, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Ms. HIRONO, Mrs. DAVIS of California, Mrs. DAHLKEMPER, Mr. BARROW, Mr. MITCHELL, Ms. TSONGAS, Ms. MATSUI, Mr. COURTNEY, Mr. HARE, Ms. DEGETTE, Mr. JONES, Mr. BROWN of South Carolina, Mrs. MCCARTHY of New York, Ms. SUTTON, and Mr. RODRIGUEZ):

H. Res. 240. A resolution to support the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. OLVER, Mr. WOLF, Mr. HONDA, Ms. MOORE of Wisconsin, Ms. LEE of California, Mr. MORAN of Virginia, Mr. MCCAUL, Mr. CAPUANO, and Mr. PERRIELLO):

H. Res. 241. A resolution commending the International Criminal Court for issuing a warrant for the arrest of Omar Hassan Ahmad al-Bashir, President of the Republic of the Sudan, for war crimes and crimes against humanity, and expressing the hope that this will be a significant step in the long road towards achieving peace and stability in the Darfur region; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. MEEKS of New York, Ms. LEE of California, Mr. CLAY, Mr. MEEK of Florida, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, and Ms. FUDGE):

H. Res. 242. A resolution recognizing the apology offered by the Government of Australia to the aboriginal people and its significance as a gesture of healing for this proud nation; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H. Res. 243. A resolution recognizing and promoting awareness of Chiari malformation; to the Committee on Energy and Commerce.

By Mr. MITCHELL (for himself and Ms. ROS-LEHTINEN):

H. Res. 244. A resolution expressing the support of the House of Representatives for the generous charitable donations made by Americans; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SNYDER, Mr. BURGESS, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mrs. KIRKPATRICK of Arizona, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. FLEMING, Mr. RODRIGUEZ, Mr. LANGEVIN, Mr. YARMUTH, Mr. MARIO DIAZ-BALART of Florida, Ms. JENKINS, Mr. ORTIZ, and Mr. BERMAN.

H.R. 23: Ms. CORRINE BROWN of Florida.

H.R. 24: Mr. HALL of Texas, Ms. SUTTON, Mr. HENSARLING, Mr. CASSIDY, Mr. GARRETT of New Jersey, Mr. COSTELLO, Mr. TIM MURPHY of Pennsylvania, Mr. CAPUANO, Mr. WOLF, Mr. BURGESS, Mr. AKIN, Ms. FOXX, Mr. MICHAUD, Mr. MCGOVERN, Mr. ORTIZ, Mr. ROHRABACHER, Mr. MACK, Mr. TIERNEY, Mr. HARE, and Mr. LANGEVIN.

H.R. 25: Mr. WAMP, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, and Mr. FLEMING.

H.R. 31: Mr. CARNAHAN, Mr. MOLLOHAN, Mr. MORAN of Kansas, Mr. WALDEN, and Mr. MEEK of Florida.

H.R. 40: Mr. WATT.

H.R. 79: Mr. DAVIS of Tennessee.

H.R. 111: Mr. SIRES, Mr. LEE of New York, Mr. ARCURI, and Mr. MASSA.

H.R. 116: Mr. SOUDER.

H.R. 144: Mr. JACKSON of Illinois.

H.R. 156: Mr. TIBERI.

H.R. 179: Ms. PINGREE of Maine and Ms. SPEIER.

H.R. 181: Mr. MICHAUD.

H.R. 186: Mr. FALEOMAVAEGA and Ms. NORTON.

H.R. 206: Mr. MARSHALL.

H.R. 208: Mr. KLINE of Minnesota.

H.R. 211: Mr. KUCINICH, Mr. DONNELLY of Indiana, Mr. CAO, Mr. KENNEDY, Ms. SPEIER, and Mr. CUMMINGS.

H.R. 235: Mr. LATTA, Mr. MCGOVERN, Ms. JENKINS, Mr. KLINE of Minnesota, Mr. TIAHRT, Ms. ROS-LEHTINEN, Mr. ELLSWORTH, Mr. CARTER, and Ms. GIFFORDS.

H.R. 272: Mr. SESTAK and Mr. JONES.

H.R. 302: Mr. LEE of New York.

H.R. 336: Mr. SIRES.

H.R. 370: Mr. SIRES.

H.R. 391: Mr. MCCLINTOCK.
H.R. 404: Mr. CARNAHAN.
H.R. 413: Mr. MCHUGH, Mr. HOLT, Mr. PALLONE, Mr. DAVIS of Tennessee, Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. MATHESON, Mr. HARE, Mr. COHEN, Mr. DENT, Mr. COSTELLO, Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. SPACE, Mr. SCOTT of Georgia, Mr. LOBIONDO, Mr. PLATTS, Mr. TIM MURPHY of Pennsylvania, and Mr. CONNOLLY of Virginia.
H.R. 422: Mr. DAVIS of Illinois and Mr. REICHERT.
H.R. 424: Mr. COHEN.
H.R. 464: Mr. COLE.
H.R. 503: Mr. ARCURI and Mr. ENGEL.
H.R. 510: Mr. MICHAUD and Mr. STUPAK.
H.R. 555: Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NADLER of New York.
H.R. 574: Ms. KAPTUR and Ms. GINNY BROWN-WAITE of Florida.
H.R. 616: Mr. MCHENRY, Mr. LOBIONDO, Mr. PETRI, Mr. CONNOLLY of Virginia, Mr. LUETKEMEYER, Mr. REHBERG, and Mr. DUNCAN.
H.R. 626: Mr. AL GREEN of Texas.
H.R. 627: Mr. ARCURI, Mr. LANGEVIN, Mr. HALL of New York, Mr. DAVIS of Illinois, and Mr. ABERCROMBIE.
H.R. 630: Mr. WESTMORELAND, Mr. POSEY, Mr. CULBERSON, Mr. CHAFFETZ, Mr. SHADEGG, Mr. OLSON, and Mr. LATTA.
H.R. 678: Mr. CASSIDY and Mr. GOODLATTE.
H.R. 684: Mr. CONNOLLY of Virginia.
H.R. 745: Mr. CRENSHAW, Mr. KING of Iowa, Mrs. CAPITO, Mrs. BIGGERT, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. BOOZMAN, Mrs. EMERSON, Mr. REICHERT, Mr. SULLIVAN, Mr. GOODLATTE, Mr. OBERSTAR, and Mr. TURNER.
H.R. 753: Ms. WOOLSEY, Mr. SESTAK, Mr. MCMAHON, and Mr. HONDA.
H.R. 758: Mr. GRIFFITH.
H.R. 764: Mr. ROGERS of Kentucky.
H.R. 774: Mr. TONKO.
H.R. 816: Mrs. EMERSON, Mr. BURGESS, Mr. MINNICK, and Mr. PAUL.
H.R. 832: Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. SIRES.
H.R. 836: Mr. GRIJALVA, Mr. MACK, Mr. MICA, Mr. SHUSTER, Mr. ROHRABACHER, Mr. ROYCE, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. KAGEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AKIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. ABERCROMBIE, Ms. LINDA T. SÁNCHEZ of California, and Mr. ROTHMAN of New Jersey.
H.R. 847: Mr. SESTAK.
H.R. 868: Mr. MORAN of Kansas and Mr. KILDEE.
H.R. 873: Mr. ENGEL and Mr. SPACE.
H.R. 877: Mr. CRENSHAW.
H.R. 890: Mr. VAN HOLLEN, Mr. HEINRICH, Mr. WELCH, Mr. LUJAN, Mr. CASTLE, Mr. CONNOLLY of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. DEFAZIO, Ms. SCHAKOWSKY, Mr. EHLERS, Mr. BERMAN, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. HODES, Mr. MCGOVERN, Mr. PALLONE, Ms. HARMAN, Mr. CARSON of Indiana, Mr. POLIS, Mr. LOEBSACK, Mrs. CHRISTENSEN, Mr. INSLEE, Mrs. CAPPS, Mr. MCNERNEY, Mr. LOBIONDO, and Mr. TONKO.
H.R. 914: Mr. PLATTS, Mr. ALEXANDER, Mr. JONES, Mr. SESSIONS, Ms. NORTON, and Mr. WHITFIELD.
H.R. 930: Mr. REYES.
H.R. 958: Mr. PASTOR of Arizona, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Ms. KAPTUR, and Mr. COURTNEY.
H.R. 963: Mr. COHEN.
H.R. 980: Mr. HARE and Ms. SLAUGHTER.
H.R. 984: Mr. HOLT.
H.R. 985: Mr. CLAY.
H.R. 988: Mr. ELLISON, Mr. PITTS, Mr. CLEAVER, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. TERRY, and Mr. MORAN of Kansas.
H.R. 997: Mr. MCCARTHY of California and Ms. JENKINS.
H.R. 1016: Mr. MORAN of Kansas and Ms. PINGREE of Maine.
H.R. 1024: Mr. PASTOR of Arizona and Mr. BAIRD.
H.R. 1032: Ms. TITUS and Mr. LYNCH.
H.R. 1044: Ms. MATSUI, Mr. THOMPSON of California, and Mrs. CAPPS.
H.R. 1050: Mr. ROGERS of Kentucky, Mr. HARPER, Mr. LINDER, and Mr. MORAN of Kansas.
H.R. 1053: Mr. SARBANES.
H.R. 1059: Mr. GORDON of Tennessee.
H.R. 1067: Mr. KANJORSKI.
H.R. 1068: Ms. KAPTUR and Ms. SLAUGHTER.
H.R. 1083: Ms. JACKSON-LEE of Texas.
H.R. 1085: Mrs. NAPOLITANO, Mr. YOUNG of Florida, and Mr. PASTOR of Arizona.
H.R. 1086: Mr. CALVERT, Mr. CULBERSON, Mr. FORBES, Mr. KIRK, and Mr. HASTINGS of Washington.
H.R. 1092: Mr. NADLER of New York and Ms. SHEA-PORTER.
H.R. 1095: Mr. HARE.
H.R. 1132: Mr. SHUSTER, Mr. BRALEY of Iowa, Mr. COLE, Mr. MARSHALL, Mr. YARMUTH, Mr. LATHAM, and Mr. ROE of Tennessee.
H.R. 1136: Mr. MASSA.
H.R. 1142: Mr. RYAN of Ohio.
H.R. 1156: Mr. SESTAK.
H.R. 1158: Mr. FORTENBERRY.
H.R. 1189: Mr. BARTON of Texas.
H.R. 1191: Mr. CONNOLLY of Virginia and Mr. LARSEN of Washington.
H.R. 1203: Mr. LOEBSACK, Mr. BRADY of Pennsylvania, Mr. BARROW, Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. ISRAEL, Mrs. TAUSCHER, Mr. CONYERS, Mr. FARR, Mr. YOUNG of Alaska, Mr. FORBES, Mr. PALLONE, Mr. TEAGUE, Mrs. BIGGERT, Mr. LOBIONDO, Mr. ROTHMAN of New Jersey, Mr. GORDON of Tennessee, Mr. LATOURETTE, Mr. WU, Mr. WITTMAN, Mr. HOLDEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. MARSHALL, Mr. MOORE of Kansas, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, Mr. BOSWELL, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mrs. LUMMIS, Mr. GOHMERT, Mr. SCOTT of Georgia, Ms. GIFFORDS, Mr. LEWIS of Georgia, and Mr. GOODLATTE.
H.R. 1205: Ms. CORRINE BROWN of Florida, Ms. BORDALLO, and Ms. BERKLEY.
H.R. 1209: Mr. LEWIS of California, Mr. MCKEON, and Mr. YOUNG of Alaska.
H.R. 1210: Mr. PAYNE, Mr. ABERCROMBIE, Ms. WATSON, Mr. TIERNEY, Mr. CONNOLLY of Virginia, and Mr. OBERSTAR.
H.R. 1222: Mr. PETERSON.
H.R. 1238: Mrs. SCHMIDT and Mr. SMITH of Texas.
H.R. 1240: Mr. KENNEDY and Mr. GORDON of Tennessee.
H.R. 1242: Mr. HODES.
H.R. 1245: Mr. TIBERI, Mr. MCKEON, Mr. DREIER, Mr. LEWIS of California, Mr. BILBRAY, Mr. HUNTER, Mr. NUNES, and Mr. MCCARTHY of California.
H.R. 1250: Mr. CONAWAY.
H.R. 1261: Mr. PETERSON.
H.R. 1277: Mr. BLUNT, Mr. MARCHANT, Mr. RADANOVICH, Mr. LATTA, Ms. FOXX, Mr. HERGER, Mr. SCALISE, Mr. MANZULLO, Mr. CULBERSON, Mr. GINGREY of Georgia, Mrs. SCHMIDT, Mr. MCCLINTOCK, Mr. BARTLETT, Mr. BRADY of Texas, Mr. PITTS, Mr. FLEMING, Mr. OLSON, and Mr. DANIEL E. LUNGREN of California.
H.R. 1283: Mr. BAIRD and Mr. SNYDER.
H.R. 1285: Mr. MINNICK.
H.R. 1294: Mr. CUELLAR, Mr. CHAFFETZ, Mr. SHIMKUS, Mr. STEARNS, and Mr. LAMBORN.
H.R. 1310: Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. KISSELL, Mr. SCOTT of Virginia, and Mr. ARCURI.
H.R. 1313: Ms. CORRINE BROWN of Florida, Mr. KIND, and Mr. BOOZMAN.
H.R. 1317: Mr. CARNEY.
H.R. 1326: Mr. SESTAK and Mr. LARSON of Connecticut.
H.R. 1329: Ms. SCHWARTZ.
H.R. 1330: Mr. SESTAK.
H.R. 1334: Mr. CUMMINGS.
H.R. 1346: Mr. LANGEVIN and Ms. KILROY.
H.R. 1351: Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. CANTOR, and Ms. SCHWARTZ.
H.R. 1362: Mr. BOUCHER, Mr. MORAN of Virginia, Ms. BORDALLO, Ms. HIRONO, Mr. MCGOVERN, Mr. FARR, Mr. DEFAZIO, and Mr. SIRES.
H.R. 1385: Mr. ABERCROMBIE.
H.R. 1388: Ms. CLARKE, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. KLINE of Minnesota, Mr. PAYNE, Mr. HOLT, Mrs. MALONEY, Ms. WOOLSEY, Mr. KUCINICH, Mr. FATTAH, Mr. VAN HOLLEN, Mr. WELCH, and Mr. RANGEL.
H.R. 1389: Mrs. MALONEY and Mrs. LOWEY.
H.R. 1401: Mr. GRIJALVA.
H.R. 1410: Mr. FARR and Mr. SIRES.
H.R. 1412: Mr. AL GREEN of Texas and Mr. CLAY.
H.R. 1416: Mr. ADLER of New Jersey.
H.R. 1437: Mr. RODRIGUEZ and Mr. CONAWAY.
H.R. 1440: Mr. MICA.
H.R. 1441: Mr. YARMUTH.
H.J. Res. 1: Mr. AUSTRIA and Mr. MICA.
H.J. Res. 26: Mr. DUNCAN.
H. Con. Res. 34: Mr. HERGER.
H. Con. Res. 36: Mr. INGLIS.
H. Con. Res. 55: Mr. ORTIZ, Mr. MICHAUD, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr. FRANKS of Arizona, Mrs. SCHMIDT, Mr. FLEMING, Mr. MCHENRY, Mr, LATTA, Mr. SMITH of Texas, Mr. AKIN, Mrs. LUMMIS, Mr. POSEY, Mr. THOMPSON of Pennsylvania, Mr. BROUN of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. CANTOR, Ms. TITUS, and Mr. CLEAVER.
H. Con. Res. 60: Mr. CARTER, Mr. MARCHANT, Mr. SMITH of Texas, Mr. BARTON of Texas, Mr. SESSIONS, Mr. BURGESS, Mr. CULBERSON, Mr. GOHMERT, Mr. HALL of Texas, Mr. MCCAUL, Mr. BRADY of Texas, Mr. CONAWAY, and Mr. NEUGEBAUER.
H. Res. 69: Ms. ROYBAL-ALLARD.
H. Res. 109: Mr. MCGOVERN.
H. Res. 130: Mr. BRALEY of Iowa, Ms. KAPTUR, Ms. ZOE LOFGREN of California, and Mr. STUPAK.
H. Res. 156: Mr. INGLIS.
H. Res. 164: Ms. HARMAN.
H. Res. 175: Mr. SCHOCK, Mr. BILBRAY, Mr. INGLIS, Mrs. TAUSCHER, and Mr. DAVIS of Illinois.
H. Res. 200: Mr. INGLIS.
H. Res. 204: Mr. LAMBORN, Mr. SPACE, Mr. SMITH of New Jersey, Ms. KILROY, and Mr. KENNEDY.
H. Res. 208: Mr. KING of New York and Mr. BARRETT of South Carolina.
H. Res. 209: Mr. WILSON of South Carolina.
H. Res. 211: Ms. TITUS and Mr. SERRANO.
H. Res. 217: Mr. CHANDLER, Mr. BARROW, Mr. GRIJALVA, Mr. HINOJOSA, and Ms. KAPTUR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 31: Mr. MANZULLO.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, MARCH 12, 2009 No. 44

Senate

The Senate met at 11 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, thank You for filling our lives with good things. We praise You for the daily miracles of light and shadows, work and rest, life and love. Lord, we are grateful for Your generosity that brings us high thoughts that uplift and pure hopes that beckon and bind us to You. We even thank You today for disappointments and failures that humble us and for pain and distress that remind us of our need for You.

Finally, we thank You for the women and men of the U.S. Senate, who strive to keep freedom's torch burning. Awaken in them a deeper appreciation for Your loving providence, as You give them a heightened sense of the special role You want them to play in the unfolding drama of American history.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business until 12 o'clock noon, with Senators allowed to speak for up to 10 minutes each during that period of time. Following morning business, the Senate will proceed to executive session to debate the nomination of David Ogden to be Deputy Attorney General. There will be 2 hours for debate equally divided and controlled between the two leaders or their designees. At 2 p.m., the Senate will vote on the confirmation of Mr. Ogden.

Following the vote, the Senate will consider the nomination of Thomas Perrelli to be Associate Attorney General. Under an agreement that was reached yesterday, the debate will be limited to 90 minutes, with the time equally divided and controlled. Upon the use or yielding back of time, the Senate will vote on confirmation of the Perrelli nomination.

We will continue to work on agreements to consider additional nominations this week. I expect to file cloture on a matter to move the lands bill forward again, for the information of all Senators. A widely popular bill we sent to the House was put on the consent calendar yesterday and failed by two votes. So we will have to start that process over here again. One of the things they are talking about doing is adding another Idaho wilderness provision to that bill and to send it back over here. But I would hope perhaps we can work something out with people who want us to have to go through all the procedural processes. I hope we do not have to do that. If we do, that is what we will do. We will have a vote Monday morning on cloture unless we can get something worked out with those who are opposing this.

Then, next week, that being the case, we will spend some time on the lands bill. I have indicated to the Republican leader we are going to do national service this work period. The House is going to pass that probably next Tuesday, allowing us to get to it toward the end of the week or the following week. And then, of course, the final week we are here we have to do the budget.

PRODUCTIVE TIME

Mr. REID. Madam President, we have had a very productive time in the Senate so far this year. We have done things that have led to the President signing the bills. One of the things we talked about—the first thing we did was the lands bill. We are going to do that again. We passed the Lilly Ledbetter legislation. That has been signed into law. That puts women on a more equal footing with men as regarding pay. We passed the children's health insurance initiative, giving more than 4 million poor children the ability to go to a doctor when they are sick or hurt. We passed the economic recovery package which is now beginning to filter money into the States. It should start happening quite rapidly in the next few weeks. And then, Tuesday evening, we passed the makeup work

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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from the Bush administration, passing that appropriations bill that was a makeup of all the bills we could not get done during the last few months of the Bush administration.

Now we are going to, as I indicated, do these nominations. So we have had a very productive time. We have a lot more to do. But we should look satisfactorily on what we have already done.

MEASURE PLACED ON THE CALENDAR—S. 570

Mr. REID. Madam President, it is my understanding that S. 570 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 570) to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. 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.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN CREDIT CLEANUP PLAN

Mr. BOND. Madam President, after passing the trillion-dollar ''spend-ulus'' bill, House Democrats are already talking about a second stimulus. It sounds to me as if they have already concluded that the first trillion dollar stimulus bill is a failure and was nothing more than a downpayment on their social agenda.

I know Missourians and many Americans agree that a trillion dollars is a terrible thing to waste. This is one economic crisis we cannot simply pay our way out of. The bottom line is that our economy will not recover and conditions for families, workers, and small businesses will not improve until we get to the root of the problem and rid our financial system of toxic assets. That is what the President said when he addressed the joint session. He said: We must solve the credit problem or nothing else will work.

Well, to date, the Obama administration seems as though they have been trying to treat every cut and bruise on a patient who is experiencing cardiac arrest. Their strategy has been to address each perceived crisis as a new one in an ad hoc manner. That has gone back to last fall under the previous administration. The Treasury strategy has been to address the symptoms, not the underlying illness, and it is one that, unfortunately, we have followed here.

Let's take a look at what ''adhocracy'' has done for us:

February's unemployment numbers came out last Friday. Our Nation is now struggling under the highest unemployment rate in more than 20 years—8.1 percent. This is more than a number of millions of Americans who have been laid off and are struggling to find new jobs. That is right—millions.

Almost 2 million workers have lost their jobs in the last 3 months. The latest job numbers are another sad reminder that right now our financial system is not working. It has been clogged with toxic debt.

The Treasury's ad hoc approach is not working. The President's approach seems to be to appease his different constituencies with one boutique initiative after another, and we have racked up over a trillion dollars in debt doing so. That effort—that ''spend-ulus'' bill—is going to stimulate the debt. It is going to stimulate the growth of Government. But it will not stimulate the economy or jobs.

We have to focus on the urgent priority. I hope it does not take another 2 million workers to face layoffs before the administration gets serious about addressing this crisis.

Yesterday, the President said we need some ''adult supervision'' in Washington. I could not agree more. We definitely need some adult supervision in the Treasury Department when it comes to addressing our credit crisis. We need someone who is willing to make tough choices, not just slapping new names on old ineffective programs and throwing billions of taxpayer dollars into failed financial institutions in the hopes that Americans will see it as the change they have been promised.

In the words of the current President and CEO of the Federal Reserve Bank of Kansas City, Thomas Hoenig:

We have been slow to face up to the fundamental problems in our financial system and reluctant to take decisive action with respect to failing institutions.

We saw what happened in Japan when policymakers lacked the political will and were slow to clean up its sick banking system—a decade-long recession. That is why I believe we need a bold, coherent, and tested plan that will address the root causes of our economic crisis, and the experts agree. They have been unanimous, and I have talked to many of them: people such as the former FDIC Chairman Bill Seidman, who ran the successful RTC program to clean up the savings and loan crisis; the former Fed Chairman, Alan Greenspan. The Presidents and CEOs of the Federal Reserve Banks of St. Louis, Kansas City, and Boston believe we must address the toxic assets clogging our financial system.

Under my American credit cleanup plan, which I have talked about before on this floor, the Government can put to work statutory authorities long used by the FDIC for failed banks. We know this plan can work. It worked during the savings and loan crisis, and it can work again to solve the credit crunch. It works every day when the FDIC goes in to shut down failed institutions, and it can work right now in this major crisis. When we boil it down, it is not easy, but the solution is simple—three steps: First, identify the sick banks; second, remove the toxic assets, protect depositors, and fire the failed executives and board of directors who caused this mess; third, relaunch cleansed healthy banks back into the private market; get the Government out so the banks can get about doing their job of providing credit; no more of us fighting on the floor of how much a failed executive of a failed bank should be paid. Get them out.

This is the right approach that provides a clear exit strategy. It puts an end to throwing more and more billions of good taxpayer dollars into failing banks. It is the right approach to put our economy back on the road.

I call on the President and his economic team to get past their denial about the serious illness facing our economy. Their trillion-dollar box of Band-Aids isn't going to work. Stop pouring good taxpayer dollars into failed banks with no plan and no strategy. We have a skilled surgeon in the FDIC who has operated on failed banks and has the experience and knowledge to deal with toxic assets.

Last night, a reporter was questioning me and said, ''Everybody is talking about removing toxic assets.'' Well, that is the problem.

In the words of one of my favorite country music songs, we need a little less talk and a lot more action. If the FDIC's current authorities are insufficient, Congress must stand ready to

provide any tools or resources the FDIC needs to complete the surgery. I have cosponsored S. 541 with Senator DODD to expand the FDIC borrowing authority. I call on our leadership to bring it up, to add authority for the FDIC to regulate bank holding companies. Give them the tool and let them use it.

The Obama administration must face the reality that major surgery on our financial institutions is imperative to extract toxic assets clogging our financial system so the economy can recover. No more throwing billions at failed banks. Send in the FDIC. This is one crisis where hope won't be enough. We must act, and we must act now.

Madam President, I ask unanimous consent that the remarks of Thomas Hoenig, the President and CEO of the Federal Reserve Bank of Kansas City, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOO BIG HAS FAILED

Two years ago, we started seeing a problem in a specialized area of financial markets that many people had never heard of, known as the subprime mortgage market. At that time, most policymakers thought the problems would be self-contained and have limited impact on the broader economy. Today, we know differently. We are in the midst of a very serious financial crisis, and our economy is under significant stress.

Over the past year, the Federal government and financial policy makers have enacted numerous programs and committed trillions of dollars of public funds to address the crisis. And still the problems remain. We have yet to restore confidence and transparency to the financial markets, leaving lenders and investors wary of making new commitments.

The outcome so far, while disappointing, is perhaps not surprising.

We have been slow to face up to the fundamental problems in our financial system and reluctant to take decisive action with respect to failing institutions. We are slowly beginning to deal with the overhang of problem assets and management weaknesses in some of our largest firms that this crisis is revealing. We have been quick to provide liquidity and public capital, but we have not defined a consistent plan and not addressed basic shortcomings and, in some cases, the insolvent position of these institutions.

We understandably would prefer not to ''nationalize'' these businesses, but in reacting as we are, we nevertheless are drifting into a situation where institutions are being nationalized piecemeal with no resolution of the crisis.

With conditions deteriorating around us, I will offer my views on how we might yet deal with the current state of affairs. I'll start with a brief overview of the policy actions we have been pursuing, but I will also provide perspective on the actions we have taken and the outcomes we have experienced in previous financial crises. Finally, I will suggest what lessons we might take from these previous crises and apply to working our way out of the current crisis.

In suggesting alternative solutions, I acknowledge it is no simple matter to solve. People say ''it can't be done'' when speaking of allowing large institutions to fail. But I don't think that those who managed the Reconstruction Finance Corporation, the Resolution Trust Corporation, the Swedish financial crisis or any other financial crisis were handed a blueprint that carried a guarantee of success. I don't accept that we have lost our ability to solve a new problem, especially when it looks like a familiar problem.

CURRENT POLICY ACTIONS AND PROBLEMS

Much has been written about how we got into our current situation, most notably the breakdowns in our mortgage finance system, weak or neglected risk management practices, and highly leveraged and interconnected firms and financial markets. Because this has been well-documented, today I will focus on the policy responses we have tried so far and where they appear to be falling short.

A wide range of policy steps has been taken to support financial institutions and improve the flow of credit to businesses and households. In the interest of time, I will go over the list quickly.

As a means of providing liquidity to the financial system and the economy, the Federal Reserve has reduced the targeted federal funds rate in a series of steps from 5.25 percent at mid-year 2007 to the present 0 to 25 basis-point range. In addition, the Federal Reserve has instituted a wide range of new lending programs and, through its emergency lending powers, has extended this lending beyond depository institutions.

The Treasury Department. the Federal Reserve and other regulators have also arranged bailouts and mergers for large struggling or insolvent institutions, including Fannie Mae and Freddie Mac, Bear Stearns, WaMu, Wachovia, AIG, Countrywide, and Merrill Lynch. But other firms, such as Lehman Brothers, have been allowed to fail.

The Treasury has invested public fluids, buying preferred stock in more than 400 financial institutions through the TARP program. TARP money has also been used to fund government guarantees of more than $400 billion of securities held by major financial institutions, such as CitiGroup and Bank of America. In addition, the Federal Reserve and the Treasury Department have committed more than $170 billion to bail out the troubled insurance company AIG.

Other actions have included increased deposit insurance limits and guarantees for bank debt instruments and money market mutual funds.

The most recent step is the Treasury financial stability plan, which provides for a new round of TARP spending and controls, assistance for struggling homeowners, and a plan for a government/private sector partnership to buy up bad assets held by financial institutions and others.

The sequence of these actions, unfortunately, has added to market uncertainty. Investors are understandably watching to see which institutions will receive public money and survive as wards of the state.

Any financial crisis leaves a stream of losses embedded among the various participants, and these losses must ultimately be borne by someone. To start the resolution process, management responsible for the problems must be replaced and the losses identified and taken. Until these kinds of actions are taken, there is little chance to restore market confidence and get credit markets flowing. It is not a question of avoiding these losses, but one of how soon we will take them and get on to the process of recovery. Economist Allan Meltzer may have expressed this point best when he said that ''capitalism without failure is like religion without sin.''

WHAT MIGHT WE LEARN FROM PREVIOUS FINANCIAL CRISES?

Many of the policy actions I just described provide support to the largest financial institutions, those that are frequently referred to as ''too big to fail.'' A rationale for such actions is that the failure of a large institution would have a systemic impact on the economy. It is emphasized that markets have become more complex, and institutions—both bank and nonbank entities—are now larger and connected more closely through a complicated set of relationships. Often, they point to the negative impact on the economy caused by last year's failure of Lehman Brothers.

History, however, may show us another experience. When examining previous financial crises, in other countries as well as in the United States, large institutions have been allowed to fail. Banking authorities have been successful in placing new and more responsible managers and directors in charge and then reprivatizing them. There is also evidence suggesting that countries that have tried to avoid taking such steps have been much slower to recover, and the ultimate cost to taxpayers has been larger.

There are several examples that illustrate these points and show what has worked in previous crises and what hasn't. A comparison that many are starting to draw now is with what happened in Japan and Sweden.

Japan took a very gradual and delayed approach in addressing the problems in its banks. A series of limited steps spread out over a number of years were taken to slowly remove bad assets from the banks, and Japan put off efforts to address an even more fundamental problem—a critical shortage of capital in these banks. As a result, the banks were left in the position of having to focus on past problems with little resources available to help finance any economic recovery.

In contrast, Sweden took decisive steps to identify losses in its major financial institutions and insisted that solvent institutions restore capital and clean up their balance sheets. The Swedish government did provide loans to solvent institutions, but only if they also raised private capital.

Sweden dealt firmly with insolvent institutions, including operating two of the largest banks under governmental oversight with the goal of bringing in private capital within a reasonable amount of time. To deal with the bad assets in these banks, Sweden created well-capitalized asset management corporations or what we might call ''bad banks.'' This step allowed the problem assets to be dealt with separately and systematically, while other banking operations continued under a transparent and focused framework.

The end result of this approach was to restore confidence in the Swedish banking system in a timely manner and limit the amount of taxpayer losses. Sweden, which experienced a real estate decline more severe than that in the United States, was able to resolve its banking problems at a long term net cost of less than 2 percent of GDP.

We can also learn a great deal from how the United States has dealt with previous crises. There has been a lot written attempting to draw parallels with the Great Depression. The main way that we dealt with struggling banks at that time was through the Reconstruction Finance Corporation.

Without going into great detail about the RFC, I will note the four principles that Jesse Jones, the head of the RFC, employed in restructuring banks. The first step was to write down a bank's bad assets to realistic economic values. Next, the RFC would judge the character and capacity of bank management and make any needed and appropriate changes. The third step was to inject equity in the form of preferred stock, but this step did not occur until realistic asset values and capable management were in place. The final step was receiving the dividends and eventually recovering the par value of the stock as

a bank returned to profitability and full private ownership.

At one point in 1933, the RFC held capital in more than 40 percent of all banks, representing one-third of total bank capital according to some estimates, but because of the four principles of Jesse Jones, this was all carried out without any net cost to the government or to taxpayers.

If we compare the TARP program to the RFC, TARP began without a clear set of principles and has proceeded with what seems to be an ad hoc and less-than-transparent approach in the case of banks judged ''too big to fail.'' In both the RFC and Swedish experiences, triage was first used to set priorities and determine what institutions should be addressed immediately. TARP treated the largest institutions as one. As we move forward from here, therefore, we would be wise to have a systematic set of principles and a detailed plan to guide us.

Another example we need to be aware of relates to the thrift problems of the 1980s. Because the thrift insurance fund was inadequate to avoid the losses embedded in thrift balance sheets, an attempt was made to cover over the losses with net worth certificates and expanded powers that were supposed to allow thrifts to grow out of their problems. A notable fraction of the thrift industry was insolvent, but continued to operate as so-called ''zombie'' or ''living dead'' thrifts. As you may recall, this attempt to postpone closing insolvent thrifts did not end well, but instead added greatly to the eventual losses and led to greater real estate problems.

A final example—our approach to large bank problems in the 1980s and early 1990s—shows that we have taken some steps to deal with banking organizations that are considered ''too big to fail'' or very important on a regional level.

The most prominent example is Continental Illinois' failure in 1984. Continental was the seventh-largest bank in the country, the largest domestic commercial and industrial lender, and the bank that popularized the phrase ''too big to fail.'' Questions about Continental's soundness led to a run by large foreign depositors in May of 1984.

But looking back, Continental actually was allowed to fail. Although the FDIC put together an open bank assistance plan and injected capital in the form of preferred stock, it also brought in new management at the top level, and shareholders, who were the bank's owners, lost their entire investment. The FDIC also separated the problem assets from the bank, which left a clean bank to be restructured and eventually sold. To liquidate the bad assets, the FDIC hired specialists to oversee the different categories of loans and entered into a service agreement with Continental that provided incentive compensation for its staff to help with the liquidation process.

A lesson to be drawn from Continental is that even large banks can be dealt with in a manner that imposes market discipline on management and stockholders, while controlling taxpayer losses. The FDIC's asset disposition model in Continental, which used incentive fees and contracts with outside specialists, also proved to be an effective and workable model. This model was employed again in the failure of Bank of New England in 1991, the failures of nearly all of the large banking organizations in Texas in the 1980s, and also for the Resolution Trust Corporation, which was set up to liquidate failed thrifts.

RESOLVING THE CURRENT CRISIS

Turning to the current crisis, there are several lessons we can draw from these past experiences.

First, the losses in the financial system won't go away—they will only fester and increase while impeding our chances for a recovery.

Second, we must take a consistent, timely, and specific approach to major institutions and their problems if we are to reduce market uncertainty and bring in private investors and market funding.

Third, if institutions—no matter what their size—have lost market confidence and can't survive on their own, we must be willing to write down their losses, bring in capable management, sell off and reorganize misaligned activities and businesses, and begin the process of restoring them to private ownership.

How can we do this today in an era where we have to deal with systemic issues rising not only from very large banks, but also from many other segments of the marketplace? I would be the first to acknowledge that some things have changed in our financial markets, but financial crises continue to occur for the same reasons as always—overoptimism. excessive debt and leverage ratios, and misguided incentives and perspectives—and our solutions must continue to address these basic problems.

The process we use for failing banks—albeit far from perfect in dealing with ''too big to fail'' banks—provides some first insight into the principles we should establish in dealing with financial institutions of any type.

Our bank resolution framework focuses on timely action to protect depositors and other claimants, while limiting spillover effects to the economy. Insured depositors at failed banks typically gain full and immediate access to their funds, while uninsured depositors often receive quick, partial payouts based on expected recoveries.

To provide for a continuation of essential banking services, the FDIC may choose from a variety of options, including purchase and assumption transactions, deposit transfers or payouts, bridge banks, conservatorships, and open bank assistance. These options focus on transferring important banking functions over to sound banking organizations with capable management, while putting shareholders at failed banks first in line to absorb losses.

Other important features in resolving failing banks include an established priority for handling claimants, prompt corrective action, and least-cost resolution provisions to protect the deposit insurance fund and, ultimately, taxpayers and to also bring as much market discipline to the process as possible.

I would argue for constructing a defined resolution program for ''too big to fail'' banks and bank holding companies, and nonbank financial institutions. It is especially necessary in cases where the normal bankruptcy process may be too slow or disruptive to financial market activities and relationships. The program and resolution process should be implemented on a consistent, transparent and equitable basis whether we are resolving small banks, large banks or other complex financial entities.

How should we structure this resolution process? While a number of details would need to be worked out, let me provide a broad outline of how it might be done.

First, public authorities would be directed to declare any financial institution insolvent whenever its capital level falls too low to support its ongoing operations and the claims against it, or whenever the market loses confidence in the firm and refuses to provide finding and capital. This directive should be clearly stated and consistently adhered to for all financial institutions that are part of the intermediation process or payments system. We must also recognize up front that the FDIC's resources and other financial industry support funds may not always be sufficient for this task and that Treasury money may also be needed.

Next, public authorities should use receivership, conservatorship or ''bridge bank'' powers to take over the failing institution and continue its operations under new management. Following what we have done with banks, a receiver would then take out all or a portion of the bad assets and either sell the remaining operations to one or more sound financial institutions or arrange for the operations to continue on a bridge basis under new management and professional oversight. In the case of larger institutions with complex operations, such bridge operations would need to continue until a plan can be carried out for cleaning up and restructuring the firm and then reprivatizing it.

Shareholders would be forced to bear the full risk of the positions they have taken and suffer the resulting losses. The newly restructured institution would continue the essential services and operations of the failing firm.

All existing obligations would be addressed and dealt with according to whatever priority is set up for handling claims. This could go so far as providing 100 percent guarantees to all liabilities, or, alternatively, it could include resolving short-term claims expeditiously and, in the case of uninsured claims, giving access to maturing funds with the potential for haircuts depending on expected recoveries, any collateral protection and likely market impact.

There is legitimate concern for addressing these issues when institutions have significant foreign operations. However, if all liabilities are guaranteed, for example, and the institution is in receivership, such international complexities could be addressed satisfactorily.

One other point in resolving ''too big to fail'' institutions is that public authorities should take care not to worsen our exposure to such institutions going forward. In fact, for failed institutions that have proven to be too big or too complex to manage well, steps must be taken to break up their operations and sell them off in more manageable pieces. We must also look for other ways to limit the creation and growth of firms that might be considered ''too big to fail.''

In this regard, our recent experience with ad hoc solutions to large failing firms has led to even more concentrated financial markets as only the largest institutions are likely to have the available resources for the type of hasty takeovers that have occurred. Another drawback is that these organizations do not have the time for necessary ''due diligence'' assessments and, as we have seen, may encounter serious acquisition problems. Under a more orderly resolution process, public authorities would have the time to be more selective and bring in a wider group of bidders, and they would be able to offer all or portions of institutions that have been restored to sound conditions.

CONCLUDING THOUGHTS

While hardly painless and with much complexity itself, this approach to addressing ''too big to fail'' strikes me as constructive and as having a proven track record. Moreover, the current path is beset by ad hoc decision making and the potential for much political interference, including efforts to force problem institutions to lend if they accept public funds; operate under other imposed controls; and limit management pay, bonuses and severance.

If an institution's management has failed the test of the marketplace, these managers should be replaced. They should not be given public funds and then micro-managed, as we

are now doing under TARP, with a set of political strings attached.

Many are now beginning to criticize the idea of public authorities taking over large institutions on the grounds that we would be ''nationalizing'' our financial system. I believe that this is a misnomer, as we are taking a temporary step that is aimed at cleaning up a limited number of failed institutions and returning them to private ownership as soon as possible. This is something that the banking agencies have done many times before with smaller institutions and, in selected cases, with very large institutions. In many ways, it is also similar to what is typically done in a bankruptcy court, but with an emphasis on ensuring a continuity of services. In contrast, what we have been doing so far is every bit a process that results in a protracted nationalization of ''too big to fail'' institutions.

The issue that we should be most concerned about is what approach will produce consistent and equitable outcomes and will get us back on the path to recovery in the quickest manner and at reasonable cost. While it may take us some time to clean up and reprivatize a large institution in today's environment—and I do not intend to underestimate the difficulties that would be encountered—the alternative of leaving an institution to continue its operations with a failed management team in place is certain to be more costly and far less likely to produce a desirable outcome.

In a similar fashion, some are now claiming that public authorities do not have the expertise and capacity to take over and run a ''too big to fail'' institution. They contend that such takeovers would destroy a firm's inherent value, give talented employees a reason to leave, cause further financial panic and require many years for the restructuring process. We should ask, though, why would anyone assume we are better off leaving an institution under the control of failing managers, dealing with the large volume of ''toxic'' assets they created and coping with a raft of politically imposed controls that would be placed on their operations?

In contrast, a firm resolution process could be placed under the oversight of independent regulatory agencies whenever possible and ideally would be funded through a combination of Treasury and financial industry funds.

Furthermore, the experience of the banking agencies in dealing with significant failures indicates that financial regulators are capable of bringing in qualified management and specialized expertise to restore failing institutions to sound health. This rebuilding process thus provides a means of restoring value to an institution, while creating the type of stable environment necessary to maintain and attract talented employees. Regulatory agencies also have a proven track record in handling large volumes of problem assets—a record that helps to ensure that resolutions are handled in a way that best protects public funds.

Finally, I would argue that creating a framework that can handle the failure of institutions of any size will restore an important element of market discipline to our financial system, limit moral hazard concerns, and assure the fairness of treatment from the smallest to the largest organizations that that is the hallmark of our economic system.

Mr. BOND. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE BUDGET

Mr. MCCONNELL. Madam President, yesterday I noted that in the middle of the current economic crisis, the administration's budget spends too much, taxes too much, and borrows too much. Yesterday I focused primarily on the fact that it spends too much. This morning I wish to expand a little bit more on that issue.

As I noted yesterday, the current Congress is on a remarkable spending binge. In the first 50 days of the new administration, Congress has approved more than $1.2 trillion in spending which translates into $24 billion a day, or $1 billion every hour since Inauguration Day. The budget, which we just learned about a while back, continues that trend.

Earlier this week, Congress approved a Government spending bill that increased spending by 8 percent over last year, about double the rate of inflation. The budget proposes another spending increase over last year's budget of an additional 8 percent. A lot of people are wondering why, in the midst of a recession, when millions of Americans are losing jobs and homes, the administration is proposing to spend tax dollars as if we are in the middle of the dot.com boom.

According to the administration's budget plan, the State Department sees a 41-percent increase in spending next year—a 41-percent increase in spending at the State Department. HUD sees an 18-percent increase.

The budget also proposes a ''slush fund'' for climate policy that will be larger than the entire annual budgets at the Department of Labor, Treasury, and Interior. Let me say that again: A slush fund for climate policy that will be bigger than the budgets of the Department of Labor, Treasury, and Interior.

Americans want reform in education, health care, energy, and other areas, but they want the administration to fix the economy first. That is the first priority. At this point we seem to be getting proposals on everything but the financial crisis. That is what is crippling our economy.

This budget spends too much, taxes too much, and borrows too much. If we want to earn the confidence of the American people for our programs and plans, the first thing we need to do is to get this excessive spending under control.

HONORING OUR ARMED FORCES

SERGEANT WILLIAM PATRICK RUDD

Mr. MCCONNELL. Madam President, one of America's bravest soldiers has fallen, so I rise to speak about SGT William Patrick Rudd of Madisonville, KY. On October 5, 2008, Sergeant Rudd tragically died of the wounds sustained during a ground assault raid on senior leaders of al-Qaida in Mosul, Iraq. He was 27 years old.

Sergeant Rudd was an Army Ranger on his eighth deployment in support of the war on terror. He had previously served five tours in Iraq and two in Afghanistan.

For his many acts of bravery over years of service, he received several medals, awards, and decorations, including the Kentucky Medal for Freedom, three Army Achievement Medals, the Army Commendation Medal, the Joint Service Commendation Medal, the Meritorious Service Medal, the Purple Heart, and the Bronze Star Medal.

Army Rangers are among the most elite members of our fighting forces. They undergo grueling training to wear the honored Ranger Tab on their sleeves. For Sergeant Rudd it was the life he always wanted.

''I really enjoy what I'm doing and I think I'm really good at it,'' Sergeant Rudd told his friend and fellow Ranger, SSG Brett Krueger. This was just a few days before his death. ''I told him he was,'' Staff Sergeant Krueger remembers.

Sergeant Rudd said, ''And I don't picture myself doing anything else as successful and as comfortable as what I do now.''

Sergeant Rudd's parents also remember their son—who went by his middle name, Patrick—as a young man firmly dedicated to his fellow Rangers and the cause they fight for.

''He died for the country,'' says William Rudd, Patrick's dad. ''He loved the Army Rangers. He loved his men. . . . He didn't join for himself. You might say he joined for everyone else over here.''

Patrick's mother, Pamela Coakley, also remembers her son's sure sense that he was on the right path. ''One thing he told me, if this ever happened . . . was just to know that he died happy and proud,'' she says. ''And that's what stuck with me, because those big brown eyes looked into me. I know he was serious.''

Pamela also remembers Patrick's fascination since he was young with the men and women who fight on the side of the good guys. ''CIA, FBI, ever since he was a little boy growing up. . . . U.S. Marshals . . . his cousin was a State trooper, and he always wanted to be in that field,'' she says.

Young Patrick also loved the outdoors, camping, and riding horses. In fact, the family owned horses and Pamela remembers a time when one of hers was injured. She feared the horse would not survive. But 12-year-old Patrick gave the horse shots, cleaned its wounds, and it lived. ''He was always my little man,'' Pamela says. ''He was always my son, but really the man of the house, too.''

Patrick also looked after his sister, Elizabeth Lam, and that included sending a message to her would-be boyfriends. ''On my first date, he sat on the front porch with a shotgun,'' Elizabeth said, ''on my very first date.''

Patrick graduated from Madisonville-North Hopkins High School in 1999 and then worked at White Hydraulics in Hopkinsville, after which he

joined the Army in October of 2003. ''He had spent two years thinking about it, knowing that he needed a different direction in his life and wanting to defend our country,'' Patrick's dad, William, recalls. ''I'm pretty sure he had his mind made up he wanted to be a Ranger when he went through Basic,'' adds Patrick's stepbrother, Josh Renfro.

Assigned to B Company, 3rd Battalion, 75th Ranger Regiment, based out of Fort Benning, GA, Patrick became a vital part of his Ranger team. Because he was a NASCAR fan and his favorite driver was Ricky Rudd, his fellow Rangers gave him the nickname ''Ricky.''

''He was a good-hearted person who loved life,'' said SSG Brett Krueger. ''You could never catch him on a bad day. . . . everyone loved him dearly. . . . A lot of younger guys looked up to him.''

SGT Dusty Harrell explains why. ''He spent countless hours passing down knowledge to younger soldiers, to help them be successful.''

Jack Roush, owner of some of NASCAR's most successful teams, heard of the loss of Sergeant Rudd. To honor the Ranger and NASCAR fan, he had a decal of Patrick's name placed on David Ragan's No. 6 car during a race in Atlanta.

At the same time, the Atlanta Motor Speedway donated 200 tickets to members of Patrick's unit to attend the race. Patrick and the other Rangers became close friends who spent time together in and out of uniform. Sergeant Harrell remembers a time when he and Patrick went fishing together in Georgia, and he learned that Patrick, a brave Army Ranger, was afraid of snakes. Sergeant Harrell got a bite on his line and reeled it in to find a water moccasin on the hook. By the time he turned around to share a reaction with his friend, ''Ricky was already up the hill.''

Staff Sergeant Krueger, Sergeant Harrell, and more of Patrick's fellow soldiers came to Madisonville to share their memories of Patrick with his family. After speaking with them, Pamela said, ''It made me feel like I still had sons.''

After the loss of a brave young soldier such as Patrick Rudd, we must keep his loved ones foremost in our minds. We are thinking today of his mother Pamela Coakley; his father William Rudd; his stepmother Barbara Rudd; his sister Elizabeth Lam; his stepbrother Josh Renfro; his grandparents Judy and Bennie Hancock; and many other beloved family members and friends.

Pamela says she has faith she will see her son again someday. For now, she has 27 years' worth of cherished memories, and in many of them Patrick is still her little man, defender of his sister's honor, and doctor to horses.

''I don't envision the war stuff,'' Pamela says. ''I see Patrick sitting on the kitchen counter. I see him sitting down by the creek or laying on the bed with his dog Harley. That's what I see.''

I know the entire Senate rises with me to say we honor SGT William Patrick Rudd for his service, and we will forever remain reverent of his enormous sacrifice on behalf of our Nation.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I rise today to express my support for the bipartisan bill introduced earlier this week by my colleague Senator BINGAMAN, called the Federal Land Assistance Management Enhancement Act, or the FLAME Act, S. 561. Senator BINGAMAN was joined by my colleagues: Senators MURKOWSKI, BOXER, CANTWELL, JOHNSON, MURRAY, TESTER, TOM UDALL, and WYDEN as cosponsors. I wish to add my support as a cosponsor as well.

Like many States from coast to coast, my home State of Colorado features expansive areas of wildland that are increasingly at risk of wildfire. Periods of drought continue to raise the possibility of wildfires in America, while in Colorado and throughout the mountain West, the epidemic of bark beetle infestation has compounded our risk of wildfire. In 2008, more than 5.1 million acres of land nationwide burned, according to the National Interagency Fire Center. In 2006 and 2007, more than 9 million acres burned, and more than 8 million acres burned in 2004 and 2005. The costs associated with these fires are large and increasing. To a large degree, these costs occur because fires are encroaching ever closer to our communities. These fires require more aggressive suppression efforts because of the risks to lives and property.

But unfortunately, the Federal lands agencies—especially the Forest Service—do not have the resources they need to fight these fires. They must resort to raiding funds from other important programs within these agencies, such as trails and road maintenance, recreation management and, especially important, preventive fuels treatment that could help reduce fires, or at least lessen their severity and costs when the wildfires occur.

For example: last year, the Forest Service had $1.2 billion budgeted for fire suppression, but the agency had to transfer at least $400 million from other programs when that funding fell short. In August of last year, Forest Service Chief Gail Kimbell sent out an interagency memo asking the staff to find ways to come up with extra money. The extra money being sent off to these accounts forced the closure of some recreation areas, caused some contract obligations to go unmet, and canceled construction, research, and natural resource work.

Later, Congress approved $610 million for the Forest Service in emergency Federal firefighting funding, restoring some of those transfers. Nonetheless, that work had gone undone when it was necessary for it to be done.

Making matters worse is the fact that the Forest Service budget has historically declined overall. The Department of Interior and Forest Service each maintain multibillion dollar deferred maintenance backlogs and are having to scale back some of their services. As is often pointed out, the Forest Service now dedicates upwards of half of its entire budget for emergency fire suppression activities.

We can't keep funding firefighting efforts in this manner. We have to find a better approach, so we do not continue to borrow money intended for other important missions. Also, we must move forward with efforts that allow us to reduce wildfire threats at the front end.

The FLAME Act would do just that. It would set up a separate fund that agencies can draw upon to augment firefighting costs. In so doing, we can help the agencies avoid drawing down funds in other programs and provide additional funds when we face an especially intense and expensive fire season. I strongly support the creation of a Federal fund designated solely for catastrophic emergency wildland fire suppression activities, which is what this bill does.

Equally important, in my view, is a provision in the FLAME Act calling for comprehensive wildland fire management strategies to best allocate fire management resources, assess risk levels for communities, and prioritize fuel reduction projects.

For many of my constituents—as in the State of the Presiding officer, New York, as well—Federal and State wildlands are Colorado's greatest attribute, providing all manner of outdoor recreation and awe-inspiring scenes of nature. Yet those same forested lands hold the potential for tragedy, as the threat of lost life and property due to wildfire grows. We currently employ a largely reactive wait-and-see approach to catastrophic wildland fires. The FLAME Act will help us shift to a more effective and proactive approach. I urge my colleagues to join me in supporting this bipartisan approach.

Again, I thank Senator BINGAMAN for introducing this legislation. I look forward to working with him and our colleagues to bring this bill before the full Senate and press for its final passage.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 582 are located in today's RECORD under ''Statements on introduced Bills and Joint Resolutions.'')

Mr. SANDERS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. ENSIGN. Madam President, I wish to talk about the state of our country and the President's budget that has recently been offered.

There are many Americans who are hurting right now. Many have lost their homes or are afraid of losing their homes. Many are concerned that the value of their home, their greatest asset, has gone down tremendously and they can longer count on their home as an asset when they retire. They have seen their 401(k)s devastated. Certainly, many of us in this chamber who have Thrift Savings Plans have seen our plans go down because of the problems in the stock market. Over half of Americans are invested in some way in the stock market. So there are a lot of people who are hurting out there right now. The unemployment rate all across the country is rising. I think California is over 10 percent now. My home State of Nevada is over 9 percent. Nationwide, unemployment is a little over 8 percent. So we should be focusing on the economy.

During Bill Clinton's campaign back in 1992, he coined a phrase: ''It's the economy, stupid.'' That is when we were in a very minor recession. Today, we are in a severe recession with no end in sight. Some people say we are going to recover next year. Other people say this is going to be a long, deep recession. No one really knows for sure. We do know that is the past, when we do the wrong things, recessions can become very severe, and can lead to depressions. When we do the right things, recessions become more mild.

We recently passed a so-called stimulus bill. I don't think it is going to do a lot. It is going to help short term in a few areas, but I think the long-term damage is going to vastly outweigh the short-term prospects. Last week, we passed another massive spending bill that increased funding 8 percent over the same programs we had last year. An 8-percent increase at a time when families are cutting their own budgets, businesses are cutting their budgets, is irresponsible.

I just had the mayor of Las Vegas in my office. Local governments across America are having to cut their budgets. State governments are cutting spending because Governors are required by constitution in almost every State to balance their budget. They are looking for any kind of waste. The only place that is not looking for any waste is right here in Washington, DC. Why? Because we can print money. We can borrow from our children.

Every generation of American has said: I may not have everything I want, but I want my children to have a better America than I did. Growing up, part of the American dream has been: I want to go past what my parents did. Today's generation has become selfish. We want to keep our standard of living and borrow from our children's future, no matter the cost to our children. That idea is what the President's budget accomplishes.

The President's budget double the public debt in the first 5 years. Let me repeat that. In the first 5 years of the President's budget, the debt doubles. In the first five years of the Obama Administration, assuming he is re-elected, this budget will increase the debt more than the debt has ever increased since the founding of the Republic, all the way from George Washington to George W. Bush. After 10 years the public debt triples. This is not sustainable. If we go down this path, it could lead to the downfall of America as we know it.

There are many items in the budget that are problematic. We had a discussion this morning about the differences between Europe and America. In Europe, they believe the state is the answer, government is the answer.

One of the things de Tocqueville observed when he visited America in the 1800s was the charitable nature of Americans, how we helped in communities through voluntary acts, through our churches, through our community organizations, secular, religious—we helped each other voluntarily. It was not forced on us by the government.

Europe today believes the state is the answer. As a matter of fact, not too long ago, the King of Sweden made a charitable contribution to private charities, and people in Sweden criticized him because instead of giving the money to charities, they said he should have given the money to the state. That is the European attitude.

Most Americans believe that the private sector can deal with problems in our communities person to person through charitable giving. We are the most generous Nation in the history of the world when calculating the percentage of our income we give to charities. That has been part of the miracle of America. Whether it is for disease research, whether it is for organizations such as the Boys and Girls Clubs or Big Brothers Big Sisters, community food banks, Catholic Charities.

We have some amazing charities that give compassionate care to those who truly need it. As a matter of fact, the word ''compassion,'' if you take it at its root, means ''to suffer with.'' Charities and individuals can relate to people on a one-on-one basis and suffer with them. They can walk through life with them. That is why when the President put in his budget that we were going to eliminate charitable deductions for people making over $250,000 a year, there was a hue and cry across America, especially from charities saying: Mr. President, this is going to hurt. You are going to hurt us at a time when, because of the economy, charitable contributions are down.

We have seen that. Food pantries across America are hurting. Every organization that has come to me in Nevada has told me: We are hurting right now. Please don't allow this part of the budget to be adopted. Don't let the charitable deduction go away.

We have to ask ourselves: Why would someone want to eliminate the charitable deduction just to increase the size of Government? Is it because they believe the state is a better answer than the private sector? Maybe. If that is the case, this is a very dangerous precedent we are setting going forward.

The budget has many other problems. There is a tax in this budget on which, I believe, the President violated his pledge. He said taxes were only going to go up on those people making $250,000 a year or more. I guess that is true as long as you don't use energy because there is an energy sales tax in the President's budget. So if you use electricity, if you use gasoline, or if you buy any products made with energy in the United States, you are going to pay higher taxes on products, higher taxes on your electric bills, higher taxes on your gasoline.

Madam President, I ask unanimous consent to speak as in morning business for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Madam President, I won't object, but I would ask that 3 minutes be added to the time for the Ogden debate.

Mr. ENSIGN. I thank the chairman of the Judiciary Committee.

Madam President, this energy tax I was talking about is a very regressive tax. I understand why people want to do it, I support the transition to a greener economy, but instead of putting incentives for us to go to a greener economy, they want to put a tax on Americans that will hurt the poor more than anybody else. It will severely affect those making under $250,000 a year.

They say they are going to distribute that money to those through the Making Work Pay tax credit. But that is for lower income people. What about

the people who are truly middle-income people—the people making around $100,000 a year, or $80,000 to $100,000 a year. This includes teachers, firefighters, and police officers. They are going to pay that tax.

According to MIT, the refundable aspect of this tax provision is going to raise about $300 billion a year. They are not refunding that. So this is another giant problem the President has with his budget.

A couple other concluding points. We have a situation here where we should sit down together and think about our children, our grandchildren. Instead of giving us what we want today, let us think about the debt we are passing on to them. What is that debt like? It is as though we have taken their credit card and we are running up their credit card and they have to pay the finance charges. That means they have to work harder and they have to pay higher taxes in the future to pay those finance charges. This debt adds trillions of dollars in interest payments on their credit card—trillions of dollars.

This is not the direction our country should be going in today. We should be thinking about being fiscally responsible and thinking about future generations, just as generations before us have done.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished presiding officer, a good friend from New Mexico.

Mr. President, before I begin on the David Ogden matter, I have been listening to a couple of days of debate not on Ogden but on the budget, and I see these crocodile tears. Oh, my gosh, we might eliminate some of these special tax breaks given to people making over $250,000 or $500,000 or $1 million or $2 million. My heart breaks for them, it really does, that they do not get all kinds of special tax breaks, that they might be unwilling to actually give money to charity. But then I look at the people who make $25,000 or $30,000 a year—people I see when I go to mass on Sunday, digging deep and putting money in, a far greater percentage of their pocket—and they are not getting any tax break for that. They are not getting a tax break. They take a standard deduction and they give to charity because it helps the people in this country who are in need. These are people who barely have enough money to pay for food for their own families, yet they give to charity.

Let us stop setting up a straw man that somehow the very wealthy among us won't give anything to charity if we remove some of their tax breaks. You either feel a moral responsibility to give to charity or not. It is not because you are doing it to placate the IRS. You do it because it is the right thing to do. It is like the story in the Gospel of the widow's mite. She gave all she had. And to those wealthy who wanted to denigrate what she gave, the Lord said: She gave more than you did because she gave all she had.

So let us not cry, or pull out the world's smallest violin for this. People will give to charity if they feel they can and should help the least among us, not because they are getting some kind of a tax break.

Now, this idea that we must have tax breaks for the wealthiest here, because, after all, that is how we will pay for the war in Iraq—remember the last administration saying: We will give huge tax breaks and that will pay for the war in Iraq. It gave us the biggest deficit in the Nation's history and it precipitated the problems we are having today.

Let us be honest about this. If we give tax breaks, give them to the hard-working men and women in this country who are paying Social Security taxes, who are getting a weekly, or even hourly salary. They are the ones who need the tax breaks. Warren Buffett, one of the wealthiest people in the world, has argued against these huge tax breaks for people like himself. As he pointed out, he pays a lesser percentage of his income to taxes than people cleaning up his office—to janitors in his office; to secretaries in his office.

So let us be honest about this. People give to charity if they feel it is their moral duty, as my wife and I feel it is to give to charity, not because of any tax exemption. Let us be honest about that.

Now, on the other issue, David Ogden. The Senate is finally ready to stop the delaying tactics we have had to put up with and will conclude its consideration of President Obama's nomination of David Ogden to be Deputy Attorney General. We will finally give the nomination an up-or-down vote that in the past, when George Bush was President, Senate Republicans used to claim was a constitutional right of every nominee.

After all, all four of President Bush's Deputy Attorney General nominees were confirmed without a single dissenting vote by Democrats. Notwithstanding that, Senate Republicans have decided to ignore the national security challenges this country is facing since the attacks of 9/11, and they have returned to their partisan, narrow, ideological, and divisive tactics of the 1990s.

In fact, it was the nomination of Eric Holder to be the Deputy Attorney General in 1997 that was the last time a President's choice for Deputy Attorney General was held up in the Senate. He, of course, was also nominated by a Democrat. Senate Republicans have unfortunately returned to their old, tired playbook. They ought to listen to what is best for the country, not what they are told to do by radio personalities.

David Ogden will fill the No. 2 position at the Department of Justice. As Deputy Attorney General, Mr. Ogden is going to be responsible for the day-to-day management of the Justice Department, including the Department's critical role in keeping our Nation safe from the threat of terrorism. He is highly qualified to do so. He is leaving a very lucrative and successful career in private practice, taking an enormous cut in pay to return to the Justice Department, where he previously served with great distinction, and having previously served with such distinction at the Department of Defense.

Senators KAUFMAN, KLOBUCHAR, and DURBIN made statements yesterday in support of the nominee, and I was very pleased to hear these three distinguished Senators speak so highly and favorably of him. Senator SPECTER, the Judiciary Committee's ranking member, also spoke yesterday in support of Mr. Ogden's nomination, and I was very pleased to hear Senator SPECTER's statement. I thank them all.

But after that, I was disappointed at the handful of opposition statements that parroted outrageous attacks against Mr. Ogden that had been launched by some on the extreme right. These attacks from extremists distort the record of this excellent lawyer and this good man. They begin by ignoring the truth, the whole truth, and then mischaracterizing a narrow sliver of his diverse practice as a litigator. Those who contend that Mr. Ogden has consistently taken positions against laws to protect children are unwilling to tell the truth. They chose to ignore Mr. Ogden's record and his confirmation testimony.

What these critics leave out of their caricature is the fact that Mr. Ogden aggressively defended the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 when he previously served at the Justice Department. In private practice, he wrote a brief for the American Psychological Association in Maryland v. Craig in which he argued for the protection of child victims of sexual abuse.

For those who talk about how one might help out and do charitable works, let me tell you about his personal life. He has volunteered his time at the Chesapeake Institute, a clinic for sexually abused children. I wonder how many of the people who are out here attacking him have given their own time to help children, especially sexually abused children. As a former prosecutor, I know how much help those children need. I ask those who want to willy-nilly attack him: Have you ever given your money or your time to help these children the way Mr. Ogden has?

In his testimony, he demonstrated his commitment to the rule of law and his abhorrence at child pornography and child abuse. Now, these may be inconvenient facts for those who want to perpetuate a fraud, but they are the truth. That truth has led the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, and the top law enforcement organizations across the country to support this nomination and reject the misconceived effort of character assassination of this public servant and family man.

We have the former Deputy Attorney General under President Bush supporting him, judge advocates general, the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the Major Cities Chiefs Association, the National Center for Missing and Exploited Children, the National Association of Police Organizations, the National District Attorneys Association—an association where I was honored to serve as its vice president before I was in the Senate—the National Narcotic Officers' Associations' Coalition, the National Sheriffs' Association, the Police Executive Research Forum, the National Center for Victims of Crime, and many others.

In fact, Mr. President, I ask unanimous consent to have printed in the RECORD a list of the 53 letters in support the committee received on this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF DAVID OGDEN TO BE DEPUTY ATTORNEY GENERAL OF THE UNITED STATES, AS OF MARCH 11, 2009

CURRENT & FORMER PUBLIC OFFICIALS

Beth S. Brinkmann; MorrisonForester, LLP; former Assistant to the Solicitor General. Bill Lann Lee, Lewis, Feinberg, Lee, Renaker & Jackson, P.C.; former Assistant Attorney General, Civil Rights Division. Carolyn B. Lamm; White & Case, LLP; former President, District of Columbia Bar. Carter Phillips; SidleyAustin, LLP; former Assistant to the Solicitor General. Christine Gregoire; Governor, State of Washington. Daniel E. Troy; Senior Vice President and General Counsel, GlaxoSmithKline. Daniel Levin; White & Case, LLP; former Acting Assistant Attorney General, Office of Legal Council; former Assistant United States Attorney. Daniel Price; former Assistant to the President and Department of National Security Advisor for Internal Economic Affairs. David C. Frederick; Kellogg, Huber, Hansen, Todd, Evans, & Figel, PLLC; former Assistant to the Solicitor General. Deval Patrick; Governor, State of Massachusetts. Douglas F. Gansler; Attorney General, State of Maryland. George Terwilliger; White & Case; former United States Attorney for the District of Vermont; former Deputy Attorney General. H. Thomas Wells, Jr.; Maynard, Cooper, & Gale, PC; President of the American Bar Association. James Robinson; Cadwalader, Wickersham, & Taft, LLP; former Assistant Attorney General, Criminal Division. Jamie S. Gorelick; WilmerHale, LLP; former Deputy Attorney General. Janet Reno; former Attorney General.

Jo Ann Harris; former Assistant Attorney General, Criminal Division. John B. Bellinger, III; former Counsel for National Security Matters, Criminal Division. Kenneth Geller; Mayer Brown, LLP; former Deputy Solicitor General. Larry Thompson; former Deputy Attorney General. Manus M. Cooney; former Chief Counsel, Senate Judiciary Committee. Michael E. Horowitz; Cadwalader, Wickersham, & Taft, LLP; Commissioner of United States Sentencing Commission. Paul T. Cappuccio; Executive Vice President and General Counsel of Time Warner; former Associate Deputy Attorney General. Peter Keisler, SidleyAustin, LLP; former Assistant Attorney General, Civil Division; former Acting Attorney General. Rachel L. Brand; WilmerHale, LLP; Assistant Attorney General for Legal Policy, Department of Justice. Reginald J. Brown; WilmerHale, LLP. Richard Taranto; Farr & Taranto; former Assistant to the Solicitor General. Robert F. Hoyt; former Associate White House Counsel; former General Counsel to the U.S. Treasury Department. Seth Waxman; WilmerHale, LLP; former Solicitor General. Stuart M. Gerson; former Assistant Attorney General, Civil Division. Thomas J. Miller; Attorney General, State of Iowa. Todd Steggerda; WilmerHale, LLP; former Chief Counsel to McCain Presidential Campaign. Todd Zubler; WilmerHale, LLP; former Deputy General Counsel to McCain Presidential Campaign.

Mr. LEAHY. Mr. President, I might say also that some of the Republicans—and they have all been Republicans who have attacked Mr. Ogden—are also applying a double standard. Nominees from both Republican and Democratic administrations and Senators from both sides of the aisle have cautioned against opposing nominees based on their legal representations on behalf of clients. Like many others in this Chamber, I felt privileged to serve as a prosecutor, but I would hate to think I could not have served in that position because, before I was a prosecutor, I defended people who were accused of crimes. I was a lawyer. I wanted to make sure clients were given equal protection of the law. If we start singling out somebody because of their clients, what do you do? Do you say to this person: You defended somebody charged with murder and therefore you are in favor of murder? Come on, let's be honest with where we are.

In fact, when asked about this point in connection with his own nomination, Chief Justice Roberts testified:

> . . . it has not been my general view that I sit in judgment on clients when they come. . . .
>
> . . . it was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case.

Basically, he took the same position David Ogden did. The difference is every single Republican voted for Chief Justice Roberts. Apparently, they do not use the same standard for those nominated by Democrats.

For nominees of Republican Presidents, Republicans demand that their clients and their legal representations not be held against nominees. I have heard this speech in the Judiciary Committee and on the Senate floor by Republicans: You cannot hold their clients against them.

Whoops; screech; stop—the American people elected Barack Obama as President so, suddenly, the Republicans do not want that rule anymore. When the American people elect a Democratic President, they do not want the same rules; they want a double standard.

I will give one example. It is probably the example that stands out the most. Just over a year ago, every Republican in the Senate voted to confirm Michael Mukasey to be Attorney General of the United States. They showed no concern that, according to his own statement, one of his most significant cases in private practice was his representation of Carlin Communications, a company that specialized in what was called ''Dial-a-Porn'' services.

When a Republican nominee represents someone for Dial-a-Porn, that is just his client. But when a Democratic nominee represents Playboy magazine, oh, that is awful. We are so offended. My gosh, we must have the most delicate sensibilities in America. Talk about a double standard. Where was the outrage then? Where was the debate? Where were the concerns? Where were the questions? Oh, wait just a moment, something just occurred to me. He was nominated by George W. Bush. Mr. Ogden has been nominated by Barack Obama. So when Karl Rove and Rush Limbaugh gave the orders that they were supposed to oppose and hold up Eric Holder, the first African-American Attorney General in this country, they held him up.

Every one of them voted unanimously for Alberto Gonzales, who was finally forced out of office for incompetence. But, oh my goodness, Mr. Ogden has been nominated by a Democrat. What a tough double standard.

If you were going to write something like this for a novel or story, your editor would reject it because it seems to be so far-fetched.

Let's stop the game playing. We had an election last November. If you are going to apply one standard under a Republican President and a different one under a Democratic President, stand up and say: This had nothing to do with what he did, it is just that we want a double standard. We want a different standard.

I have served in the Senate for 35 years. I was honored by my colleagues on both sides of this aisle earlier this week when I cast my 13,000th vote. I worked with both Democrats and Republicans and voted for nominees of

both parties. I like to think I have never applied a double standard.

In Mr. Ogden's case, it is not as though he is only supported by Democrats. His nomination received dozens of letters of support, drawing strong endorsements from both Democratic and Republican former officials and high-ranking veterans of the Justice Department. Larry Thompson, a former Deputy Attorney General himself, who is highly respected in this body, certainly highly respected by me—a Republican nominee—wrote that ''David will be a superb Deputy Attorney General.''

Chuck Canterbury, the national president of the Fraternal Order of Police, wrote that Mr. Ogden ''possesses the leadership and experience the Justice Department will need to meet the challenges which lay before us.''

A dozen retired military offices who served as Judge Advocates General endorsed Mr. Ogden's nomination. These are military persons who have been Judge Advocates General. I have no idea whether they are Republicans or Democrats. I just know they served with distinction in our Armed Forces to protect the rights of Americans. Here is what they wrote, that he is ''a person of wisdom, fairness and integrity, a public servant vigilant to protect the national security of the United States and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise.''

Mr. Ogden's nomination was reported by a bipartisan majority of the Senate Judiciary Committee 2 weeks ago, having been delayed for several weeks. The vote by the Senate Judiciary Committee was 14 to 5. The senior Senator from Minnesota who is now on the Senate floor was also there. The Assistant Republican leader voted for Mr. Ogden. The ranking Republican on the committee voted for Mr. Ogden. The senior Senator from South Carolina, who served in the Judge Advocate General Corps, voted for him.

I don't know what more you can say. You have these former high-ranking officials, both in the Defense Department and the Justice Department, of both parties, saying he is the kind of serious lawyer and experienced government servant who understands the special role the Department of Justice must fill in our democracy.

We are the Senate. We are supposed to be the conscience of the United States. One hundred of us men and women in this body are privileged to represent 300 million Americans. We not only represent them, we ought to set an example. We ought to say it is time for the slurs and the vicious rightwing attacks to stop. The problems and threats confronting the country are too serious. The problems and threats confronting this country are not problems and threats to just Democrats or just Republicans, they are threats to all Americans.

In the Department of Justice, the Attorney General needs a deputy to help run and manage that Department, not for the personal needs of the Attorney General but for the needs of 300 million Americans, to help protect every one of us.

Senators should join in voting to confirm this highly qualified nominee, this good man, to be Deputy Attorney General of the United States. Our country will benefit and we in the Senate will show that we actually do know how to do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I want to acknowledge the great leadership of Chairman LEAHY in his work in getting this very important nomination to the floor of the Senate. I rise once again in support of David Ogden to be the next Deputy Attorney General of the United States of America.

When I drove in to work today, I heard on the news about new developments in the Madoff case, about how some people had thought $50 billion had been lost in this country, lost to investors, lost to people who had nothing left, lost to some of the charities and charitable organizations in this country who, during this difficult time, are trying to help people in need. They thought it was $50 billion, but now it was likely $65 billion was lost because of one man, one man who committed such fraud—one man. That is what is going on in this country today—$65 billion went through the fingers of the Securities and Exchange Commission, and now it is being prosecuted under the jurisdiction of the Justice Department of the United States.

Look at the other things going on in this country. We have billions of dollars coming out of very important investments in infrastructure and broadband and jobs in new energy in this country. But it is an unprecedented investment in this country. It is something like $700 billion or $800 billion going out there, and you have the funds being used to help some of the credit markets get going again. We all know when you put money like that out on the market, there are going to be people who try to do bad things. There are going to be people who will try to steal that money, and we need a Justice Department that will hold accountable these people who are getting the money; a Justice Department that will watch over the taxpayers' money, make sure people like Madoff get prosecuted. That is what we need in this country.

When you see the difficult economic time we are in—people without jobs, people who are desperate—it is no surprise oftentimes you see an increase in economic crimes. We see that happening today.

We look at all those factors—Government taxpayer money going out on the street, the discovery of cases of people who have been ripping people off so long that it is only when economic times get bad that you actually see there is embezzlement going on, and then the natural, sad, and unfortunate increase in crime because of difficult economic times. All that is going on, and that is why I say we need a fully functioning Justice Department. That means we need a Deputy Attorney General for that Justice Department.

Yesterday, at our Judiciary Committee, the chairman himself said Eric Holder, the Attorney General, is all alone up there. He needs help. It is time to move these nominees.

That is why I question why people at this point would be wanting to delay his process, would want to not put someone who is clearly qualified to do this job into the Justice Department. We need to fill this post right now, and I have full confidence David Ogden is the right man at the right time. Why do I know this?

As I said yesterday, we had a great attorney general's office in Minnesota for years and years under both Republican and Democratic administrations, and then something happened. A Republican-appointed U.S. attorney, Tom Heffelfinger, was a friend of mine, U.S. attorney under George Bush I and II, who left of his own accord. When he left he found out his name was on a list to be fired. He was replaced with someone who didn't have management experience, and that office nearly blew up over a 2-year period with one person in charge.

Now under Attorney General Mukasey we at least have some peace in that office; things have improved. But I saw firsthand, when you put someone who is not necessarily qualified in a job, when you put someone in who is not putting the interests of the State first, I can see what happened. So Eric Holder and his deputies and those who work for him have a big job on their hands.

They not only have these white-collar crimes and these enormous issues to deal with, they also have a morale issue in the Justice Department. And no one, no one says that is not true.

The way you fix morale in an institution as big as the Justice Department is you put people in place who have the respect of those who are working for them. Look at the numbers. The Department of Justice has more than 100,000 employees and a budget exceeding $25 billion.

Every single Federal law enforcement reports to the Deputy Attorney General, the nomination we are considering today, including the FBI, the Drug Enforcement Administration, including the Bureau of Prisons, and all 93 U.S. Attorneys Offices in this country.

So what do we have here in David Ogden? Well, we have someone who has broad experience in law and in government: went to Harvard Law School, clerked for Justice Harry Blackmun—a Minnesotan, may I add—he has been in the public sector as a key person in the Justice Department under Attorney General Reno. He is someone who also

has had private sector experience. I personally like that, when someone has been in Government and they have also had some private sector experience representing private clients as well. He is an openminded and moderate lawyer with broad support from lawyers of all political and judicial philosophies. So here you have someone with 6 years of leadership in the Department when the Department's morale was, by all accounts, good. We need to put him back in that Department.

I know that people on the other side of the aisle—there are a few of them—have raised issues about clients he had in the past. I can tell you as a lawyer, I think any lawyer—and there are plenty of lawyers in this Chamber—has, in fact, represented clients they might not quite agree with, and they need to make sure the ethical rules are followed.

I know as a prosecutor I chose to represent the State. But there was no one I admired more than those defense lawyers who were representing people who were charged with crimes. I did not choose to do that side, but many people did. In our system in the United States of America, when someone gets in trouble or someone needs a lawyer, that is your job as a lawyer. I think that if we use some kind of standard that we are going to throw people out of this Chamber because of clients they had represented whom we did not agree with or things they personally had done, it would be a very different Chamber.

I think people should be very careful about charges they make and decisions they make about reasons. They can oppose a nomination of someone if they want, but it better be for the right reasons. I believe we have the right reasons here.

I know Chairman LEAHY just quoted this, but it is very important to remember. At his own confirmation hearing, Chief Justice Roberts said:

> The principle that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of a client, is critical to the fair administration of justice.

He went on to say:

> It was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case. It has not been my general view that I sit in judgment on clients when they come to me. I viewed that as the job of the Court when I was a lawyer. And just as someone once said, you know, it's the guilty people who really need a good lawyer, I also view that I don't evaluate whether I as a judge would agree with a particular position when somebody comes to me for what I did, which was provide legal advice and assistance.

So that is what we are talking about here. We have someone in this candidate who has broad support from people who have served in his role under both Democratic and Republican Attorneys General. We have someone who has the endorsement of the Fraternal Order of Police, a major law enforcement organization, and someone who has the endorsement of the Center for Missing and Exploited Children.

While at the Department of Justice, David Ogden also led the Government's defense of various antipornography statutes against constitutional attack, even arguing forcefully against the positions taken by some of those people he had formerly represented.

For example, while at the Civil Division, David Ogden defended the Child Online Protection Act of 1998, which aimed to protect children from harmful material on the Internet by requiring pushers of obscene material to restrict their sites from access by minors. Under David Ogden, the Civil Division of the Justice Department aggressively defended that statute.

While he was head of the Civil Division, David Ogden also defended the Child Pornography Prevention Act, which expanded the ban on child pornography to cover virtual child pornography. I know this as a prosecutor. I know how damaging this is. We had cases where people who were preying on children would actually see their images on the Internet, would figure out who they are. We had one case where we went after someone who met a kid at the mall whom he met on the Internet. Then the police looked at all of those images that were on that guy's Internet site, and they actually traced them to another kid who did not even know her picture was on that Internet site. That is what we are talking about—explicit images that appear to depict minors but were produced without using any real children, or perhaps using a real child and putting them in the imagery, computer-generated imagery. That is what David Ogden did, he protected these statutes. He defended these statutes, and he will continue to do that at the Department of Justice.

This strong support for families and children is why David Ogden received the National Center for Missing and Exploited Children's endorsement, the Boys and Girls Club of America's endorsement, and, of course, because of his work with law enforcement, the Fraternal Order of Police and the Partnership for a Drug-Free America. You think these organizations just come and willy-nilly put their names on an endorsement, those organizations, venerable organizations that have been here for so long? No. They would not put their name on the endorsement of anyone who did not consider the protection of children as one of their paramount goals. They know David Ogden will do that. They know what I know: David Ogden is a man of integrity and commitment to the rule of law. He is someone who will work with our Attorney General, Eric Holder, to restore credibility to the Justice Department, to restore morale, to make it the kind of place where lawyers, the kids coming out of law school, say: That is where I want to work. I want to go work for Eric Holder and David Ogden.

That is what we need restored in our Justice Department. That is why we need to move this along the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from Minnesota. She is one of the newest additions to the Senate Judiciary Committee. She has already improved the quality of our committee by just being there.

Obviously, having former prosecutors on the committee is something I have searched for and am happy to have. I appreciate what she has brought to us. She was in an era when as a prosecutor she faced things I did not have to, such as the online threats to young people, and she understands what she is saying.

I see my good friend from Tennessee on the floor.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the nomination of David Ogden to be Deputy Attorney General of the United States.

There is simply no excuse for the delay in confirming Mr. Ogden.

In 2004, when the 9/11 Commission issued its report on national security issues, it specifically recommended that the Deputy Attorney General and other national security nominees be confirmed without delay.

Let me quote from the Commission's report:

> Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking . . . by accelerating the process for national security appointments.

The report said the President-elect should make his nomination by January 20—which President Obama did, he nominated Ogden on January 5—and the Senate should finish considering the nominee within 30 days.

But 66 days later, this nomination is still pending.

It is time to get Mr. Ogden in his post so the Department of Justice can get to the important work ahead.

David Ogden is an extremely strong nominee, and the Deputy Attorney General is a critical official in the Justice Department.

The Deputy Attorney General is the second-ranking position in the Department and plays a large role in national security issues.

His responsibilities include overseeing the closing of the detention facility at Guantanamo Bay and the transfer of the remaining 245 detainees to new locations, signing FISA intelligence applications, and coordinating responses to terrorist attacks.

He is also responsible for the day-to-day management of the Justice Department's more than 100,000 employees and its budget of over $25 billion. And he manages the criminal division, the FBI, and the over 90 U.S. attorney's offices nationwide.

This is a critical position both for the enforcement of our criminal laws

and for keeping Americans safe from harm.

President Obama has chosen David Ogden to be the Deputy Attorney General, and his record shows why:

Ogden is a Harvard Law School graduate, and a former clerk to a U.S. Supreme Court Justice.

He is a nationally recognized litigator with over 25 years of experience and the cochair of the Government and Regulatory Group at one of DC's top law firms.

Mr. Ogden is also a former Deputy General Counsel and legal counsel at the U.S. Department of Defense, where he received the highest civilian honor you can receive—the Department of Defense Medal for Distinguished Public Service.

And he is a former Associate Deputy Attorney General, chief of staff and counselor to the Attorney General, and Assistant Attorney General for the Civil Division at the Department of Justice.

David Ogden knows the Department of Justice inside and out, and he has already proven that he can be an effective leader.

In fact, over 50 individuals and groups have written in to support this nomination.

Ogden has the endorsements of:

the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the Major Cities Chiefs Association, the National Association of Police Organizations, the National District Attorneys' Association, the National Narcotic Officers' Association Coalition, the National Sheriffs' Association, the Community Anti-Drug Coalitions for America, the National Center for Missing and Exploited Children, the National Center for Victims of Crime, the Judge Advocates General, the Boys and Girls Club of America, and the Partnership for a Drug-Free America.

The letters state again and again that Ogden was a standout public servant before and that he is highly qualified for the position of Deputy Attorney General.

Let me read just a few remarks from officials who served in Republican administrations: Paul Cappuccio, the Associate Deputy Attorney General under George H.W. Bush, has written:

I consider myself a judicial and legal conservative, and believe it is important to appoint high-quality individuals who will uphold the rule of law. In my view, David Ogden is . . . a person of the highest talent, diligence, and integrity. He is, in my view, an excellent pick.

Larry Thompson, who was Deputy Attorney General under George W. Bush, has said that Ogden is ''a person of honor who will, at all times, do the right thing for the Department of Justice and our great country.''

And from Richard Taranto, a high-ranking DOJ lawyer under President Reagan: ''The country could not do better.''

This is very strong support for Ogden. I also hope that my colleagues will look closely at his track record as a public servant.

During the Clinton administration, Ogden proved himself at every turn. In addition to being promoted three times to high level positions—from Associate Deputy Attorney General to Chief of Staff to Assistant Attorney General—he also received the Attorney General's Medal in 1999 and the Edmund J. Randolph Award for Outstanding Service in 2001. He took the lead on a landmark lawsuit against the cigarette companies for lying to the American people about the health risks of smoking. Under his guidance, the Civil Division recovered more than $1.5 billion in taxpayer money from Government contractors in the health care industry and elsewhere that had overbilled the government and defrauded the American people. And he vigorously defended the Child Pornography Prevention Act of 1996 and the Child Online Protection Act of 1998.

This is a nominee who has proven himself in Government.

In his confirmation hearing, Ogden also laid out his priorities for the future. He said his top priorities will be protecting the national security, restoring the rule of law, and restoring nonpartisan law enforcement at DOJ.

He told us that he is committed to making sure that DOJ fights financial, mortgage and securities fraud effectively.

And he pledged in no uncertain terms that if confirmed he would ''recommend that protecting children and families should be a top priority, including through the prosecution of those who violate federal obscenity laws.''

In a 2001 speech at Northwestern Law School, Ogden explained to a group of students that a government lawyer's client is not ''the President, the Congress, or any agency, although the views of each may be extremely relevant,'' his client is the people of the ''United States.''

The American people will be well served by having David Ogden on our side. He is an outstanding lawyer and a dedicated public servant.

It has been 66 days since President Obama nominated David Ogden to be the Deputy Attorney General.

He is a good nominee that should not be held up. Let's let him get to work without any further delay.

Mr. COBURN. Mr. President, I would like to take a minute to briefly discuss my opposition to the nomination of David Ogden to be Deputy Attorney General of the United States.

First, however, I would like to take a minute to respond to allegations made yesterday by Senator LEAHY, who criticized the ''undue delay'' of David Ogden's nomination and further stated that ''It was disturbing to see that the president's nominee of Mr. Ogden to this critical national security post was held up this long by Senate Republicans apparently on some kind of a partisan whim.'' There was no such delay. I would like to set the record straight on the Senate's prompt consideration of this nominee.

President Obama announced Mr. Ogden's nomination on January 5, but the Judiciary Committee did not receive his nomination materials until January 23, and he was not officially nominated until January 26. The committee promptly held a hearing on his nomination on February 5, just 13 days after receiving his nomination materials. His hearing record was open for written questions for 1 week, until February 12, and Mr. Ogden returned his responses on February 18 and 19.

Following Mr. Ogden's hearing, the Judiciary Committee received an unprecedented number of opposition phone calls and letters for a Department of Justice nominee. In total, the committee has received over 11,000 contacts in opposition to his nomination. Despite this overwhelming opposition, the committee promptly voted on Mr. Ogden's nomination on February 26.

I would note that the week prior to the committee's vote on Mr. Ogden's nomination was a recess week and was the same week the committee received Mr. Ogden's answers to his written questions. Per standard practice, the committee could not have voted on him prior to February 26 because the record was not complete.

Rather than hold this controversial nomination over for a week in committee, which is any Senator's right, Republicans voted on Mr. Ogden's nomination the first time he was listed, on February 26. Five of the eight committee Republicans voted against his nomination, a strong showing of the concern over Mr. Ogden's nomination.

And now, just 45 days after Mr. Ogden was nominated and despite significant opposition, the Senate is poised to vote on his confirmation.

Even giving Democrats the benefit of the doubt and allowing that Mr. Ogden's nomination was announced on January 5, 66 days ago, the Senate is still acting as quickly as it has on past Deputy Attorney General, DAG, nominees. On average since 1980, Senators have been afforded 65 days to evaluate DAG nominees. Further, Senators were afforded 85 days to evaluate the nomination of Larry Thompson, President Bush's first DAG nominee and 110 days to evaluate the nomination of Mark Filip. Yesterday, Senator Leahy said he had ''urged'' the ''fast and complete confirmation'' of Mark Filip and that ''he was.'' If 110 days was a ''fast'' confirmation, then how is 66 days an ''undue delay?'' In short, I take issue with the chairman's characterization of any ''undue delay'' on this nomination.

As a member who shares the concerns of the thousands of individuals who have called the committee, I would now like to explain my opposition to David Ogden's nomination to be Deputy Attorney General.

If confirmed, Mr. Ogden would be the second-highest ranking official in the Department of Justice. The Deputy Attorney General possesses ''all the power and authority of the Attorney

General, unless any such power or authority is required by law to be exercised by the Attorney General personally.'' He supervises and directs all organizational units of the Department, and aides the Attorney General in developing and implementing Departmental policies and programs. To say the least, this is an important position.

America is entitled to the most qualified and judicious person to fill such a crucial role. My concern is that David Ogden falls short of those expectations.

Mr. Ogden is undoubtedly a bright and accomplished attorney. Although he lacks criminal trial experience that would be helpful in overseeing DOJ components such as the Criminal Division, National Security Division, U.S. Attorneys' Offices, FBI, and DEA, it appears he is fit to serve as Deputy Attorney General.

My concern is with his views on some of the most important issues within the Department's purview. During Mr. Ogden's time as an attorney in private practice, he vigorously defended very sensitive and controversial issues such as abortion, pornography, the incorporation of international law in Constitutional interpretation, and the unconstitutionality of the death penalty for minors.

While I recognize that lawyers should not necessarily be impugned for the views of their clients, I am particularly concerned about a pattern in Mr. Ogden's representations, namely his work on obscenity and pornography litigation. In these cases, Mr. Ogden has consistently argued the side of the pornography producers, opposing legislation designed to ban child pornography, including the Children's Internet Protection Act of 2000 and the Child Protection and Obscenity Enforcement Act of 1998.

At his hearing and in response to written questions, Mr. Ogden maintained that the views he advocated in these cases were those of his client, and not necessarily his own. While I accept this as plausible, I am unsatisfied with Mr. Ogden's unwillingness to answer my specific questions about his own personal beliefs. Discerning such personal views is crucial to adequately evaluating a nominee who may be charged with enforcing the very laws he has opposed in the past.

It would not have been hard for Mr. Ogden to distance himself from some of the extreme views he advanced on behalf of his clients. For example, in his brief for the American Psychological Association in Casey v. Planned Parenthood, he wrote:

> it is grossly misleading to tell a woman that abortion imposes possible detrimental psychological effects when the risks are negligible in most cases, when the evidence shows that she is more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant (if not greater) risks of adverse psychological effects for some women depending on their individual circumstances.

I was disappointed—and somewhat shocked—that, given an opportunity to respond to such a statement, the best Mr. Ogden could offer was further clarification that he was representing the views of client. When pressed for his personal views on the matter, he refused to answer. As a result, I am left to guess at what this nominee's views are on a matter of critical importance.

Similarly, I asked Mr. Ogden whether he believes that adult obscenity contributes to the sexual exploitation of children in any way. Further, I asked him whether he personally believes that adult obscenity contributes to the demand for prostitutes, and/or women and children who are trafficked into prostitution. His curt response was the same for both questions: ''I have not studied this issue and therefore do not have a personal belief.'' It is hard to believe that a lawyer who devoted significant time and energy throughout his career to representing the pornography industry would not have an opinion on these issues.

In response to my question about whether he personally believes there is a Federal constitutional right to same-sex marriage, he replied: ''I have not studied this issue and therefore have not developed a personal view as to whether there is a constitutional right to same-sex marriage.'' I simply find it hard to believe that a lawyer of the caliber and experience possessed by David Ogden has not thought about matters of such widespread public debate.

In short, although I am impressed by Mr. Ogden's credentials, his lack of candor in response to my questions leaves me guessing about the approach he will take to these and other sensitive issues at the Department of Justice. While former clients or advocacy should not necessarily disqualify a lawyer from such positions, David Ogden did not do enough to distance himself from controversial views he advocated in the past, often against the interests of the government. Therefore, Mr. Ogden's performance throughout this nomination process is not enough to overcome the unfortunate presumptions created by his record of representation. I am unable to support his nomination.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business, with the time charged to the Republican side on this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY GEITHNER

Mr. ALEXANDER. I thank the Senator from Vermont.

Mr. President, this morning Secretary Geithner appeared before the Budget Committee. He had good humor. He was resilient. He did a good job in his testimony. He said, a variety of times, approximately this: There would be no economic recovery until we fix the banks and get credit flowing again.

I would like to make a constructive suggestion to our new President, who I think is an impressive individual, and to Secretary Geithner, because while that may be the goal of the Government, the country is not yet persuaded the Government will do that or can do that.

I asked Secretary Geithner whether he is familiar with a book by Ernest May, a longtime professor at the Kennedy School of Government at Harvard University. The book is called ''Thinking in Time: The Uses of History for Decision Makers.'' The reason I asked Secretary Geithner about that was because Ernest May's book ought to be required reading for any governmental decision maker. The thesis of the book is that any crisis one may be presented—if you are Secretary of Treasury, Secretary of Defense—usually has something in history to teach you a lesson. For example, if you are the Kennedy administration dealing with the Cuban missile crisis in the early 1960s, you may want to look back to Hitler's invasion of Rhineland in 1936 to see whether we should have stopped him then and avoided, perhaps, World War II.

Professor May often says one has to be very careful in thinking about the different analogies because you might pick up the wrong analogy and the wrong lesson from history. I would like to suggest to the President and to the Secretary of Treasury, in the spirit of Professor May's book, a couple of analogies from history that I believe would help this country deal with the banking crisis, deal with getting credit flowing again, and begin to get us back toward the economic recovery that we all want for our country and that we very badly need.

The first example comes from President Franklin Delano Roosevelt, who was elected after a deep recession, and maybe even a depression was already underway, much worse than today. Mr. President, 5,000 banks had failed, and deposits were not insured. What did President Roosevelt do? He did one thing: Within 2 days after taking the oath of office, he declared a bank holiday, from March 6 to March 10, 1933. Banking transactions were suspended across the Nation except for making change. He presented Congress with the Emergency Banking Act. The law empowered the President, through the Treasury Department, to reopen banks that were solvent and assist those that were not. The House passed it after 40 minutes of debate, and the Senate soon followed. Banks were divided into categories. On the Sunday evening before the banks reopened, the President addressed the Nation through one of his signature fireside chats. The President assured 60 million radio listeners in 1933 that the crisis was over and the Nation's banks were secure. By the beginning of April, Americans confidently returned $1 billion to the

banking system; the bank crisis was over. Now, there was a lot more to come. That was not the end of the Great Depression, but it was the end of the bank crisis, and it came because of swift and bold Presidential leadership.

The lesson I would suggest from that analogy to our nation's history, is that President Roosevelt did not try to create the Tennessee Valley Authority and the Civilian Conservation Corps and the PWA and the WPA and pack the Supreme Court all in the first month of his term of office.

He declared a banking holiday within 2 days after taking office. He assured the country that he would fix the problem. He went on the radio not for the purpose of talking about the whole range of problems but to say, on March 12, 1933: I want to talk for a few minutes to the people of the United States about banking. And he explained what was going on. He said: We do not want and we will not have another epidemic of bank failures. He said: We have provided the machinery to restore our financial system.

The people believed him. They put money back in the banks because the American people were looking for Presidential leadership at that moment. They knew that the Congress or the Governors or other individuals in the country could not fix the bank problem. They knew the President had to fix it. When the President took decisive action and said he would fix the problem, the country responded and that part of the problem was fixed. The bank crisis was over. That is analogy No. 1.

Analogy No. 2—and I believe the analogy is closer to today's challenge facing President Obama and Secretary Geithner and all of us, really—is President Eisenhower's speech in October 1952 in which he declared he would end the Korean war. I'd like to read a paragraph from that speech because it seems to me so relevant to the kind of Presidential leadership that might make a difference today.

President Eisenhower said:

> The first task of a new administration will be to review and re-examine every course of action open to us with one goal in view: to bring the Korean war to an early and honorable end.

In these circumstances today, one might say to bring the bank crisis and the credit freeze to an early, honorable end.

President Eisenhower, then a general, not President, said:

> This is my pledge to the American people. For this task a wholly new administration is needed. The reason for this is simple. The old administration cannot be expected to repair what it failed to prevent.

In other words, the issue in the Presidential election of 1952 was change. That is also familiar. It just happened to be the Republicans arguing for change at the time.

Then the President said:

> That job requires a personal trip to Korea. I shall make that trip. Only in that way could I learn how best to serve the American people in the cause of peace. I shall go to Korea.

On November 29, in the same month he was elected to the Presidency, Dwight D. Eisenhower left for Korea.

The lesson from that instance in history, as Ernest May would have us look at, is not that President Eisenhower ended the Korean war by Christmas or even by Easter of the next year. The lesson is that he told the American people he had one objective in mind. Of all the things going on in 1952—inflation and other problems—he focused on the one that only a President could deal with. He did it in memorable terms. We remember the phrase today: I shall go to Korea. The people believed him. They elected him. They relaxed a little bit. The war was ended, and the 1950s were a very prosperous time.

I wish to make this a constructive and, I hope, timely suggestion because the President and the Secretary are about to tell us what they are going to do about banks. What I would like to suggest is this: they don't need to scare us anymore. Back in Tennessee, we are all pretty scared. There are a lot of people who are not sure what is going to happen with the banks. They don't need to explain the whole problem to us anymore. That is not what leaders do. Leaders solve problems. Maybe it needs to be explained enough so we grasp it, but basically Americans are looking for Presidential leadership to solve the problem.

I don't think we have to be persuaded that our impressive new President is capable of doing more than one thing at a time. He may have shown that better than anybody else in history. We have already had two summits—one on health and one on fiscal responsibility. I was privileged to attend one of the summits. I thought it went very well. The President has repealed some of President Bush's orders that he didn't agree with on the environment and stem cell research. The President has been out to a wind turbine factory in Ohio talking about energy. He has persuaded Congress to spend a trillion dollars, over my objection, but still he was able to do that in the so-called stimulus bill. The new Secretary of Education has worked with the President, and he made a fine speech on education the other day. He is doing a lot of things. A lot of things need to be done.

The point is, there is one overriding thing that needs to be done today, and that is to fix the banks and get American credit flowing again. President Roosevelt didn't create the Tennessee Valley Authority and the CCC and the WPA during the bank holiday. He fixed the banks. So my respectful suggestion is that our impressive, new President say to the American people as soon as he can, in Eisenhower fashion: I will fix the banks. I will get credit flowing again. I will take all these other important issues facing the country—health care, education, energy, on which I am eager to work—and I will make them subordinate to that goal. In the spirit of President Eisenhower: I will concentrate my full attention on this goal until the job is honorably done; that job being, fixing the banks and getting credit flowing again.

I genuinely believe that if this President did that, if he, in effect, made that speech, cleared the decks, gathered around him the bright people he has around him and said to the American people: Don't worry, a President can do this and I am going to. That statement would be the beginning of the economic recovery. Because lack of confidence is a big part of our problem. This crisis began with $140 oil prices. That was, in the words of FedEx chairman Fred Smith, ''The match that lit the fire.'' Then there was the housing subprime mortgage crisis and then banking failures.

Now, even in strong community banks in Tennessee, we have people who are out of work and who can't pay their small business loans or student loans. Some of those banks are beginning to have some problems.

We need to interrupt this train. We only have one person who can do it. A Senator cannot do it. The Vice President cannot do it. The Secretary of the Treasury cannot do it. No Governor can do it. The President can; only he can do it. Even though he may be able to do many things well at one time, he needs to do one thing until the job is honorably done.

My respectful suggestion is that Ernest May's book, which reminds leaders to think in terms of history, ''Thinking in Time,'' is a powerfully apt book for these times. As the Secretary and the President and his advisers think about how to present to the American people what their plan is, they should remember that a part of it is not only developing a strategy. The most important part is persuading at least half the people they are right. I believe that means clearing the deck: no more summits, no more trips in other directions. Focus attention on the problem facing the country until the job is honorably done.

In Eisenhower fashion, I hope the President will say: I will fix the banks. I will get credit flowing again. I will concentrate my attention on that job until it is done.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time during the quorum be split evenly between the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that my time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I come to the floor today to urge my colleagues to support the nomination of David Ogden to be our Deputy Attorney General. In doing so, I will make a few brief points.

First, Mr. Ogden is extraordinarily qualified as a lawyer. He has served as the Assistant Attorney General in charge of the Civil Division, as the Chief of Staff to Attorney General Janet Reno, as the Associate Deputy Attorney General, and as Deputy General Counsel over at the Department of Defense. He has a distinguished government record.

He has also been a distinguished lawyer in the private sector, as evidenced by his position as cochair of the Government and Regulatory Litigation Group at the law firm of WilmerHale. His qualifications for this important position as Deputy Attorney General are exemplified by the support of former Deputy Attorneys General of both parties.

Republican Larry Thompson said:

> David is a person of honor who will, at all times, do the right thing for the Department of Justice and our great country. As a citizen, I am extremely grateful that a lawyer of David's caliber again offers himself for public service.

Democrat Jamie Gorelick wrote that David Ogden ''is a man of unusual breadth and depth who is as well prepared to help lead the Department as anyone who has come in at the outset of a new administration can possibly be.''

Second, now more than ever, the Department needs a competent Deputy Attorney General. I will not go back and review the long sad litany of problems—to put it mildly—we saw in the Bush Justice Department. But the incompetence and politicization that ran rampant through that building must never be repeated.

The Deputy Attorney General is the second ranking member at the Department, and some have compared the position to a chief operating officer. We need in that office a person who understands what makes the Department of Justice such an important and unique institution, who is committed to restoring the Department's honor and integrity, who will act independent of political pressure, and who understands the levers within the building that need to be pulled to get things done. Based on my review of his background and based on his confirmation hearings and based on my personal conversations with David, I believe him to be such a man.

I commend Chairman LEAHY for his determination to confirm as many Department nominees as quickly as possible. The Department has more than 100,000 employees and a budget exceeding $25 billion. It is also tasked with confronting the most complex and difficult legal challenges of our day. The Attorney General must have his leadership team in place as quickly as possible. It is March 12 and the Attorney General does not have his Deputy confirmed by this body. Despite some very unfortunate delay tactics that have taken place, Chairman LEAHY is doing all he can to move these nominees in a careful, deliberate, and expeditious manner. I commend him for that effort and I look forward to supporting him in that effort.

I would also add that as a Senator I have found some of the comments that have been made about Mr. Ogden to be very troubling, and certainly not the sort of debate I had in mind when I ran to be a Senator. Everybody here who is a lawyer knows that a lawyer in private practice has a duty—a duty—to zealously advocate—to zealously advocate—the position of his client. What makes our system great is that you don't have to win a popularity contest as a client before you can get a zealous advocate for your position. Every lawyer is under a duty to zealously advocate their client's position.

So to take a lawyer who has served in private practice with great distinction and attribute to him personally the views of clients is plain dead wrong and strikes at the heart of the attorney-client relationship that is the basis of our system of justice. It is a terrible mistake to do that, and particularly to exaggerate those positions to the point where he has been accused of supporting things such as child pornography. It is an appalling misstatement. The major organizations that concern themselves with the welfare of children in this country support David Ogden. That should put these false claims to rest. However, I do very much regret that the level of debate over someone such as David Ogden in this historic body has come to a point where those sorts of charges are being thrown out, completely without factual basis and, in many respects, in violation of what we should as Senators understand to be a core principle, which is that a lawyer is bound to advocate for his client and to do so does not confer upon the lawyer the necessity of agreeing to those views.

As somebody who spent a good deal of time in public service as a lawyer and who has spent some time in private practice as a lawyer as well, I can tell my colleagues that one of the reasons people come to public service is so they can vindicate the public interest. David, as Deputy Attorney General, I have no doubt whatsoever will serve in a way that vindicates the public interest, that protects children, that protects our country, and that serves the law.

I appreciate the opportunity to say this, and I yield the floor.

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.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the pending nomination of David Ogden to be Deputy Attorney General. I had spoken on the subject in some detail 2 days ago, and my comments appear in the CONGRESSIONAL RECORD. But I wish to summarize my views today and also to respond to an issue which has been raised about undue delay on Mr. Ogden's nomination. There has been no such delay, and I think that is conclusively demonstrated on the record.

President Obama announced Mr. Ogden's nomination on January 5, but the Judiciary Committee did not receive the nomination materials until January 23, and he was not officially nominated until January 26.

Then the committee promptly held a hearing on his nomination on February 5, 13 days after receiving his nomination materials. His hearing record was open for written questions for 1 week, until February 12, and Mr. Ogden returned his responses on February 18 and 19.

Following Mr. Ogden's hearing, the Judiciary Committee received an unprecedented number of opposition calls and letters—over 11,000 contacts in opposition to the nominee, unprecedented for someone in this position. Despite this opposition, the committee promptly voted on Mr. Ogden's nomination on February 26.

I note that the week prior to the committee's vote on Mr. Ogden's nomination was a recess week, and it was the same week the committee received Mr. Ogden's answers to his written questions. As is the standard practice, the committee would not have voted on him prior to February 26 because the record was not complete.

Rather than hold this nominee over for a week in committee, which is any Senator's right, Republicans voted on Mr. Ogden's nomination for the first time he was listed, on February 26. And now, 45 days after Mr. Ogden was nominated, the Senate is poised to vote on his nomination.

Even allowing that Mr. Ogden's nomination was announced on January 5—66 days ago—the Senate is still acting as quickly as it has on past Deputy Attorneys General.

On average, since 1980, Senators have been afforded 65 days to evaluate Deputy Attorney General nominees. Senators were afforded 85 days to evaluate the nomination of Larry Thompson and 110 days to evaluate the nomination of Mark Filip, both nominated by President George W. Bush. In fact, we are voting on Mr. Ogden's nomination faster than any of President Bush's nominees: Larry Thompson, 85 days; James Comey, 68 days; Paul McNulty, 147 days; and Mark Filip, 110 days. I believe these facts put to rest any allegation there was any delay.

I spoke on Wednesday urging my colleagues to move promptly, noting I had a call from Attorney General Holder who said he was needed. Not having had any top-level people confirmed, I think the Attorney General's request is a very valid one. In my position as ranking member, I am pushing ahead and trying to get the Ogden nomination voted on.

On Wednesday, I noted the fine academic record and professional record and put his resume into the RECORD, so I need not do that again.

I noted on Wednesday in some detail the opposition which had been raised by a number of organizations—Family Research Council, headed by Tony Perkins; Fidelis, a Catholic-based organization; the Eagle Forum; and the Alliance Defense Fund—on the positions which Mr. Ogden had taken in a number of cases. I also noted the judgments that when Mr. Ogden took those positions, he was in an advocacy role and is not to be held to those policy positions as if they were his own.

I noted that the Judiciary Committee is taking a close look at other nominees—Elena Kagan, for example—on the issue of whether she adequately answered questions. I am meeting with her later today. Her nomination is pending. Also, the nomination of Ms. Dawn Johnsen involving the issue of her contention that denying a woman's right to choose constitutes slavery and a violation of the 13th amendment.

I believe on balance Mr. Ogden ought to be confirmed, as I said on Wednesday, noting the objections, noting the concerns, and contrasting them with his academic and professional record. He took advocacy positions well recognized within the profession, but that is a lawyer's responsibility. He cannot be held to have assumed those positions as his own policy.

We will later today take up the nomination of the Associate Attorney General. While I have the floor, I think it appropriate to make some comments regarding this nomination.

Thomas Perrelli is the nominee. He has an outstanding academic record: a graduate of Brown University, Phi Beta Kappa and magna cum laude, very substantial indicators of academic excellence. Then Harvard Law School, again magna cum laude, 1991; managing editor of the Harvard Law Review. He clerked for Judge Lamberth in the U.S. District Court for the District of Columbia. He has been an associate at Jenner & Block; counsel to the Attorney General; Deputy Assistant Attorney General; and later a partner in Jenner & Block. He was named to the ''40 under 40'' list by the National Law Journal; a recipient of the Jenner Pro Bono Award; and recognized as one of Lawdragon's 500 ''New Stars, New Worlds.''

Mr. President, I ask unanimous consent to have printed in the RECORD his résumé.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOMAS J. PERRELLI

ASSOCIATE ATTORNEY GENERAL

Birth: 1966, Falls Church, Virginia.

Residence: Arlington, Virginia.

Education: A.B., Brown University, magna cum laude, 1988; Phi Beta Kappa, 1987; J.D., Harvard Law School, magna cum laude, 1991; Managing Editor, Harvard Law Review.

Employment: Law Clerk, Honorable Royce C. Lamberth, U.S. District Court for the District of Columbia, 1991–1992; Associate, Jenner & Block LLP, Washington , DC, 1992–1997; Counsel to the Attorney General (Janet Reno), U.S. Department of Justice, 1997–1999; Deputy Assistant Attorney General, U.S. Department of Justice, Civil Division, 1999–January 2001; Unemployed, January 2001–June 2001; Partner, Jenner & Block LLP, Washington, DC, 2001–Present; Managing Partner, Washington, DC office, 2005–Present; Co-Chair, Entertainment and New Media Practice.

Selected Activities: Named to ''40 under 40,'' National Law Journal, 2005; Recipient, Albert E. Jenner, Jr. Pro Bono Award, Jenner & Block, 2005; Recognized as one of Lawdragon's 500 ''New Stars, New Worlds,'' 2006; Named Best Intellectual Property Lawyer in Washington, DC by Washington Business Journal, 2008; Recognized as leading media and entertainment lawyer, Chambers & Partners USA, 2007–2008; Member, American Bar Association.

Mr. SPECTER. Mr. President, there had been some question raised as to Mr. Perrelli's representation of clients in a couple of cases—including the American Library Association v. Attorney General Reno, where he appeared on behalf of a coalition of free speech groups and media entities (including Penthouse) arguing that the Child Protection Restoration and Penalties Enhancement Act of 1990 criminalized material in violation of the first amendment.

There were a number of letters filed by pro-life organizations, including the Pennsylvania Family Institute, International Right to Life Federation, Family Research Council, and the National Right to Life Committee. We have evaluated those issues closely.

I questioned Mr. Perrelli in some detail on the position he took in the Terri Schiavo case where he claimed the Federal court did not have jurisdiction. It seems to me as a legal matter, the State court did not have exclusive jurisdiction, that the Federal court could take jurisdiction under Federal doctrines. He defended his position saying that he was taking an advocate's role, and he thought it was a fair argument to make. My own view was that it was a little extreme.

I think all factors considered, the objections which have been raised of Mr. Perrelli as Associate Attorney General turn almost exclusively on positions he took as an advocate. I believe his outstanding academic and professional record support confirmation.

Again, we are taking a very close look at all of the nominees but, on balance, it seems to me that is the appropriate judgment. Here, again, we are almost 2 months into a new administration and the Attorney General does not have any upper echelon assistants. These confirmations will provide that assistance.

I think it is fair to note that Mr. Perrelli's nomination was supported overwhelmingly in the committee, the same conclusion I came to. It was a 17-to-1 vote in his favor. Only one Senator voted no and one Senator voted to pass. That is showing pretty substantial support.

I thank the Chair. I note the presence of the distinguished chairman of the committee, so I yield the floor to Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand my time has been used. We are supposed to vote at 2 p.m. I ask unanimous consent that I be able to use the time until 2 o'clock.

Mr. SPECTER. Mr. President, if Senator LEAHY would like my time, he is welcome to all of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Pennsylvania for his support of both David Ogden and Thomas Perrelli, both superbly qualified candidates, both of whom will be confirmed this afternoon. I will speak further about Mr. Perrelli after this vote.

Again, I go back to David Ogden. David Ogden has been strongly supported by Republicans and Democrats, those who served in the Bush administration and other administrations. I thought it was a scurrilous attack on him because he and his firm supported libraries, supported perfectly legal publications, and some Republicans saying they could not vote for him because of that.

I note that these same Republicans all voted for Michael Mukasey, a fine gentleman, to be Attorney General, who listed as one of his primary cases his representation of the TV channel that carries ''Dial-a-Porn.''

Now, certainly when a Republican, nominated by a Republican, represented Dial-a-Porn, that seems to be wrong; when a Democrat, nominated by a Democrat, represents libraries and basically a mainstream men's magazine, that is wrong.

I hope we will avoid in the future such double standards. I see a man who has helped children, who has volunteered his time, who has given great charity to children, and who has been supported by the Boys and Girls Clubs, by the Missing and Exploited Children's groups, by the National District Attorneys Association, and by every major law enforcement organization.

So, Mr. President, I know time has expired, and I would ask for the yeas and nays on confirmation of the nomination.

The PRESIDING OFFICER (Mr. BENNET). Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS), the Senator from Texas (Mr. CORNYN), and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 97 Ex.]

YEAS—65

Akaka	Graham	Murray
Alexander	Gregg	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Bond	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown	Kyl	Shaheen
Burris	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—28

Barrasso	Crapo	Murkowski
Bennett	DeMint	Risch
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Casey	Hatch	Thune
Chambliss	Hutchison	Vitter
Coburn	Inhofe	Wicker
Cochran	Martinez	
Corker	McConnell	

NOT VOTING—6

Byrd	Hagan	Johanns
Cornyn	Isakson	Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid on the table, and the President will be informed of the Senate's action.

NOMINATION OF THOMAS JOHN PERRELLI TO BE ASSOCIATE ATTORNEY GENERAL

The bill clerk read the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the agreement on the Perrelli nomination?

The PRESIDING OFFICER. There is to be 90 minutes of debate, evenly divided.

Mr. LEAHY. Mr. President, I am only going to speak for 2 or 3 minutes. I have had a number of Senators, both Republican Senators and Democratic Senators, ask if there is a possibility of this to be a voice vote. A number of them have airplanes to catch. I mention that for Senators on both sides of the aisle.

I am perfectly willing at some appropriate time to yield back all our time and have a voice vote on President Obama's nomination of Thomas J. Perrelli to be the Associate Attorney General, the number three position at the Justice Department. He is a superbly qualified veteran of the Department of Justice who has chosen to leave a lucrative private practice to return to public service. This nomination was reported out of the Judiciary Committee one week ago by a strong, bipartisan vote of 17–1. I thank Senator SPECTER, Senator HATCH, Senator KYL, Senator SESSIONS, Senator GRAHAM and Senator CORNYN for their support of this important nomination.

Given Tom Perrelli's background and qualifications, this strong support is no surprise. He is the managing partner of the Washington, D.C. office of Jenner & Block. Before that he held important posts at the Justice Department, earning a reputation for independence and integrity, as well as the respect of career lawyers at the Department. Mr. Perrelli joined the Justice Department in 1997 as Counsel to the Attorney General. In that role, Mr. Perrelli assisted the Attorney General in overseeing the civil litigation components of the Department of Justice, and also worked on a wide variety of special projects, including professional responsibility issues for Department attorneys, and law enforcement in Indian Country.

From 1999 to 2001, Mr. Perrelli served as Deputy Assistant Attorney General in the Civil Division, supervising the Federal Programs Branch. That branch defends Federal agencies in important constitutional, regulatory, national security, personnel and other litigation. In addition, he played a leading role on significant policy issues ranging from medical records privacy, the use of adjusted figures in the census to Indian gaming, and social security litigation.

A Phi Beta Kappa graduate from Brown University and graduate of Harvard Law School where he served as the Managing Editor of the Harvard Law Review, Mr. Perrelli has demonstrated throughout his years in Government that he understands that the role of the Department of Justice is to be the people's lawyer, with first loyalty to the Constitution and the laws of the United States. He clerked for Judge Royce Lamberth, a no nonsense judge. In private practice, first as an associate at Jenner & Block from 1992 to 1997 and then, again, from 2001 to the present where he became a partner and then the managing partner of its well-respected Washington office, he is recognized as an outstanding litigator and manager. He will need all those skills to call on all his experience in the challenging work ahead.

Numerous major law enforcement organizations have endorsed Mr. Perrelli's nomination, including the National President of the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Association of Police Organizations. Paul Clement, who worked for Senator Ashcroft and then Attorney General Ashcroft and was appointed by President Bush to be Solicitor General, wrote that career professionals at the Department who had worked with Mr. Perrelli ''held him in uniformly high regard'' and that Mr. Perrelli's ''prior service in the Department should prepare [him] to be a particularly effective Associate Attorney General.'' He also described Mr. Perrelli as ''an incredibly skilled lawyer'' whose ''skills would serve both Tom and the Department very well if he is confirmed as the Associate Attorney General.''

I urge the Senate to confirm Tom Perrelli to the critical post for which President Obama has nominated him. I look forward to congratulating him, his wife Kristine and their two sons, James and Alexander on his confirmation.

I will withhold the remainder of my time. Before I do that, I know the floor staff on both parties are seeing whether it is possible to shorten the time. If it is—I am stuck here this afternoon, but for those Senators who are trying to grab a flight out of here, it would be good to let them know. I retain the remainder of my time. I see a distinguished former member of our committee, the Senator from Kansas, on the floor. I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the case of Mr. Perrelli, nominated to be Associate Attorney General. I rise to speak in opposition to the nomination. I will not be long, but I think there is an important policy issue that needs to be discussed.

I would be prepared to yield back time after that point in time. I do not know if we have other people who desire to speak, so Members could move on about their busy day.

I do think we have an important discussion here. I have no doubt of the qualifications of Mr. Perrelli to be Associate Attorney General. I think from what the chairman has stated—and I have no reason to dispute what the chairman has stated about the qualifications of Mr. Perrelli. I think they are good. I do not ascribe bad motives whatsoever to him or anybody. But I think there is a very important policy discussion that needs to take place here, with an opportunity to vote, before we put this individual third in command of the Justice Department, to oversee management of the Department's day-to-day operations, including formulating departmental policies.

Concerns have been raised with regard to Mr. Perrelli's nomination to be Associate Attorney General primarily due to his pro bono representation of Terri Schiavo's husband, Michael

Schiavo, in his effort to allow the starvation to take place, and the dehydration, of his wife. The death that took place several years ago captured the discussion and the thoughts in the country about issues about the quality of life and whether we protect life that is in a diminished qualitative state. It was a tough discussion. It was a tough debate. I was here and involved with it, as were a number of other individuals. It was one that went back and forth for some period of time. Terri Schiavo, as I might remind a number of individuals, was in a very difficult mental condition. Her husband was desiring to withhold food and water from Terri Schiavo.

The family members of Terri Schiavo: No, we should not do this. We should allow her to continue to live. Food, water—provide those items to her.

It pulled back and forth on people. And the fundamental root question involved in it is, Do we put a subjective value on human life or is all human life sacred, per se, in an objective sense? Because it is human life, is it sacred, per se, or is there some sort of threshold issue we should be considering on whether we protect human life to the degree fully that we can and certainly on the issues of providing food and water? That was kind of the policy discussion and that was the conundrum we were in as a country because people could see both sides of this issue and say: Gosh, she is in a difficult spot as an individual. Her husband says: Let's withhold food and water. The family says: No. And the country was brought into the discussion, the debate, as was this body.

Mr. Perrelli was pro bono, representing for free, Michael Schiavo, in this case, who was the primary proponent to withhold food and water for Terri Schiavo. I think before we put a person who took that position—he did this for free—into the No. 3 position at the Justice Department of the United States, we should discuss that because people are policy and what they view and what they stand for does find its way into policy apparatus for the United States of America. And this is a key issue for us.

I want to put it very clearly. While there is a lot of emotion surrounding this, there is a fundamental policy question, as I mentioned a bit earlier, about this, and that is the basic issue of, do we view human life sacred, per se, or does the dignity that we treat individuals with depend on their physical or mental status as human beings? And we shouldn't get around the starkness of that debate. It is a stark debate, but it is an important one, and I think clearly we should err on the side of saying: If this is a human person, then they are regarded as fully human with all human rights regardless of any sort of diminished physical or mental capacity they might have. To hold differently than that would be for us to say that some people are more equal than others, that some have more rights—or some have fewer rights than other individuals do. And we have been in that sort of policy discussion before, and we have always regretted it. We are at our best when we are standing for the weakest people amongst us, with the most diminished, with the most difficulty. These are the ones we want to stand for the most.

One of the proud moments for me here in our body was to work a bill with Senator KENNEDY on helping to get more Down's Syndrome children here born alive because right now about 90 percent of them are killed in utero. We worked on a way to have an adoption registry and an effort to recognize that these are valuable people and we should not say that because of their difficulty here, they should be regarded as less human. That is not a position that upholds the nature and traditions and ideals of the United States of America.

If a subjective judgment of qualify of life is what determines the value of an individual or the protections accorded to that individual, this has enormous implications for all of us, both for the way we conduct our own lives and the way we order our society. If we have a fundamental mandate to protect the most vulnerable amongst us, not just those who have social or political influence or those who are regarded as productive, a reordering of our priorities and our laws becomes necessary.

Ultimately, the debate over Terri Schiavo was not one about States rights or medical ethics or end-of-life decisions; it was about whether we measure life by a subjective or an objective test. That is the fundamental debate point here. Is it a subjective determination? If you hit enough of these criteria, you are given full human rights? If you have a few of these, too few of these, you are not given full human rights? Or is it an objective test? You are a human, of the species, you have full human rights in all situations, and you are certainly entitled to food and water even if are you in a difficult mental condition.

I believe this is a very important debate, and now we are seeing more of the country enter into it, end-of-life issues on the sacredness of human life: Does it exist at the end of life or not? Do we have these objective or subjective tests?

Mr. Perrelli—by all accounts a good lawyer—comes out on one point of view. He comes out on the point of view that we can look at these in subjective ways, representing the client in this who looked at a subjective quality-of-life case. Of all of the qualified lawyers in the United States—and there are many brilliant lawyers in the United States—why would we insist upon putting in as the No. 3 lawyer at the Justice Department one who has a point of view that is so stark on this and so against the view of most Americans, who would view all human life objectively as being beautiful, as being sacred, as being something worthy of protection? Now, as people are policy, you put someone into the No. 3 position at the Justice Department who holds a very radical point of view on this, of all of the qualified lawyers that are across the United States. The signal that sends across the society is, OK, there is a shift taking place here: we are not going to focus on human life as objectively sacred, we are going to view it as subjectively needing to meet criteria to protect.

That may be seen as too stark, but that was the stark question that was put forward in the Terri Schiavo case, and that was the stark question this nominee decidedly went to one side on. He could have stayed out of it, could have not been involved whatsoever. But he didn't. He freely and ''freely'' got involved in this case on one side in a radical direction that I believe is wrong for the country to take.

It will be clearly possible that cases involving euthanasia or other end-of-life issues may come before the Federal courts during his tenure in office. With cases in Oregon, the State of Washington, probably being considered in other States, it is highly likely, actually, that these cases will come forward. I am deeply concerned that Mr. Perrelli's view of this, while so decidedly on one side of it, will not be an objective observer or enforcer of current U.S. law. I think that is a step back for us protecting and defending the sanctity of basic human life.

This is something I think all of us in our own heart of hearts absolutely agree, that human life is sacred, it is sacred at all stages, and it is sacred in all places. But now we are presented with a policy choice in a person. I would hope that people, as they would look at this, would say that is not a direction we should be going, that is not a direction we should be tilting in this country as we deal with these end-of-life issues coming at a very rapid pace in front of legislative bodies at the State level, and I believe they will come here, and I believe they will enter their way into the courts.

For all of these reasons, I really don't believe we should go this route. I will be voting against Mr. Perrelli even though I believe him to be a qualified individual because of the stark position, the negative position he has taken, the subjective view he has expressed with his advocacy of the view of human life in this very important position.

I will retain the balance of the time in case other issues are raised, if there are other issues that are raised. If there are not other issues that are raised, I do not know if we have other people to speak on our side. I would be willing to yield back. But if other debate points are raised, then I would like to have a few minutes to respond.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If the Senator would yield on that point. I disagree with him

on this. I do not believe Mr. Perrelli is a right-to-die advocate or that the positions he represented on behalf of clients was extreme. In fact, all seven justices of the Florida Supreme Court, most appointed by Republican governors, agreed with Mr. Perrelli's argument. They struck down unanimously the law that gave Governor Jeb Bush authority over Ms. Schiavo's medical care.

It is wrong to caricature Mr. Perrelli as a ''right to die'' advocate. Mr. Perrelli did not become involved in the Schiavo litigation to further any personal or political agenda and did not become involved in the litigation when the issue was Ms. Schiavo's wishes. In fact, he did not become involved in the case until after the Florida State courts had fully and finally litigated the question of Ms. Schiavo's wishes and her medical condition. Mr. Perrelli's concern was for an unprecedented challenge to the judicial process. He argued that the Florida Legislature passed a law that imposed one set of rules on Ms. Schiavo and a different set of rules on everyone else in Florida. And he was proven right, when the Florida Supreme Court unanimously struck down the law taking the decisions out of the hands of the family and giving them to the Governor.

I ask unanimous consent that the long list of those who have written to the committee in support of Mr. Perrelli's nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF THOMAS J. PERRELLI TO BE ASSOCIATE ATTORNEY GENERAL OF THE UNITED STATES (AS OF MARCH 12, 2009)

CURRENT & FORMER PUBLIC OFFICIALS

Bill Lann Lee; Lewis, Feinberg, Lee, Renaker & Jackson, P.C.; former Assistant Attorney General, Civil Rights Division.

Brad Berenson; Sidley Austin, LLP.

Christine Gregoire; Governor, State of Washington.

Paul D. Clement; former Solicitor General.

State Attorneys General; Douglas F. Gansler, Maryland; Dustin McDaniel, Arkansas; Thurbert Baker, Georgia; Steve Six, Kansas; Jack Conway, Kentucky; James ''Buddy'' Caldwell, Louisiana; Martha Coakley, Massachusetts; Jim Hood, Mississippi; Chris Koster, Missouri; Steve Bullock, Montana; Roy Cooper, North Carolina; Gary King, New Mexico; Drew Edmondson, Oklahoma; Bob Cooper, Tennessee.

Stephanie A. Scharf; former President, National Association for Women Lawyers (NAWL).

LAW ENFORCEMENT & CRIMINAL JUSTICE ORGANIZATIONS

Federal Law Enforcement Officers Association.

Fraternal Order of Police.

Major Cities Chiefs Association.

National Association of Police Organizations, Inc.

Police Executive Research Forum.

VICTIMS' ADVOCATES

National Center for Missing and Exploited Children.

National Center for Victims of Crime.

CIVIL RIGHTS ORGANIZATIONS

Leadership Conference on Civil Rights.

National Congress of American Indians.

Native American Rights Fund.

Women's Bar Association of the District of Columbia.

OTHER SUPPORTERS

Boys and Girls Clubs of America.

Oceana, Earthjustice, National Audubon Society, Center for International Environmental Law.

Mr. LEAHY. This list includes numerous major law enforcement organizations that have endorsed Mr. Perrelli's nomination, including the National President of the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Association of Police Organizations. It also includes Paul Clement, who worked for Senator Ashcroft and then Attorney General Ashcroft and was appointed by President Bush to be Solicitor General.

Mr. COBURN. Mr. President, I would like to make a very brief statement explaining my opposition to the nomination of Thomas Perrelli, to be Associate Attorney General at the Department of Justice. Like other DOJ nominees, Mr. Perrelli's past advocacy includes work affecting obscenity. In particular, he signed a brief attacking the Child Protection Restoration and Penalties Enhancement Act of 1990 for ''criminaliz[ing] the production and distribution of 'sexually explicit' speech unless the producer and distributor comply with burdensome recordkeeping and labeling requirements.'' The brief was filed on behalf of Penthouse, the American Library Association, and others, whom the brief collectively describes as ''mainstream national media entities.''

To be clear, I recognize and respect that lawyers are entitled to represent any client they choose. I do not believe that arguments advanced on behalf of a client necessarily reflect the lawyer's views. Moreover, I do not believe that examining past advocacy is sufficient or appropriate to ascertain the beliefs of a particular nominee, much less disqualify him. It does, however, invite legitimate questions about what a nominee's personal views are on those same matters.

Therefore, at his hearing, I asked Mr. Perrelli whether he believed that adult obscenity contributed in any way to the exploitation of children. He told me that he had not reviewed the science, so I sent him four studies to review after the hearing, asking him to respond with comments. His response was wholly inadequate. He said:

> I have reviewed the two summaries you forwarded, compiled by a social scientist at the University of Pennsylvania, which indicate her view that exposure to extreme forms of pornography can teach behaviors, including the sexual exploitation of children. It appears there is a great deal of literature on the subject, and without a comprehensive examination of the research, I am hesitant to come to any firm conclusions on the science.

Even after reviewing certain studies concluding that there is a connection between pornography and child exploitation, which Mr. Perrelli recognized, the most he could say in response was that he was he needed to review even more science before reaching any conclusions. Because Mr. Perrelli refused to recognize even the possibility of such a connection, or otherwise shed light on his own personal views, I am unsure how he will approach issues of obscenity and exploitation at the Department. Therefore, I am unable to support Mr. Perrelli's nomination.

Mr. LEAHY. Mr. President, I ask unanimous consent that all debate time on the Perrelli nomination be yielded back and that the provisions of the previous order governing this nomination remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object in that I want to raise one additional point. And I do believe we should have a recorded vote.

The PRESIDING OFFICER. Objection is heard. The Senator from Kansas is recognized.

Mr. BROWNBACK. The additional point I would raise on this is that my colleague points to the Florida Supreme Court. I note that half of the Democrats in this body who returned to vote on the Terri Schiavo case voted in favor of Terri Schiavo's family. I think there was a clear view on this, and that is my point, when you get a radical position put forward that looks at this in a subjective sense.

With that, Mr. President, I would be willing to yield back time. I do want a recorded vote to take place.

Mr. LEAHY. Mr. President, I ask unanimous consent that all debate time on the Perrelli nomination be yielded back and that the provisions of the previous order governing this nomination remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General of the United States?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

The PRESIDING OFFICER (Mr. WARNER.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 20, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—72

Akaka	Gillibrand	Mikulski
Alexander	Graham	Murkowski
Baucus	Gregg	Murray
Bayh	Harkin	Nelson (FL)
Begich	Hatch	Nelson (NE)
Bennet	Inouye	Pryor
Bennett	Johnson	Reed
Bingaman	Kaufman	Reid
Bond	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Kyl	Sessions
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Udall (CO)
Corker	Lugar	Udall (NM)
Dodd	McCain	Voinovich
Dorgan	McCaskill	Warner
Durbin	McConnell	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—20

Barrasso	Crapo	Risch
Brownback	DeMint	Roberts
Bunning	Ensign	Shelby
Burr	Enzi	Thune
Chambliss	Grassley	Vitter
Coburn	Hutchison	Wicker
Cochran	Inhofe	

NOT VOTING—7

Byrd	Isakson	Martinez
Cornyn	Johanns	
Hagan	Kennedy	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator BROWN be afforded the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise today to express my apprehension regarding the closure of the Guantanamo Bay Detention Center in Cuba. I have several concerns regarding the transfer and disposition of the enemy combatants detained there in response to the attacks of September 11, 2001.

Here we are, almost 8 years removed from that fateful Tuesday morning when terrorists murdered 3,000 of our citizens at the Pentagon, the World Trade Center complex, and on hijacked flights. On that day, we were caught flatfooted and hit with a right cross. Many of us who were here in Congress in the days that followed 9/11 swore we would provide the President and the Nation with whatever tools were necessary to ensure that we would never be caught by surprise again.

So on September 18, 2001, Congress sent to President Bush the Authorization to Use Military Force. This was signed into law. Twenty-six days after the attacks on New York and Washington, we commenced military operations in Afghanistan. We had identified our enemy and determined the location of his base of operation and where this treacherous plot had been devised. We took the fight to the Taliban and al-Qaida and engaged them in Afghanistan. In the course of those engagements, U.S. and coalition forces captured enemy combatants.

Early in 2002, enemy combatants who were seized on the battlefield began arriving at Guantanamo for detention. In 2004, the Supreme Court issued an opinion in Hamdi v. Rumsfeld that, as a necessary incident to the AUMF, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan until the cessation of hostilities. At one time, nearly 800 detainees were housed at Guantanamo. Approximately 525 detainees have been transferred to other countries for detention or released outright and returned to their country of residence. Approximately 60 detainees who were released were later recaptured on the field of battle in Afghanistan or have again taken up arms against the United States on other fronts.

Recently, as reported this year in the January 23 edition of the New York Times, a former Guantanamo detainee from Saudi Arabia has resurfaced as No. 2 in charge of al-Qaida in Yemen.

There he is, as shown in this picture: Said Ali al-Shihiri, deputy leader for al-Qaida in Yemen; also known as Abu Sayyaf al-Shihiri and also as Abu-Sufyan al-Azidi; and also known as Guantanamo detainee No. 372. He was released from Guantanamo in November 2007. He planned the U.S. Embassy attack in Yemen in September 2008.

Furthermore, it is believed this man was involved in the planning of an attack on the American Embassy in Yemen last September. This terrorist assisted in the murder of 10 Yemeni citizens and 1 American—former Guantanamo detainee No. 372.

The Washington Post recently ran a 2-day installment profiling a Guantanamo detainee from Kuwait: Abdullah Saleh al-Ajmi, also known as Guantanamo detainee No. 220, released from Guantanamo in November 2006, and detonated a truck bomb in Mosul, Iraq, in March 2008.

He was released and subsequently traveled to Syria and snuck into Iraq. Ultimately, this terrorist drove a truck packed with explosives into a joint American and Iraqi military training camp and blew himself up, taking 13 Iraqi soldiers with him—former Guantanamo detainee No. 220.

In March of 2004, a released detainee returned to Pakistan to again take up the fight against coalition forces as an insurgent. His name is Abdullah Mehsud. This former detainee, in July 2007, killed himself in engagement. He was responsible for the kidnapping of Chinese nationals in Pakistan. After Pakistani forces began to close in on him, he blew himself up with a grenade.

These are just a few of the examples that illustrate how precarious it can be to release these detainees to other nations. We are outsourcing the security of our Nation to other countries. Shouldn't we be cautious and examine who we are letting free? Who is taking custody of these detainees? What security precautions and monitoring measures are in place to ensure they stay incarcerated or remain accountable?

If we shelve the only DOD strategic interrogation facility we have and cannot place these detainees with confidence in other countries, will we be forced to transfer these enemy combatants to the United States? Removing these detainees from a secure military facility with an airport, a highly trained security force, a secure infrastructure, and located on an island outside the continental United States is, in my opinion, reckless. Bringing these detainees to the continental United States is tantamount to injecting a virus into a healthy body.

On January 22, 2009, President Obama signed three Executive orders pertaining to Guantanamo and the enemy combatants detained there. He has ordered the closure of the detention facility within 12 months. He has also required that any detainees presently in custody be treated humanely and in accordance with the Army Field Manual. In fact, this order references the Detainee Treatment Act of 2005, an act passed by Congress that required that the treatment of the detainees comply with the Army Field Manual. The objective of this order was already fulfilled by the passing of that law.

The third order commissioned a task force to conduct a comprehensive review of options available that will provide a solution and final disposition for the detainees at Guantanamo. The Executive order closing Guantanamo states:

> Prompt and appropriate disposition of individuals currently detained at Guantanamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States.

Now, presently, approximately 245 detainees designated as ''enemy combatants'' are housed at Guantanamo. The possibility of returning a majority of these detainees to their home country or a third country so that we can rid ourselves of this issue troubles me, nor does it strike me as particularly sophisticated in the analysis of how other countries see us. There is no doubt that among some European elites, their opinions on the previous administration became more negative as the years went by. There is no doubt that this was also reflected amongst

the broader populations who have tended toward liberalism for decades. Opinions from other parts of the world are harder to measure, of course, as it is difficult to measure the views of populations living under various types of autocratic government.

Negative international opinion should not be exaggerated for a number of reasons. First and most obvious, leadership, particularly in difficult times, should not be directed by polls. This is true domestically, and it certainly is true of foreign polls. It is neither our job nor the administration's job to represent foreign populations. Decisions in Government should not be made by leaders sticking their fingers in the air to see which way the wind is blowing.

Second, appealing to foreign popularity completely disregards the unique role this Nation has played in advancing global security. It also disregards the historic debates in which leftwing parties have advanced their ideology. But we should not ignore that there has been unprecedented—unprecedented—cooperation from the same Democratic governments whose liberal disdain so succors some in the opposition here on all matters of national security. Cooperation from these governments on diplomatic, military, intelligence, law enforcement, and humanitarian assistance has been the norm, not the exception, regardless of disputes on Iraq policy and on those governments' views on Guantanamo.

In terms of foreign policy, I would much rather have the cooperation of a government than its approval, although I recognize that in some cases the approval facilitates the cooperation. But realistically speaking—and this is a subject that ought to be steeped in realism—popularity is not a prerequisite for hard-headed cooperation against a common threat.

I wish to quote what columnist Tom Friedman—who is certainly not a cheerleader for the Republican Party—said about foreign policy thinker Michael Mandelbaum, who is usually associated with Democratic policies:

> When it comes to the way other countries view America's preeminent role in the world—

Writes Friedman, who then quotes Mandelbaum—

> whatever its lifespan, three things can be safely predicted: The other countries will not pay for it; they will continue to criticize it; and they will miss it when it is gone.

I would urge the policymakers in this administration, as well as my colleagues in the majority party, to consider this wisdom expressed by Democratic thinkers the next time they engage in the canard that we need to change our policy to improve our standing with other nations. Let's hope this is not the main reason to shutter Guantanamo because, if it is, it is a slim and irresponsible reason.

Prior to the issuance of the Executive order, I received a briefing on the President's intention to close Guantanamo. I would endorse an approach that would have commissioned a 1-year review process rather than coming out and declaring closure within a year. It strikes me that the study should come before the decision, not accompany it.

On his second full day in office, the President, without his Attorney General in place, issued this order, and I fear he painted himself into a corner. Two weeks ago, Attorney General Holder visited Guantanamo Bay. His public comment on his visit was the following:

> I think it is going to take us a good portion of that time to really get our hands around what Guantanamo is and what Guantanamo was.

I am sure Attorney General Holder saw what I saw at Guantanamo when I visited there. I am sure he saw the impressive infrastructure, with medical, recreational, and legal facilities. Attorney General Holder is a good man, and I am glad the President has made him the point man on this issue, but his comments are indicative of the fact that the complexities surrounding Guantanamo cannot be solved by the stroke of a pen on an Executive order.

On February 23, 2009, the Department of Defense submitted a report to the White House titled ''Compliance With the President's Executive Order on Detainee Conditions of Confinement at Guantanamo Bay.'' The Secretary of Defense tasked a special team to review the treatment of detainees and the conditions at Guantanamo in response to the President's order of January 22, 2009. The review team focused on myriad issues, especially housing, medical treatment, food services, religious freedom, access to attorneys, mail, security, use of force, interrogation, discipline, and intellectual stimulation.

During its 13-day investigation, the review team reviewed hours upon hours of videotapes, reports, and important records. Team members also conducted more than 100 interviews of base leadership, support staff, interrogators, and guards. Moreover, they conducted unannounced spot checks both day and night.

In the end, the review team concluded that the detention facility and the treatment of detainees at Guantanamo are in compliance with common article III of the Geneva Convention. What I found especially pleasing is that the review team concluded that Guantanamo interrogation protocols exceed the Army Field Manual and that cells at Guantanamo from maximum and high security cell blocks—I am quoting from the report—''exceed those typical of medium and maximum security detention facilities throughout the United States.''

I wish to quote other excerpts:

> Interrogations of Guantanamo detainees are all voluntary. Approximately one-third of all interrogations take place at the request of the detainee. Detainees are permitted to decline participation in interrogations at any time with no negative disciplinary consequences.

Unfortunately, our own Washington Post chose only to run a small article on this report. It was buried on page 3. This is in sharp contrast to the multiday, multipage, above-the-fold story about the released detainee who blew himself up in Mosul in March of 2008. I suppose the media was hoping this review of operations at Guantanamo would reveal that the present conditions of the detainees would be in violation of the Geneva Convention. Therein lays the problem. Somewhere along the way politicians, nominees, and the media all started to label the present conditions at Guantanamo as intolerable and substandard.

This report shows that conditions mirror or exceed any current prison in the Federal system. I encourage every Member to read the report and learn for themselves the facts about Guantanamo.

Some of the administration's proposals—ones endorsed by my Senate colleagues in the majority—involve bringing the detainees to the United States. I have given this issue serious consideration and am unable to find one good reason why our Government would want to do this. We have legally detained enemy combatants on the field of battle. We have categorized them into three classifications: First, detainees who no longer pose a threat and need to be returned to their country or a third country; secondly, enemy detainees who are too dangerous to release and must be incarcerated until the cessation of hostilities; and, third, detainees against whom we will present admissible evidence and adjudicate within the parameters of a fair and constitutionally guaranteed process.

There is no reason this court proceeding cannot be carried out at Guantanamo or satellite facilities outside the United States. The transfer of the detainees to the United States will undoubtedly present a wide array of complex legal issues that, in my estimation, will take longer than 1 year to solve. Mechanisms at Guantanamo that ensure a fair adversarial judicial proceeding, with all the applicable rights, is feasible and can be carried out and has been carried out previously at Guantanamo.

If we close this facility and are unable to place some of these detainees into the custody of third countries, what then? The Bureau of Prisons has previously stated that they consider these prisoners a ''high security risk.'' As such, these prisoners would need to be housed in a maximum security prison. According to the Bureau of Prisons, it does not have enough space in maximum security facilities to house these detainees. However, one idea offered by my colleagues in the majority party for holding the detainees would be to transfer them to the Federal Supermax Prison in Florence, CO.

Now, this facility holds the worst criminal elements our country has. The maximum security institution, Supermax, ADX, Florence, CO. The

rated capacity is 490 prisoners. The current level is 471. The Bureau tries to ensure that this facility is never at full capacity in case of emergency transfers. In reality, the Federal Bureau of Prisons doesn't have the room required to hold these very dangerous prisoners in high security facilities.

As an alternative to the Supermax at Florence, CO, another idea offered by the majority would be to sprinkle the detainees throughout the Federal Prison System. Just look at this chart of the Federal Bureau of Prisons: We have 15 high-security prisons. The maximum beds in those 15 high-security prisons happen to be 13,448. The current population of those prisons is 20,291. It doesn't take too many brains to realize we can't solve it that way.

Mr. INHOFE. Mr. President, would the Senator yield for a question?

Mr. HATCH. I would be happy to.

Mr. INHOFE. It happens that I have been down there inspecting, maybe more than any other Member. The first time was right after 9/11; the last time was a couple of weeks ago.

One of the interesting things is, if you talk to anyone who has been there and served there, you find this is above the standards of any of our Federal prisons. At the current time, the population down there is 245, of which 170 cannot be repatriated; their countries would not take them back.

Out of the 170, 110 are the real hardened ones. When the Senator from Utah talks about they would put them in 15 prisons, they identified my State of Oklahoma, Forest Hill. I went there to see the facility only to find it would not work. But the sergeant major in charge of that facility served a year at Guantanamo Bay and said that of all the prisons she has been in, or worked in, that is the one that has the most humane treatment and is best suited for this kind of detainee. I agree with the Senator and ask if he has given thought as to where these 15 prisons are as alternatives and would they not become magnets for terrorist activity in the United States?

Mr. HATCH. That is a good question. I think I am making an overwhelming case that it is ridiculous to not use that facility, which is perfectly capable, offshore, on an island, where we have all the security we need and we don't have the capacity to take care of them in this country and we should not want to anyway. I have also made the point that sending them to other countries is not the answer either. They don't want them either.

Mr. INHOFE. I ask the Senator from Utah, if you stop and think, can you think of a better deal that America has had? We have had that facility since 1903, and the rent is still the same, $4,000 a year. Can you find a better deal than that anywhere in Government?

Mr. HATCH. You can't. To have to bring these prisoners here, we don't have room, and the cost would be astronomical. Thirdly, we are going to have real big problems that we will have a difficult time handling, assuming we can find places to put them. I have been down there, too, and I have been involved in this for a long time. The Federal Bureau of Prisons cannot receive these detainees. We are already overcrowded in high-security facilities by almost 7,000 prisoners.

What is our next option? Military custody? These detainees are already held in military custody. Why are we bringing them from one military installation to another? Some ideas regarding military custody and presented by the majority include the transfer of the detainees to Fort Leavenworth, KS. My esteemed colleague from Kansas, Senator BROWNBACK, already pointed out this idea would have dire consequences for the Army's Command and General Staff College. This is a course run by the Army and open to foreign students from our military partners. Some of these foreign officers are from Islamic nations that have supported us in our ongoing efforts against terrorism. The governments of these nations have publicly declared that they will withdraw their personnel from the course if enemy combatants are transferred to the Military Discipline Barracks at Fort Leavenworth. What a loss that would be.

I know mistakes were made in the early days of Guantanamo. There may have been some isolated cases where the treatment of some of these detainees there could be construed as not being in accordance with the Geneva Convention. In response to these deficiencies, the Supreme Court, Congress, the Department of Defense, and Justice have implemented protections and mechanisms to ensure that this will not happen again. The U.S. Supreme Court has issued decisions ensuring that constitutionally guaranteed rights apply to these men. Military prosecutors and FBI agents are conducting reviews of evidence held against detainees to ensure their admissibility. Military leaders in charge of Guantanamo have taken measures to ensure that humane standards and treatment of detainees and their religion exceeds not only the Geneva Convention but most prison standards found in the United States. Whatever problems there were at Guantanamo have been addressed and corrected.

I also remind my distinguished colleagues that our war against terrorism will not end with the signing of a treaty. The cessation of hostilities in Afghanistan is far from over. We are now shifting our focus and additional troops back to that theater of operation. This will increase the likelihood of contact with the enemy, which may require additional detentions. In the days ahead, I hope Congress will play a part in the disposition of detainees and the future of Guantanamo Bay. A well-thought-out and properly executed plan offered by the President would easily garner bipartisan support. I ask the President to rethink his deadline of closing Guantanamo less than 12 months from now. This is a useable facility that has merit and operational worthiness.

In closing, I will quote the 34th President of the United States, Dwight D. Eisenhower, who said the following: ''Peace and justice are two sides of the same coin.''

I commend the President for wanting to conduct a thorough review of the operations at Guantanamo. My assessment is, this was completed 2 weeks ago with the Defense Department's report and the Attorney General's visit. What else is there to do? Let's get back to the task at hand of resuming military commissions and the humane detention of enemy combatants.

I am very concerned about this. So far, I have not seen a conscientious, let alone remarkably worthwhile or worthy, plan that would exceed what we are already doing in Guantanamo or that would be as good as what we are already doing there.

Mr. President, I ask unanimous consent that the letter from the Department of Justice, Federal Bureau of Prisons, dated September 10, 2007, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
Washington, DC, September 10, 2007.

Hon. TRENT FRANKS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRANKS: This is in response to the letter signed by you and several other Members of Congress requesting a description of the impact of transporting and incarcerating in the Bureau of Prisons (BOP) the approximately 500 enemy combatants currently being held in the detention facility in Guantanamo Bay, Cuba.

We have provided estimates of the costs you identify, and we also mention some of the challenges we would encounter if we were responsible for taking these enemy combatants into BOP custody. We must emphasize, however, that we would hope to learn more about this unique population and what would be required of our agency if we were required to assume custody of them. This would allow us to undertake a more complete and comprehensive impact assessment.

We would consider the individuals confined in Guantanamo Bay, Cuba, to be high security; therefore, they would require the highest level of escort staff, type of restraints, and other security measures if they were to be transferred into BOP custody. The transportation of Federal inmates and detainees is coordinated through the Justice Prisoner and Alien Transportation System (JPATS) within the United States Marshals Service. JPATS is a nationwide network of aircraft and ground transportation vehicles. The BOP assists JPATS by transporting Federal inmates from the airfields used by the U.S. Marshals Service aircraft to our institutions.

We estimate that it would cost approximately $455,000 for the JPATS air travel of 500 detainees from Cuba to any of our United States penitentiaries. This air travel includes flights from Cuba to the Federal Detention Center (FDC) in Miami, Florida, from FDC Miami to the Federal Transportation Center in Oklahoma City, Oklahoma, and a third flight to a high-security United States penitentiary. Costs of transportation

would also include BOP buses to move the detainees from the airfields to our facilities (a cost of approximately $1,300 per bus trip). Thus, the total cost could reach approximately $500,000.

Currently, there is not sufficient bedspace at any high-security Federal prison to confine these individuals. Our high-security institutions are operating at 55 percent above capacity. There are approximately 199,700 Federal inmates at present, and we are expecting the inmate population to increase to over 221,000 by the end of fiscal year 2011. The average yearly cost of confining a high-security inmate in the BOP is approximately $25,400.

We would most likely confine these detainees in one or two penitentiaries. This would require us to transfer a sufficient number of inmates to other penitentiaries in order to create the necessary bedspace. Such transfers would add to the cost of confining the enemy combatants and would impose significant additional challenges on our agency (based the level of crowding in all high-security BOP institutions).

Due to the unique status of enemy combatants and the probable lack of information about these individuals' histories of violent behavior or disruptive activities, it is unlikely that we would house these detainees with inmates in the general population of high-security institutions (with inmates serving sentences for Federal crimes and District of Columbia code offenses). Therefore, if transferred to BOP custody, these enemy combatants would most likely be confined in special units, segregated from the general inmate population. It is also likely that many of these individuals require separation from other enemy combatants. This kind of confinement is comparable to special housing units in BOP institutions (which are used for administrative detention and disciplinary segregation). These units are more costly to operate than general population units due to the increased staffing and enhanced security procedures needed for inmates who have separation requirements and/or who are potentially violent or dangerous.

The management of inmates in special housing units presents additional challenges due to the increased security required for these individuals. It would be even more challenging to confine enemy combatants who would likely have additional restrictions or requirements dictated by the Department of Defense. We are unsure how our inmate management principles, which focus on constructive staff-inmate interaction, maximum program involvement, and due process discipline would fit into the Department of Defense's requirements for the enemy combatants.

While it is not entirely clear where the BOP's obligations would begin and end with regard to the provision of basic inmate programs and services, we foresee the need for some special or enhanced services in order to provide the basic necessities to these enemy combatants. We would need to acquire translation services or transfer appropriate bilingual staff for us to communicate our expectations to these individuals and to allow these detainees to communicate their needs and concerns to us. We would need these translation services in order to provide appropriate visiting, telephone, and correspondence privileges to the detainees and, if required, to monitor these communications. We also would likely need to make accommodations with regard to our food service and religious programs to meet the cultural and religious requirements of these detainees.

I hope this helps you understand our concerns regarding the confinement of enemy combatants. Please contact me if I can be of any further assistance.

Sincerely,

HARLEY G. LAPPIN,
Director.

Mr. HATCH. Mr. President, I point out also that in a recent report, U.S. officials said the Taliban's new top operations officer in southern Afghanistan is a former prisoner at the Guantanamo detention center.

Pentagon and CIA officials said Abdullah Ghulam Rasoul was among 13 prisoners released to the Afghan Government in December 2007. He is now known as Mullah Abdullah Zakir, a name officials say is used by the Taliban leader in charge of operations against United States and Afghan forces in southern Afghanistan.

One intelligence official told the Associated Press that Rasoul's stated mission is to counter the growing U.S. troop surge. I wished to put that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I inquire of the Chair, I was scheduled to speak after the Senator from Ohio. I understand he is not ready to speak yet and that it is permissible if I take some time now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. First of all, before I get into what I want to talk about, I have been listening to the Senator from Utah. I find it to be very interesting because his subject matter is also a mission of mine. I think a lot of people have not realized the problem we have with the bum raps given to Guantanamo Bay, and almost all of them are by people who have not been there. To my knowledge, almost without exception, those people who have gone down there—newspapers and publications making accusations of torture and human rights violations—once they go there and see it, you never hear from them again, and that includes Al-Jazeera and some of the Middle Eastern publications. I believe we have a problem with people who have somehow brought forth this idea that there have been abuses that haven't taken place. I think probably the most important part of the argument is that there is not another Guantanamo Bay; there is no place you can put these detainees.

As I said in my question to the Senator from Utah, what are we going to do with these some 245 detainees if they are not there? Also, with the escalation of activity in Afghanistan, what will we do with those detainees whom we will capture? The problem is, some people say they will be put in prisons in Afghanistan. There are two prisons there; however, they have said they will only take Afghans. If the terrorist who is caught is from Djibouti or Yemen or Saudi Arabia, there is no place else to put them other than Guantanamo Bay. It is a resource we need to have. We don't have a choice.

I believe our President was responding to a lot of activists who were upset because during his inaugural address he didn't say anything about this, so they are making demands that he stop any kind of legal activity that is going on in the way of trials or tribunals and then close it in 12 months. You cannot do that until you determine how you are going to take care of the detainees who are currently there and those who will be there.

I feel strongly we are going to have to look out after the interests of the United States. Nothing could be worse than to take 15 to 17 installations within the continental United States and put terrorists there, only to serve as magnets for terrorist activity.

Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, some things have happened recently regarding one of my favorite subjects, and that is global warming. Way back in the beginning of this issue—to give you a background, since the occupant of the chair wasn't here at that time—the Republicans were the majority, and I was chairman of the Environment and Public Works Committee. We were within inches of ratifying the Kyoto Treaty.

Similar to everybody else, I assumed that manmade gases were causing global warming. Everybody said they did. The Wharton School of Economics came out with the Wharton Econometric Survey. They said it would cost—if we were to sign the Kyoto Treaty and live by the emissions requirements—between $300 billion and $330 billion a year. That was the range. That would be the result. It is something I looked at.

We started looking at the science, only to find out there is a lot of intimidation in the scientific community and most of this was originally brought by the United Nations. I have been one of the critics of the U.N. and a lot of things they do and don't do. If you will recall, when this first started, it was the U.N. IPCC, Intergovernmental Panel on Climate Change, that came up with the idea that manmade gases—CO_2, methane—were the cause of the global warming.

Now, since that has been proven not to be true, and we are now in a cooling spell, they are trying to change the term to ''climate change.'' We are not going to let them do that. It has always been ''global warming.'' We looked at the science. We had bills coming up on the floor that would have addressed this. One was in 2005. At that time, I was kind of alone on the floor for 5 days, 10 hours a day, to try to explain why we could not impose the largest tax increase in history on the American people. So in looking at the cost of this thing, we started hearing

from a lot of scientists who had been intimidated but were now wanting to come out of the closet and tell the truth about their real feelings.

The reason I wished to come here today is because there is a Gallup Poll that came out yesterday. I wish to share that with you and with this body. A record high of 41 percent of Americans now say global warming is exaggerated. This is the highest level of public skepticism about mainstream reporting in more than a decade, according to the March 11, 2009 Gallup Poll survey. I use that poll because Gallup and the Pew organization have never been sympathetic to my view. Yet their poll was announced.

We should never underestimate the intelligence of the American people. Sadly, that is exactly what the promoters of manmade climate fears have consistently been doing. Keep in mind, the issue we are talking about is not whether there is global warming. We went through a period of global warming that ended 7 years ago. Now we clearly are in a cooling period. Prior to that, we have had several times—people forget, God is still up there. Throughout these written histories, we have had these cycles.

The interesting thing about this poll that came out yesterday is looking at the percentage of people who worry a great deal about the environment, this is a total change from what we have seen before. It is now—what is it, No. 9? The last thing is global warming. These are environmental concerns: pollution of drinking water, water pollution, toxic contamination of soil and water, and very last is global warming. There was another poll just about a month ago by Pew Research, I believe it was, and that one shows the same thing. I say this because of some of my colleagues who think the American people are believing this stuff—manmade gases making global warming.

This is January last month, and this is by the Pew Polling Group. This isn't just environmental issues; it says, ''Name your major concern.'' No. 1, economy; No. 2, jobs. Where is global warming? No. 20, at the bottom, the very last one. That is something that has changed.

Getting back to the poll, the previous Gallup Poll released on Earth Day 2008 showed the American public's concern about manmade global warming is unchanged from 1989. This is after all the media hype, all the media talking about how bad man is.

By the way, I am going to pause here for a minute because in 2005 we debated a bill on this floor that would have—since we did not ratify the Kyoto treaty—said unilaterally what should we do in the United States because some people would like to believe this is a great problem. They said: Let's pass our own global warming bill in the United States. Think about that. If you are one who believes CO_2 and anthropogenetic gases are causing global warming, if you really believe that in your heart, what good would it do to do it only in the United States? If you do that, all these jobs are going to go to countries such as China, Mexico, India—places where they don't have emission controls—and you would have a net increase in CO_2 after we paid the tax and the punishment for it.

After one of the most expensive climate change fear campaigns in our Nation's history, there is no change in global warming concerns by Americans in the past two decades. This skepticism persists despite the Nobel Peace Prize jointly shared by former Vice President Al Gore and the United Nations.

By the way, I have to say I cannot think of one assertion that was made in the science fiction movie Al Gore put together that has not been refuted scientifically. I am talking about sea-level rises and all the rest of the things. Sure, it scared a lot of kids. A lot of kids had nightmares. Nobody now believes there is any science behind that particular movie.

The skepticism persists despite a $300 million campaign to spread climate fears. Skepticism persists despite a daily drumbeat of scary scenarios promoted by the United Nations and the media of what could, might, or may happen 20, 30, 50, 100 years from now. In fact, global warming skepticism appears to have grown stronger as the shrillness of the climate fear campaign intensified.

The latest Gallup Poll released on March 11 further reveals the American public has a growing skepticism. A record-high 41 percent now say it is exaggerated. This represents the highest public opinion since the whole issue began. These dramatic polling results are not unexpected as prominent scientists around the world continue to speak out publicly for the first time to dissent from the Al Gore-United Nations and media-driven manmade intimidation on climate fears.

In addition, a steady stream of peer-reviewed studies, analyses, real-world data, and developments have further refuted the claims of manmade global warming fear activists.

Americans are finally catching on in large numbers that the U.N. IPCC is a political, not a scientific, organization. Interesting that when the U.N. IPCC comes out with their periodic reports, they never talk about the scientists. It is the politicians who are making the accusations or coming to the conclusions. So they have these briefs on the political analyses of these reports.

If new peer-reviewed studies are to be believed, today's high school kids watching Gore's movie will be nearing the senior citizen group AARP's membership age by the time warming allegedly resumes in 30 years. That is interesting because now they are talking about maybe it did not happen, maybe we were not in the middle of it in the middle nineties when they tried to get us to ratify the Kyoto treaty, but it is coming, maybe 30 years from now.

Dr. John Brignell, a skeptical UK emeritus engineering professor at the University of South Hampton, wrote in 2008:

> The warmers—

He calls them—

> are getting more and more like those traditional predictors of the end of the world who, when the event fails to happen on a due date, announce an error in their calculations and [they come up with] a new date.

That is what they are doing now.

Furthermore, I always believed the more global warming information people have, the less concerned they will become. That is obvious. That poll 5 years ago would have had this way up there somewhere around No. 3. Now it is No. 20. It just barely made the list.

Confirming this unintended consequence is a study by the scientific journal Risk Analysis released in February of 2008 which found that Gore and the media's attempts to scare the public ''ironically may be having just the opposite effect.'' The study found that the more informed respondents ''show less concern for global warming.'' The study found that ''perhaps ironically, and certainly contrary to . . . the marketing of movies like the Ice Age and An Inconvient Truth, the effects of information on both concern for global warming and responsibility for it are exactly the opposite of what were expected. Directly, the more information a person has about global warming, the less responsible he or she feels for it; and indirectly, the more information a person has about global warming, the less concerned he or she is for it.''

Again, this is not me, JIM INHOFE, U.S. Senator, talking. This is Professor John Brignell. Certainly you cannot question his credentials.

Climate realism continues to be on the march.

I now report to you on the skeptical Heartland Institute's International Conference on Climate Change in New York, which just finished 3 days ago. It is brand new. As the most outspoken critic of manmade global warming alarmism in the United States, I am pleased to see the world's largest ever gathering of global warming skeptics assembled in New York City just this week to confront the issue, ''Global warming: Was it ever really a crisis?'' That was the title of the convention. All of these scientists from all over the world were taking part in it.

A lot has changed over the last 6 years since I started speaking out against the likes of Al Gore, the United Nations, and the Hollywood elitists. Perhaps the most notable change is the number of scientists no longer willing to be silenced. How do you silence a scientist? You take away their grants, whether they be Government grants or they come from the Heinz Foundation or the Pew Foundation or others. If you don't agree with us, certainly you should be punished.

I remember not too long ago on the Weather Channel—Heidi Cullen has

this weekly show. It is to promote the idea that man is responsible for global warming. She says: Any meteorologist who does not agree with me should be decertified. All of a sudden, everyone started yelling and screaming. The vast majority of meteorologists will agree with the comments I am making today.

Certainly since Al Gore made his movie, hundreds of scientists have come out of the woodwork to refute the claims made by the alarmists.

The gathering of roughly 800 scientists, economists, legislators, policy activists, and media representatives at the Second International Conference on Climate Change sponsored by the Heartland Institute provides clear evidence to the growing movements against alarmism—the world is coming to an end.

I am happy that important voices are being heard in New York, including Vaclav Klaus, the President of the Czech Republic. I was in the Czech Republic not too long ago. He couldn't have been nicer and more complimentary of me. He said: What they are trying to do is to punish us economically in our country and your country on science that is strictly not there.

In his remarks to the conference 3 days ago, Vaclav Klaus, President of the Czech Republic, said:

> Today's debate about global warming is essentially a debate about freedom. The environmentalists would like to mastermind each and every possible aspect of our lives.

Climate scientist Dr. Richard Lindzen of the Massachusetts Institute of Technology, MIT, one of the world's leading experts in dynamic meteorology, especially planetary waves, told the gathering in New York that momentum is with the skeptics, saying:

> We will win this debate, for we are right and they are wrong.

I have a chart. This was Richard Lindzen, who is the Alfred P. Sloan professor of atmospheric science at MIT. This was an op-ed piece in the Wall Street Journal. He says:

> A general characteristic of Mr. Gore's approach is to assiduously ignore the fact that the Earth and its climate are dynamics; they are always changing even without any external forcing. To treat all change as something to fear is bad enough; to do so in order to exploit that fear is much worse.

I think he was talking about the amount of money former Vice President Al Gore made on this issue, but I am not going to get into that now.

The point is, I am talking about credentials of scientists and them coming out with statements such as these, and they were not doing this just a few years ago.

So this event that took place in New York City in the last few days is very significant. Others in attendance were William Gray, Colorado State University. He is one of the experts there who testified before the Environment and Public Works Committee one time before making this same type of statement.

Stephen McIntyre, primary author of Climate Audit, a blog devoted to the analysis and discussion of data, he is a devastating critic of the temperature record of the past 1,000 years, particularly the work of Michael Mann, the creator of the infamous ''hockey stick'' graph. That graph is thoroughly discredited. There is no scientist who will stand behind that graph. What he attempted to show after this, there was a marked increase in temperatures. That was the blade on the hockey stick. What he forgot to put down—and nobody will disagree with this fact—is that in the timeframe from about 1200 to 1400, we had what they call the medieval warm period. Then we went into the little ice age.

This medieval warm period is interesting. If anyone wants to take a trip up to Greenland and talk to them, go through their history books and look at what the prosperity was during this timeframe, that is when all the Vikings were up there. They were growing all this stuff. Then, of course, when the cycle reversed, it went into the little ice age. They all died or left. Actually, the economic activity was much better. That was also when they were growing grapes in the Scandinavian countries because it was warm enough to do that.

This chart is significant because what they have done is looked at this and said the world is coming to an end. And in a minute I am going to talk about what all the pundits were saying in the middle seventies when they said another ice age is coming. But this has been going on throughout recorded history.

Chemist Dr. Arthur Robinson, curator of a global warming petition signed by more than 32,000 American scientists, including more than 10,000 with doctorate degrees—and they all are rejecting the alarmist assertion that global warming has put the Earth in a crisis and caused primarily by mankind.

Dr. Willie Soon, Harvard-Smithsonian Center for Astrophysics, has also testified along the same line.

Retired award-winning atmospheric scientist Dr. Roy Spencer, now with the University of Alabama in Huntsville.

Here is a very small sampling of recent developments in the news.

The New York Times: ''Prominent geologist Dr. Don Easterbrook warns we are in 'decades-long cooling spell.' '' And I think everyone would agree with that.

''NASA warming scientist 'suffering from a bad case of megalomania'—former supervisors says.'' This was only yesterday in the Business and Media Institute. This is an excerpt of the report:

> John Theon, a retired senior NASA atmospheric scientist, said . . . at The Heartland Institute's 2009—

What I have been talking about here—

> . . . that the head of NASA's Goddard Institute for Space Studies, James Hansen, should be fired. Hansen is widely known for his outspokenness on the issue of manmade global warming. I have publicly said I thought Jim Hansen should be fired, ''Theon said.'' But my opinion doesn't count much, particularly when he is empowered by people such as the current President of the United States. I am not sure what we can do to have him get off of the public payroll and continue with the campaign or crusade. I think the man is sincere, but he is suffering from a bad case of megalomania.

Another article. ''NASA Warming Scientist Under Fire—From Former Supervisor—Jim Hansen should be fired.'' This is another one, although this time they make the observation that James Hansen, who is the most outspoken proponent that it is manmade gases, anthropogenic gases, and CO_2 that is causing global warming, is the recipient of $250,000 from the Heinz Foundation. Obviously, that does have an impact on his position.

This one is: ''U.S. Government Meteorologist Claims 'Gross Blatant Censorship' for Speaking Out Against Climate Alarmism.'' This was March 9, a few days ago, by Stanley Goldenberg, a meteorologist with the National Oceanic and Atmospheric Administration's—that is NOAA—Atlantic Oceanographic and Meteorological Laboratory Hurricane Research Division. This is an excerpt of what this scientist said:

> The debate, as you also know, is masked by media censorship, bias and distortion. I am interviewed quite a bit on many, many levels and thankfully most of our interviews are benign. They're trying to get out to the public.

In his criticism, Goldenberg said:

> I've seen gross, gross blatant censorship. If you're here from the media I'd be glad to argue with you from firsthand experience. I challenge anybody from a mainstream media source to take or print a positive report on this conference. They won't get it past the editor.

He is talking about, of course, the media bias, which we all know took place during this conference.

This is an excerpt from the Boston Globe's paper yesterday:

> New figures being released today show the recession helped drive down global warming emissions from the northeast power plants last year to their lowest levels in at least 9 years. The drop in emissions may be good for the environment, but was not seen as reason for celebration. ''What does this say about the state of the economy?'' said Robert Rio, senior vice president of Associated Industries of Massachusetts. We could get 100 percent below the cap if we shut every business and moved them out of state.

The NASA moonwalker and geologist Harrison Schmitt said climate change alarmists intentionally mislead. This again is yesterday's Business & Media Institute quoting him:

> Last month, Apollo 17 astronaut and moonwalker Harrison Schmitt added his voice to the growing chorus of scientists speaking out against the anthropogenic—man-made—global warming theory. In strongly worded comments he said the theory was a ''political tool.'' Now, in a speech at the International Conference on Climate Change he outlined his argument in great detail saying,

''the science of climate change and its causes is not settled.'' . . . Several indisputable facts appear evident in geological and climate science that makes me a true, quote, denier, unquote, of human caused global warming. The conclusion seems inescapable that nature produces the primary influences on climate.

I think this chart shows that it has been going on throughout recorded history.

Another article: ''A Freezing Legacy For Our Children.'' This one is by James Marusek, nuclear physicist and engineer retired from the U.S. Department of the Navy. He said:

There is a lot of talk these days about the legacy we will leave our children and our grandchildren. When I stare into the immediate future, I see a frightening legacy caked in darkness and famine. Instead of intelligently preparing, we find ourselves whittling away this precious time chasing fraudulent theories. Climate change is primarily driven by nature. It has been true in the days of my father and his father and all those that came before us.

Again, this guy is a nuclear physicist and engineer.

This is from a new study titled ''The Evidence Is That The Ocean Is Cooling, Not Warming.'' This was 2 days ago. And it contains an excerpt titled ''Cooling of the Global Ocean Since 2003,'' by Craig Loehle, Ph.D., National Council for Air and Stream Improvement. He said:

Ocean heat content data from 2003 to 2008—4½ years—were evaluated for trend. The result is consistent with other data showing a lack of warming over the past few years.

I think I am making a point here that no one is going to argue, and that is that now we are in a cooling period. It drives people nuts, those who try to make people think the world is coming to an end; that it is going to get too hot, and now they realize that is not the case.

This is another statement made by another scientist, and this was 3 days ago.

Alaska River Ice now 60 percent thicker than it was 5 years ago. Flashback: The Nenana Ice Classic is a pretty good proxy for climate change in the 20th Century.

In other words, it is increasing, not decreasing. Here is another scientist. This was reported 4 days ago in Investors Business Daily by atmospheric physicist S. Fred Singer, Professor Emeritus of Environmental Sciences at the University of Virginia, who served as the founding director of the U.S. Weather Satellite Service.

We conclude therefore that the drive to reduce CO_2 emissions is not concern about climate. Ultimately, ideology may be what's fueling the CO_2 wars.

So it goes on and on. Here is another: ''Left-wing Columnist Alexander Cockburn A Climate Skeptic—John Fund—March 11.'' And Alexander Cockburn, by the way, is normally on the other side. Here is that quote:

My most memorable exchange was with Alexander Cockburn, the left-wing columnist for the Los Angeles Times and the Nation magazine. Mr. Cockburn has undergone blistering attacks since he first dissented from the global warming ''consensus'' in 2007. ''I've felt like the object of a witch hunt,'' he says. ''One former Sierra Club board member suggested I should be criminally prosecuted.'' Mr. Cockburn was at the conference collecting material for his forthcoming book ''A Short History of Fear,'' in which he will explore the link between fear mongering and climate catastrophe proponents. ''No one on the left is comfortable talking about science,'' he told me. ''They don't feel they can easily get their arms around it, so they don't think about it much. As a result, they are prone to any peddler of ideas that reinforce their preexisting prejudices. One would be that there is a population explosion that must be dealt with by slowing down economies.'' I asked him how he felt hanging around with so many people who have a more conservative viewpoint than he does. ''It's been good fun and I've learned a lot,'' he told me. ''I think what they are saying on this topic is looking better and better.''

And here is one of the guys who was a chief proponent of the fear mongers. We have to keep in mind there is a lot of money involved in making people afraid. I am old enough to remember back in the middle 1970s, when we were going through at that time what was thought to be this devastating ice age; that we were all going to freeze to death. Here is Time magazine, and here they talk about another ice age is coming and they document their case. This is 1974, from Time magazine.

Now, let's look at Time magazine a few years later. Here is Time magazine a couple of years ago and they have totally reversed themselves. No longer is it an ice age that is coming and we are all going to die; the headline now is ''Be Worried, Be Very Worried,'' and they have this polar bear standing on the last scoop of ice in the Arctic.

By the way, there are 13 different populations of polar bears in Canada, and with the exception of the one on the western Hudson Bay area, they are all flourishing. They are doing very well. The population has quadrupled since the 1960s. So don't feel badly about the polar bear. They are doing fine.

My point here is that these publications, I can assure you—and I have not checked this out, but that last one, in 1974, from Time magazine, I am sure that sold a lot of editions because everyone wanted to read the story as to how another ice age was coming and we were all going to die. We have checked on this. This was their biggest seller in that particular year. I don't see the date, but a couple of years ago, because they capitalize on this type of disaster.

I suppose I will go ahead and conclude now. We had some new information, and apparently I didn't bring it down with me, but I would only say this. I am one of the chief critics of what has been happening economically in this country since last October. Last October, we voted on a $700 billion bailout for the banking industry. I was against that. I recognize that was both Republican and Democrat. It came out of a Republican White House and it was in concert with the Democrats. They all said: Let's scare everybody so we can have this $700 billion bailout. I voted against it, and some of my conservative friends voted for it.

This was the largest authorization of money in the history of the world, and it was all taking place at that time in October—October 10 is when we voted in the Senate, with 75 Senators voting for that. My problem with it was that it was put together by our then-Secretary of the Treasury, and we were giving him total authority over how to spend $700 billion—the largest amount of money ever talked about in one block in this country, or in the history of the world. So I opposed it.

Now we find out that as soon as he got the money, he didn't spend it. He said he was going to buy distressed assets. He didn't spend it on that. He put money into the banks, and we haven't noticed a change in the credit since then. Now, of course, we have a new President and we have the budget and the omnibus bill that was voted on a few days ago—$410 billion—and all these people are talking about earmarks and all that. But let's keep in mind that only 1 percent of that $410 billion was in anything like earmarks. I wish people were as concerned about the 99 percent as they are the 1 percent, but that is a huge amount of money.

Now we have the President, with his budget coming forward, and this is going to produce huge deficits—in the trillions—and I have been critical of those. But as bad as all of that is, and talking about the huge amounts of money, what is worse is if we should be forced or pushed by the promoters of these global warming scares into passing a tax, what they call a cap-and-trade tax. In other words, this is a tax that would tax the American people. For all practical purposes, it would be a CO_2 tax. They don't call it that. They disguise it by calling it a cap and trade. But nonetheless, the analysis of that is that it would be somewhere in the neighborhood of $300 billion to $330 billion a year.

The reason I bring that up is that if we are pushed into passing some kind of a global warming or a cap-and-trade tax of $300 billion to $330 billion, they will masquerade it and act as if it isn't that much, but we know it is. We have sources—MIT and several other sources—and economic analysis that has taken place that says if that should happen, it will be something that occurs every year. At least these large amounts of money in the stimulus bills and in the bailout bills are one-shot deals, theoretically. But the other would be a tax increase on the American people.

I do have a dog in this fight. I do have a selfish concern. My wife and I have 20 kids and grandkids. My life is not going to change by anything that is passed in terms of a tax increase, but it does affect the next generations, and I think we are going to have to get to the point we are looking at not what is it today but down the road how are we going to pay for it.

To go back to the original $700 billion bailout, if you do the math, there are 140 million taxpaying families in the country. Divide that by $700 billion and that is $5,000 a family. We are talking huge amounts. And should we pass this global warming tax increase that would be comparable to over $300 billion, it would mean $3,000 a family. And that is every year.

I think we need to overcome the problem that we have in following the media off this plank and look at the science and let the science tell us what to do. If we do that, we will find with everything I have talked about over the last 35 minutes is in fact true.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam 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. BROWN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRADE REPRESENTATIVE

Mr. BROWN. Madam President, this Chamber will confirm in the coming days a new U.S. Trade Representative. Mayor Kirk's confirmation represents an opportunity for American trade policy to break from the false choice between free trade and fair trade.

As our economy struggles with massive job losses, a shrinking middle class that we have seen during the entire Bush years, and a housing crisis brought on by wrong-headed policy, the housing crisis that undermines the pursuit of the American dream, our trade policy must be part of our response to the new realities of the global economy.

Mayor Kirk inherits a position traditionally focused on status quo trade policy, and expanding that policy with more of the same status quo trade policy that gives protection to large business, protection to big oil, protection to big drug companies—and even with new rights and new privileges—a status quo trade policy that suppresses the standard of living for American workers, and at the same time hurts workers in China and India and Mexico; a status quo trade policy that does nothing to curb the cost of climate change or the degradation of the environment; and a status quo trade policy that has yielded an $800 billion—more than $2 billion a day—trade deficit.

For 8 years the Bush trade policies were wrong. They are wrong now. They should not continue this way in the future. Our trade deficit has reached annually, thanks to Bush trade policies and thanks to lax trade enforcement, a wrong-headed, unregulated, free-trade policy, which has allowed toys with lead paint, contaminated toothpaste and other products, and weakened the health and safety rules for our trading partners and our own communities.

We want more trade but not like this. Bush trade policies have devastated communities in my State, in towns such as Tiffin, Chillicothe, and Lorain, and done damage to your State in places such as Flint and Detroit and Hamtramck. Job loss does not just affect the worker or the worker's family, as tragic as that is for them, job loss, especially job loss in the thousands, devastates communities. It depletes the tax base. It means the layoff of police and fire personnel and schoolteachers. It hurts local business owners—the drug store, the grocery store, the neighborhood restaurant.

Massive job losses prevent middle-class growth. The Senator from New York, who is in the Chamber, talked about how the middle class in the last 10 years has shrunk. The middle class has shrunk in pure numbers. It has shrunk in income, in buying power. The middle-class people in this country have seen their incomes go down in part because of the Bush trade policy and partly because of tax policy and in part because of the economic policy generally.

Massive job losses prevent middle-class growth, as manufacturing jobs that once anchored a community are gone, but they demoralize a community. Ohio has seen the loss, during the Bush years, of more than 200,000 manufacturing jobs; nationwide, 4.4 million manufacturing jobs, 26 percent, more than one out of four manufacturing jobs in our country that simply disappeared.

We know in Michigan and Ohio and across the industrial heartland of this country and in every State, American manufacturing can compete and compete with anyone in the world if it is a fair fight. But the deck is stacked against us when our Government does not enforce our own trade laws that level that playing field.

Foreign competitors take an unfair advantage, and it is stopping American manufacturers from reaching their potential. We can no longer afford to sit on the sidelines. We must establish a manufacturing policy in this Nation that helps businesses stay here, that helps communities thrive, that rebuilds middle-class families in communities in my State.

It starts with reforming our trade policy. I am pleased to hear Mayor Kirk's emphasis on trade enforcement. Too many of our major trading partners are breaking the rules through massive currency imbalances, tax and capital subsidies, and through unfair labor and environmental practices.

In recent years, the Trade Representative has shown, to put it bluntly, a terrible record in response to public demand for strong trade enforcement. The Trade Representative that has occupied that office for close to a decade simply does not enforce our trade laws. All five of the public petitions for trade enforcement actions filed during the Bush administration, each concerning currency manipulation or labor exploitations by China, every one of those five public petitions was denied by the U.S. Trade Representative.

In some cases those petitions were denied on the day they were submitted, as if the administration even bothered to read them. Wrong-headed economic policy, job-killing trade agreements have also fueled increasing income disparity at home and abroad. I traveled some years ago, after NAFTA passed—a trade agreement that has hurt our Nation—I traveled at my own expense to McAllen, TX, across the border, with a couple of friends to Reynosa, Mexico. I met a husband and wife who worked for General Electric. They lived in a shack about 15 by 20 feet, dirt floor, no running water, no electricity. If it rained hard, the dirt floor turned to mud.

If you walked through the neighborhood, you could see where people worked in that neighborhood because these shacks were made out of building materials from the companies they worked for or the companies that supply the companies for which they worked.

These two workers worked for General Electric Mexico, 3 miles from the United States of America. If you go to one of those plants where those workers worked, those plants looked a lot like an American plant. These workers made about 90 cents an hour and lived, as I said, in squalid conditions, as hard as they were working, 6 days a week, 10 hours a day.

I visited an auto plant nearby, and this auto plant looked exactly like an auto plant in Michigan or Ohio, except perhaps it was more modern. If you walked into the auto plant, things were clean, the technology was up to date, the workers were productive, working hard.

There was one difference between the auto plant in Reynosa, Mexico, and the auto plant in the United States; that is, the auto plant in Reynosa, Mexico, had no parking lot because the workers could not afford to buy the cars they made. That is what our trade policy has wrought.

You can go to Malaysia and go to a Motorola plant. The workers cannot afford to buy the cell phones they make. You can come back to this hemisphere and go to Costa Rica to a Disney plant and the workers cannot afford to buy the toys for their children, the toys they make, or you can go back across the sea to China and the workers in plant after plant after plant cannot afford to buy the material, buy the products they make.

Simply put, in this country, because of a strong union movement over the

years, that is another debate and another question, how the Employee Free Choice Act will help in building the middle class in this country, workers who worked hard and were productive, shared in the wealth they created.

As productivity went up, then workers' wages went up. As workers made more profits for their boss, as workers made money for their company, those workers shared in the wealth they created. It is the American free enterprise system. It is what Americans have stood for. It is why the middle class in this country, until recently, has been as strong as it has been.

I am glad to see the Obama administration will approach trade differently, will consider what goes on in Reynosa and what goes on in Malaysia and Costa Rica and China. The Obama administration will take a different direction on trade.

I am glad to see Mayor Kirk's emphasis on enforcement. That means correcting our imbalanced trade relationship with China. Enforcement also means using the tools of a trade agreement to correct labor abuses. I remember when the Jordan agreement overwhelmingly passed Congress. This agreement was held up—at the end of the Clinton administration—as a standard in labor provisions. But in 2001, the Bush administration backtracked, essentially turned the other way, as those labor standards and labor provisions were being ignored by the Jordanian Government. In fact, it even turned the other way when reports came out that there was human trafficking plaguing the citizens of Jordan.

As human rights groups revealed overwhelming evidence of labor violations and human trafficking, the Bush administration simply did not enforce trade agreements. At the time, the USTR sent a letter to Jordan's trade minister saying the United States would not enforce the labor provisions. So why should the Jordanian Government do it when they knew they did not have to?

Those days of turning away from our responsibilities are over. In November 2008 voters in my State, as they did in Michigan, as they did around the country, demanded real change, not symbolic differences in policy. The Panama Free Trade Agreement, negotiated under fast-track rules by President Bush, is more of the same failed model, trade model, and we are hearing stories now that it is time for this Senate and the House to vote on the Panama Free Trade Agreement. It is a little agreement. It is not too bad. It does not really do any damage.

Well, it does do damage. It is the same failed trade model that we saw with NAFTA, the same failed trade policy, the same model as the Central American Free Trade Agreement, the same kind of trade policy and trade mechanism and trade model as we saw with PNTR with China.

I hope the administration does not simply push up a Bush trade agreement, change its shape a little bit, put some new handprints on it, and make some changes at the margin. I hope the administration will reshape these trade agreements, reshape our trade policy. We need to stop the pattern where the only protectionism in trade agreements is protectionism for the drug companies, protectionism for the oil companies, and protectionism for the financial services companies, many that have created the economic turmoil we now face.

I illustrated one time during a trade debate not too long ago that if we really were concerned about trade agreements, if we were really concerned about doing trade in the right way, of just simply eliminating the tariff reforms, trade agreements would be one page. It would simply say: Here is the schedule that eliminates trade tariffs.

But what we have seen in our trade agreements in the last 10 years is trade agreements that look something like this: This is not exactly the real trade agreement, but they are usually hundreds and hundreds of pages. And NAFTA, the Central American Free Trade Agreement, do you know why they are not just one page or two or three pages of repealing tariff schedules? The reason is because it is all about protections. You have protections for drug companies, you have protections for oil companies, you have protections for banks, you have protections for insurance companies.

That is what these trade agreements have all been about. They accuse us of protectionism. These trade agreements are bailouts for their wealthy friends, for their corporate buddies, for their big campaign contributors. These protections to my friends at the USTR's office during the Bush administration were all about protecting oil, protecting financial services, and we know what that has brought us.

Panama, the proposed trade agreement with Panama, includes terms that shift extraordinary power to corporations. Panama has a reputation as a banking secrecy jurisdiction and a tax haven. Panama was among 35 jurisdictions identified by the Organization for Economic Cooperation and Development 9 years ago as a tax haven.

The GAO reported a number of corporations, U.S. corporations, created subsidiaries in Panama for tax purposes. Now, why would we want to pass a trade agreement with a nation that has encouraged U.S. companies to move their earnings to their country to avoid U.S. taxes?

Why would we reward a country that makes a lot of money by enticing these corporations to come to their country: We will help you avoid your taxes? Why do we reward a country like that? Why do we want more of that, especially when we know and when we look at what has happened with corporate salaries. If we look at what has happened with the banks, and they know we do those kind of things, it simply does not make sense.

In addition, investments derived from illegal activities—namely, drug dealing—have also been known to exist in Panama. Several sources indicate that Panama serves as a tax haven for as many as 400,000—mostly, not all, United States—companies, and Panama has refused to sign a tax disclosure agreement with the United States. This is not just Panama saying, come visit us, come move some of your executives and, on paper, move some of your work to Panama. But then, to avoid taxes, we don't even make them disclose what those companies are and the taxes they have evaded. Such an agreement would deter tax cheats from evading taxes through Panama and would enable the IRS to verify that income subject to tax in the United States has been properly reported.

Offshore tax evasion is an enormous problem. We have heard Senator DORGAN talk about what has happened in the Cayman Islands. It is an enormous problem that would be potentially aggravated by the free trade agreement itself and also by Panama's continuing refusal to enter into a disclosure agreement with the United States. Why would we complete a trade deal which includes these extraordinary protections for corporations with a country that has secrecy issues? The old model for trade agreements no longer works.

As Mayor Kirk begins his work at USTR, as we confirm him in the next few days—and I hope we will—we can create an alternative framework that rewrites trade rules for globalization, trade rules that protect our national interests and strengthen our workers and communities.

We are all accountable in this body for trade votes, how our votes affect American workers, how our trade policies affect Lima and Zanesville and Dayton and Middleton and Portsmouth and Hamilton. We are all accountable for trade votes. Most of us want trade. We want more trade, but we want it under a different set of rules. Fidelity to a broken trade system will not put our economy back on track and workers back to work. The small business owner or manufacturer in a machine shop or tool and dye company in Akron or a local machine shop in Dayton or workers and business owners around the country don't want more of the same. It is time to rethink trade policy. We want trade, more of it. But we want it under a different set of rules that works for workers, for communities, and for the country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

EMBRYONIC STEM CELL RESEARCH

Mrs. SHAHEEN. Mr. President, I rise today to express my strong support of expanded embryonic stem cell research and to thank President Obama for reversing the Federal limitations imposed on stem cell research by the previous administration. I also thank my colleagues Senators HARKIN, SPECTER, FEINSTEIN, HATCH, and REID, for their ongoing leadership on this issue.

Research on human embryonic stem cells began in 1998 and is still only in its infancy. In this short time, researchers have made great strides in stem cell research, discovering the scientific potential of embryonic stem cells and their ability to treat and cure diseases that affect patients and families across our country. Unfortunately, however, the true potential of embryonic stem cell research has not yet been realized. For the past 8 years, Federal funding has been limited to the study of embryonic stem cell lines derived before August 9, 2001, significantly hampering the ability of researchers to effectively study the full potential of these cells. Political issues, funding considerations, and the limited pipeline of talented researchers specializing in this new field have slowed the development of a robust research community focused on stem cell investigation.

Stem cells could be a boon to medical research and treatment in a variety of ways: as replacement cells for those cells that have been lost or destroyed because of disease; as tools for studying early events in human development; as test systems for new drug therapies; and as vehicles to deliver genes that could correct defects. The more that is learned about embryonic stem cells, the better scientists can assess their full therapeutic potential and that of other stem cell types.

This research is so critical to the scientific understanding of diseases, therapies, and cures that impact millions of Americans. Embryonic stem cells could lead to treatments for diseases that afflict up to 100 million Americans, including Alzheimer's, Parkinson's disease, diabetes, cancer, heart disease, spinal cord injuries, and so many other debilitating conditions.

Now, I have always been a supporter of stem cell research and have long recognized the importance of this critical research to the scientific community. However, stem cell research became personal for me in 2007 when my oldest granddaughter Elle was diagnosed with diabetes. But my family is not alone in either struggling with the disease of juvenile diabetes or recognizing the importance of stem cell research to a potential cure for the disease. Mimi Silverman of Bedford, NH, speaks eloquently about what it is like to be the parent of a diabetic. Her daughter Abby, who is now 30, was diagnosed with diabetes at the age of 7. Mimi knows about the toll that diabetes takes on the entire family and she talks about the psychological effects on her family, not knowing what each day will bring. She describes the disease as a ticking timebomb in which there is always uncertainty and underlying apprehension.

A few years ago, Abby, Mimi's daughter, was 2 weeks away from getting married. She was living alone in Minneapolis, 1,500 miles away from her fiance and her family. She was alone in her apartment and because of diabetes, she fell unconscious. Luckily, her fiance called. He realized that Abby was incoherent and he was able to contact the apartment manager to unlock the door and get her help. But had her fiance not called when he did, in all likelihood, Abby would not be alive today. Mimi is now a leading advocate in New Hampshire in support of stem cell research.

Laura Clark, from Antrim, NH, is 25 years old. Five years ago she was in the final year of her nursing studies at the University of New Hampshire. Unfortunately, she was in a tragic car accident on the way to the movies. As a result of the collision, Laura's neck was crushed and after two weeks in intensive care and 11 weeks in rehabilitation, Laura recovered but is now quadriplegic. While her spirit is strong, her life has changed dramatically. The accident not only affected Laura, but of course her family was affected as well. Her mother Kathy quit her job to stay home to take care of Laura, and her younger sister, who was in high school at the time, was not able to go on to college. Laura doesn't give up the hope that some day, as a result of stem cell research, a scientist will discover a way to help her regain her independence.

Stem cell research holds the potential to help Elle, to help Abby, and to help Laura, and so many others in New Hampshire and across this country. I thank President Obama for recognizing the importance of this issue and for providing an opportunity for us to reverse the stem cell policy that has slowed the pace of medical research and hindered the development of therapeutic treatments for medical conditions ranging from diabetes and spinal cord injuries to Parkinson's and Alzheimer's. I now look forward to working with my colleagues in the Senate and the new administration to ensure continued support of stem cell research. Through increased funding and ensuring that moral and ethical guidelines for research are established in this growing field, I am hopeful that the scientific community will continue with crucial stem cell innovations that will positively affect the lives of those three young women whom I talked about and so many people across this country.

Thank you, Mr. President. I yield the floor.

OMNIBUS APPROPRIATIONS ACT

Mr. INOUYE. Mr. President, last week when considering H.R. 1105, the Omnibus Appropriations Act, 2009, I filed technical corrections to the table of congressionally directed spending items contained in the explanatory statement offered by the chairman of the Committee on Appropriations of the House of Representatives which accompanies the bill H.R. 1105.

I wish to add the following technical correction to the joint explanatory statement that accompanied H.R. 1105:

On page H2368 of the CONGRESSIONAL RECORD of February 23, 2009, the words ''Perkins Career and Technical Education Act'' should read ''Higher Education Opportunity Act'' and the Senate requesters associated with this item should be changed to ''Conrad; Domenici; Dorgan.''

FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT

Mr. LEAHY. Mr. President, the Fiscal Year 2009 Omnibus Appropriations Act, which President Obama signed yesterday, contains $36.6 billion in discretionary budget authority for the Department of State and Foreign Operations, which is the same amount approved by the Appropriations Committee in July 2008.

This represents a $1.6 billion decrease from former President Bush's budget request of $38.2 billion. I repeat—this legislation is $1.6 billion below what former President Bush recommended in his budget.

It is a $3.8 billion increase from the fiscal year 2008 enacted level, not counting supplemental funds, and $968 million above the fiscal year 2008 level including fiscal year 2008 supplemental and fiscal year 2009 bridge funds.

The State and Foreign Operations portion of the omnibus does not contain any congressional earmarks. It does, as is customary and appropriate, specify funding levels for authorized programs, certain countries, and international organizations like the United Nations and the World Bank.

I want to thank Chairman INOUYE, President Pro Tempore BYRD, and Ranking Member COCHRAN for their support throughout this protracted process. And I want to thank Senator GREGG, who as ranking member of the State and Foreign Operations Subcommittee worked with me to produce this bipartisan legislation that was reported by the Appropriations Committee with only one dissenting vote.

It was imperative that we enacted this legislation. The alternative of a year-long continuing resolution would have been devastating for the operations of the State Department and our embassies, consulates and missions around the world, and for programs that support a myriad of United States foreign policy interests and that protect the security of the American people. Many Senators on both sides of the aisle were encouraged that Senator Clinton was nominated for and confirmed to be Secretary of State. If we

want her to succeed we must provide the tools to do so. This legislation supports her highest priority of rebuilding the civilian capabilities of our government.

The omnibus provides $7.8 billion for Department of State operations, a decrease of $274 million below former President's Bush's request and $1.2 billion above the fiscal year 2008 enacted level, not including supplemental funds. Counting emergency funds provided in fiscal year 2008 for personnel, operations and security costs in Iraq and Afghanistan, the omnibus provides a 5.6-percent increase.

These increases are attributed to a major investment in personnel, primarily to replace worldwide positions that were redirected to Iraq and invest particularly in countries of growing importance in South Asia. The omnibus supports the request of 500 additional positions, much of which will help posts left depleted, some by 25 percent, due to positions shifting to Iraq during the last 5 years. In addition, the omnibus recommends $75 million for a new initiative to train and deploy personnel in postconflict stabilization. These critical investments would have been lost under a year-long continuing resolution.

The omnibus provides $1.7 billion for construction of new secure embassies and to provide security upgrades to existing facilities, which is $178 million below former President Bush's request. He had proposed a 41-percent increase which we did not have the funds to support. But an increase of $99.5 million, or 13 percent, above the fiscal year 2008 enacted level is provided considering the significant threats our embassies faced last year alone, from Yemen to Belgrade. Even this lesser increase for embassy construction and security upgrades would be lost under a year-long continuing resolution.

Specifically, the omnibus provides $4.24 billion for diplomatic and consular programs, which funds State Department personnel. This is an increase of $464 million, or 12 percent, above the fiscal year 2008 enacted level and $42 million above the President's request. This funds a major investment in personnel to increase language training and expand the number of personnel in regions of growing importance. Senators on both sides of the aisle have strongly endorsed this investment, but it would not be funded under a continuing resolution.

In fact, under a year-long continuing resolution the State Department would not have the resources to fund the staff currently serving at 267 posts overseas, due to exchange rate losses and the increased cost of security overseas. That means the United States would have even less representation than we do now, which none of us here would find acceptable.

The omnibus provides $1.1 billion for worldwide security protection for noncapital security upgrades, an increase of $355 million above the fiscal year 2008 enacted level and $46 million below the request. This account funds all the Diplomatic Security agents at every post worldwide, armored vehicles, and training—all investments which, again, have bipartisan support. The increases would fund additional personnel for protection at high-threat embassies and oversight of security contractors in Iraq, Afghanistan and Israel-West Bank. This would not be possible under a continuing resolution.

Senators of both parties have expressed strong support for expanding international exchange programs, particularly in predominantly Muslim countries. The omnibus provides $538 million for education and cultural exchanges, which is $15.5 million above the President's request and an increase of $36.6 million above the fiscal year 2008 enacted level. Those additional funds would be lost under a continuing resolution at the moment when the U.S. has the greatest opportunity to reintroduce our country, our people, and our values to the rest of the world.

The same is true of public diplomacy. The omnibus provides $394.8 million for the State Department's public diplomacy activities, including outreach, media and programs in embassies to develop relationships with people in host countries. This is $33.9 million above the fiscal year 2008 level, which would not be available under a continuing resolution.

The omnibus provides $1.7 billion for construction of new secure embassies and maintenance of existing facilities, a $280 million increase above the fiscal year 2008 enacted level and $83 million below the President's request. Of this amount, $801 million is for embassy maintenance, $40 million less than the request and $46 million above the fiscal year 2008 enacted level.

The omnibus provides $770 million for planning, design and construction of new embassies and office buildings worldwide, $178 million below the request and $99 million above the fiscal year 2008 enacted level. Any Senator who has traveled abroad has seen the need to replace insecure and old embassies. There is already a long waiting list, and it would be even longer under a continuing resolution.

Former President Bush's budget underfunded the U.S. assessed contribution to U.N. Peacekeeping in fiscal year 2009 by assuming a reduction in every mission except Sudan. That was pie in the sky. The cost of most of these missions is increasing, not decreasing. The omnibus provides $1.5 billion for U.N. Peacekeeping, an increase of $295 million above the fiscal year 2008 enacted level and $20 million above the President's request. However, compared to the total amount enacted in fiscal year 2008, the bill is $173 million below the operating level in fiscal year 2008 including supplemental funds. These are costs we are obligated to pay by treaty. They support the troops of other nations in Darfur, the Congo, Lebanon, Haiti, and a dozen other countries.

The omnibus provides $1.5 billion for contributions to international organizations, the same as the President's request and $186 million above the fiscal year 2008 enacted level. The account funds the U.S. assessed dues to 47 international organizations, including NATO, IAEA, OECD, the U.N. and others for which, as a member of the organization, the U.S. is obligated by treaty to contribute. We either pay now or we pay later.

The omnibus provides $709.5 million for the Broadcasting Board of Governors, an increase of $39.5 million above the fiscal year 2008 enacted level and $10 million above the former President Bush's budget request. This includes funding for languages which the former administration proposed to eliminate in fiscal year 2009, such as Russian, Georgian, Kazak, Uzbek, Tibetan and the Balkans, where freedom of speech remains restricted and broadcasting programs are still necessary to provide unbiased news.

For USAID, the omnibus provides $808.6 million for operating expenses, $41.4 million above former President Bush's request and $179 million above the fiscal year 2008 enacted level. This continues efforts begun last year to address the serious staff shortage at USAID, but under a continuing resolution USAID's staff problems would continue to worsen. It would not be able to hire additional staff for Afghanistan and Pakistan, or for other posts where there is not sufficient oversight of contracting and procurement. It is a crisis situation that I and Senator GREGG are determined to fix.

For bilateral economic assistance, the omnibus provides a total of $17.1 billion, $1.3 billion below former President Bush's request and $623.3 million above the fiscal year 2008 level. We received requests from most Senators—Democrats and Republicans—for funding from within this account, totaling far more than we could afford. A continuing resolution would have made it impossible to fund many, if not most, of those requests.

A good example is global health. The omnibus provides $7.1 billion for global health and child survival, an increase of $757 million above the request and $737 million above the fiscal year 2008 enacted level. A continuing resolution would be devastating for these life-saving programs.

A total of $495 million is provided for child survival and maternal health, an increase of $125 million above former President Bush's request and $49 million above the fiscal year 2008 enacted level. These funds are for programs that directly decrease child and maternal mortality from preventable diseases, like malaria, polio and pneumonia. Under a continuing resolution USAID would not be able to expand its malaria control programs to other countries in Africa with a high incidence of malaria, which kills a million people, mostly African children, every year.

The omnibus provides $300 million for safe water programs, including increasing access to safe drinking water and sanitation, which is a key factor in improving public health.

Former President Bush proposed a steep cut in funding for family planning and reproductive health programs, even though they are the most effective means of reducing unwanted pregnancies and abortions. The omnibus, instead, provides a total of $545 million from all accounts for family planning and reproductive health including $50 million for the U.N. Population Fund, which is $82 million above the fiscal year 2008 level. A continuing resolution would eliminate those additional funds, and the number of unintended pregnancies and abortions would increase.

The omnibus provides a total of $5.5 billion for programs to combat HIV/AIDS, $388 million above former President Bush's request and $459 million above the fiscal year 2008 level. Of this amount, $600 million is provided for the global fund to fight HIV/AIDS, which is $400 million above the request. Additionally within the total, $350 million is provided for USAID programs to combat HIV/AIDS, which is $8 million above the request.

These additional funds, which pay for life-sustaining antiretroviral drugs, prevention and care programs, would be lost under a continuing resolution, to the detriment of 1 million people who would receive life-saving treatment this year. With this funding 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save 1 million more orphans or vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV/AIDS. Why would we not make this investment this year?

The development assistance account funds energy and environment programs, microcredit programs, private enterprise, rule of law, trade capacity, and many other activities that Senators on both sides of the aisle support. The omnibus provides $1.8 billion for development assistance which is $161 million above former President Bush's request and $176 million above the fiscal year 2008 enacted level.

The omnibus provides $350 million for international disaster assistance, $52 million above the request and $30 million above the fiscal year 2008 enacted level, excluding supplemental funds. These funds enable the United States to put its best face forward when disaster strikes, as it did with the tsunami, the earthquake in Pakistan, floods in Central America, and famine in Africa.

The omnibus provides $875 million for the Millennium Challenge Corporation. This is $1.3 billion below the request and $669 million below the fiscal year 2008 enacted level. This reflects the view of the House and Senate that the Congress supports the MCC but wants to see a slowdown in new compacts, while $7 billion in previously appropriated funds are disbursed, and while the new administration decides how it wants to fund the MCC in the future. The agreement provides sufficient funds to continue current operations and to commence two new compacts of $350 million each.

For the Peace Corps, the omnibus provides $340 million, which is $9 million above the fiscal year 2008 level. Those additional funds would have been lost under a continuing resolution.

The omnibus provides $875 million for international narcotics control and law enforcement, which is $327 million below the request and $321 million above the fiscal year 2008 enacted level. Those additional funds for programs in Latin America, Pakistan, Afghanistan, and many other countries would be lost under a continuing resolution.

There is a total of $405 million for continued support of the Merida Initiative, including $300 million for Mexico and $105 million for the countries of Central America. The fiscal year 2008 supplemental included $400 million and $65 million, respectively. We are all increasingly alarmed by the spread of drug-related violence and criminal gangs in Mexico, but under a continuing resolution there would be nothing for the Merida Initiative.

Migration and refugee assistance is funded at $931 million, which is $167 million above former President Bush's request and $108 million above the fiscal year 2008 enacted level. That $108 million would be lost under a continuing resolution. This amount is already $557 million below what was provided in fiscal year 2008 including supplemental and fiscal year 2009 bridge funds. These funds are used for basic care and protection of refugees and internally displaced persons, whose numbers are not expected to decrease this year.

The omnibus provides $4.9 billion for military assistance and peacekeeping operations, $173 million below former President Bush's request but $212.6 million above the fiscal year 2008 enacted level. The omnibus assumes $170 million provided in the fiscal year 2008 supplemental as fiscal year 2009 bridge funds for military assistance to Israel, making the total amount for Israel equal to the President's request, $2.55 billion. The additional $212.6 million for other important bilateral relationships would be lost under a continuing resolution.

For contributions to the multilateral development institutions, which we owe by treaty, the bill provides $1.8 billion. That is $503 million below the former President's request and $251 million above the fiscal year 2008 enacted level. A continuing resolution would have put us another $251 million in arrears, in addition to the arrears we already owe.

The omnibus provides the amounts requested by the former President for the Export-Import Bank, an increase of $26.5 million above fiscal year 2008. By not passing this legislation, these additional resources would not have been available to make U.S. businesses competitive in the global marketplace. At this time of economic downturn at home we should be doing everything we can to support U.S. trade.

These are the highlights of the fiscal year 2009 State and Foreign Operations portion of the omnibus that passed by a vote of 62–38. It contains funding to meet critical operational costs and programmatic needs which support U.S. interests and protect U.S. security around the world.

A handful of our friends in the minority spent days criticizing the omnibus because it contains earmarks. Apparently they would have preferred that unnamed, unelected bureaucrats make all the decisions about the use of taxpayer dollars. In fact, the total amount of the $410 billion omnibus that Members of Congress—Democrats and Republicans—have earmarked for schools, fire and police departments, roads, bridges, hospitals, scientific research, universities and other organizations and programs in their states and districts which would not otherwise receive funding, is less than 1 percent. That is what the aggrieved speeches were about. A whopping 1 percent.

Some Senators complained that the omnibus—all but a small fraction of which would fund the budget requests of former President Bush—is more than we can afford. Those are the same Senators who, year after year, rubberstamped billions and billions of borrowed dollars to fund an unnecessary war and reconstruction programs in Iraq that were fraught with waste and abuse.

Some say that the intervention of the Economic Recovery and Reinvestment Act is why they opposed the omnibus. Regarding the Department of State and Foreign Operations, 99.6 percent of the omnibus has no correlation whatsoever to what was funded by the Recovery Act. This portion of the omnibus funds all of the United States' activities overseas. All of the key new investments I have described would not have been possible under a year-long continuing resolution.

The funding for State and Foreign Operations in the omnibus amounts to about 1 percent of the total budget of this country. However one views the Economic Recovery Act, the damage that a year-long continuing resolution would have caused to the functions of our embassies, consulates and missions, and to the foreign service officers who serve the American people around the world, would have been devastating. The damage to programs would be measured in lives.

We have seen the image of our country battered beyond recognition. The values our country was founded on were ignored, ridiculed, and diminished. Democrats and Republicans

alike recognize that the United States needs to reinvigorate its engagement in the world, particularly through rebuilding alliances and using diplomacy more effectively. The omnibus puts our money where our mouths are. The alternative would have been to retract, and to invite others to fill the vacuum. That might save money in the short term, but it would have cost us dearly in the future.

BUSINESS OF THE SENATE

Mr. LEAHY. Mr. President, I am glad Republican Senators abandoned their efforts to filibuster the nomination of the Deputy Attorney General. It was only after the majority leader filed for cloture that the Republican caucus came to the conclusion that such a maneuver was futile. I thank the majority leader for scheduling the debate and votes for the President's nominees to serve as Deputy Attorney General and Associate Attorney General. They have now been confirmed by the Senate.

The Republican minority, nonetheless, insisted on 7 hours of debate on the Deputy Attorney General nomination this week before allowing the vote. That was longer than the debate they demanded on the nomination of the Attorney General of the United States. I spoke yesterday to open the debate, as did the ranking Republican on the Senate Judiciary Committee, Senator SPECTER, who also supported the nomination. We both spoke, again, today to close the debate.

I followed the debate, and have responded by way of additional statements to correct the record on the Deputy Attorney General nominee.

Now I would like us to take a step back and see what has occurred. Yesterday, the Republican minority insisted on 5 hours of debate on the Ogden nomination. In fact, the Republican opposition devoted less than 1 hour to comment about the Ogden nomination. The rest of their time they consumed with criticism of the President's budget and policy initiatives to help the country recover from the economic crisis. I am not saying that the budget discussion is unimportant. I may not agree with their criticism, but the budget is certainly a topic about which Senators may wish to make statements. My point is that after delaying debate on the President's nomination for the No. 2 official at the Justice Department for 2 weeks, and demanding extended debate, they failed to use the time to discuss the nomination. Instead, they talked about unrelated issues.

In fact, they were so uninterested in debating the nomination that by the time Senator INHOFE came to the floor, all Republican time had been used on other discussions. As a courtesy, we made available time from the Democratic side that should have been used by supporters of the nomination. We accommodated the Senator from Oklahoma so that he could speak against the nomination.

Today, an additional 2 hours was demanded by the Republican majority to debate the Ogden nomination further before they would allow a vote. Of course, those Republicans who opposed the nomination used not 1 minute of time to debate it today—not 1 minute.

Indeed, of the time that the Republican minority insisted was necessary before the Senate could vote on the Ogden nomination, more than an hour was wasted in quorum calls with no speakers at all yesterday and approximately 1 hour was spent by opposition speakers—not 7 hours, not 3 hours, barely 1 hour. The Ogden debate could easily have been handled with the opposition taking an hour or an hour and one-half to speak.

I wish instead of this campaign to delay and obstruct the President, the minority would work with us on the consideration of matters of critical importance to the American people. I will note just one current example. This morning, the New York Times had a front-page story about financial frauds. Last week, the Senate Judiciary Committee reported an antifraud matter to the Senate. The Leahy-Grassley Fraud Enforcement and Recovery Act, S.386, needs to be considered without delay. It is an important initiative to confront the fraud that has contributed to the economic and financial crisis we face, and to protect against the diversion of the Federal efforts to recover from this downturn.

As the New York Times story demonstrates, improving our efforts to hold those accountable for the mortgage and financial frauds that have contributed to the worst economic crisis since the Great Depression is most timely. We need to do better, and our bipartisan bill, which has the support of the U.S. Department of Justice, can make a difference. In addition to Senator GRASSLEY, I thank Senator KAUFMAN, Senator KLOBUCHAR, Senator SCHUMER, and Senator SHELBY for working with us and for their interest in this important measure.

Our legislation is designed to reinvigorate our capacity to investigate and prosecute the kinds of frauds that have undermined our economy and hurt so many hard-working Americans. It provides the resources and tools needed for law enforcement to aggressively enforce and prosecute fraud in connection with bailout and recovery efforts. It authorizes $245 million a year over the next couple of years for fraud prosecutors and investigators. With this funding, the FBI can double the number of mortgage fraud taskforces nationwide, and target the hardest hit areas. It includes resources for our U.S. Attorneys' Offices, as well as the Secret Service, the HUD Inspector General's Office and the U.S. Postal Inspection Service. It includes important improvements to our fraud and money laundering statutes to strengthen prosecutors' ability to confront fraud in mortgage lending practices, to protect TARP funds, and to uncover fraudulent schemes involving commodities futures, options and derivatives as well as making sure the Government can recover the ill-gotten proceeds from crime.

Our bipartisan measure was favorably reported on a voice vote by the Judiciary Committee on March 5. I have been trying to get a time agreement to consider the measure ever since. The Senate should consider and pass it without delay. We can help make a difference for all Americans. Instead of wasting our time in quorum calls when no one is speaking, or demanding multiple hours of debates on nominations that can be discussed in much less time before being confirmed, let us work on matters that will help get us out of the economic ditch that we have inherited from the policies of the last administration, and let us begin to work together on behalf of the American people.

EL SALVADOR ELECTION

Mr. LEAHY. Mr. President, this Sunday the people of El Salvador will go to the polls to elect a new President. As one Senator who has followed developments in that country and observed with concern the steady rise in violent crime, including organized crime and drug trafficking, I hope that whoever wins the election makes reforming the police and justice system a priority.

United States assistance to El Salvador is a small fraction of what it was during the 1980s, but in 2006 El Salvador signed a 5-year compact with the Millennium Challenge Corporation. The compact totals $461 million, and focuses on road construction, economic and social development in the area of the country bordering Honduras that bore the brunt of the worst consequences of the civil war.

I had hoped that a portion of the MCC compact would be used to strengthen El Salvador's dysfunctional judicial system, both to help reduce violent crime and attract foreign investment, but unfortunately that was not the decision of the Salvadoran Government or the Bush administration at the time. Nevertheless, the MCC compact does seek to improve the lives of some of El Salvador's poorest communities and I support it.

Recently, I have been concerned with reports that some Salvadorans involved in the election campaign may have asserted that if the opposition party candidate wins the election the United States will stop funding the MCC compact. Such an assertion, presumably to intimidate voters, would be completely false.

We take no position on the Salvadoran election. It is entirely for the people of El Salvador to decide who their next President will be. The MCC compact will continue regardless of who wins on Sunday, as long as the policies of the new Government, of whichever party, are consistent with

the MCC's eligibility criteria, including controlling corruption and investing in health and education.

I look forward to the results of Sunday's election and the opportunity for our two countries to work together for a brighter future.

10-YEAR ANNIVERSARY OF THE EXPANSION OF NATO

Ms. MIKULSKI. Mr. President, I rise today to recognize the 10-year anniversary of the expansion of the North Atlantic Treaty Organization, NATO.

During the debate on whether to expand NATO, I said that this debate holds special resonance for me. Growing up as a Polish American in east Baltimore, I learned about the burning of Warsaw at the end of the Second World War. The Germans burned Warsaw to the ground—killing a quarter of a million people—as Soviet troops watched from the other side of the Vistula River. I learned about the Katyn massacre—where Russia murdered more than four thousand Polish military officers and intellectuals in the Katyn Forest at the start of the Second World War.

The tragedies that Poland, the Czech Republic, and Hungary experienced in the aftermath of the Second World War are etched on my heart. That was the one reason I fought so long and so hard for Poland and the others to be part of the western family of nations.

Despite the importance of history, my support for NATO enlargement was based on the future. My support was based on what is best for America. Thankfully when we voted to bring Poland, the Czech Republic, and Hungary into NATO, the yeas carried the day. Since that day, those three nations have exceeded every expectation as strong allies of the United States, and the naysayers' fears during the debate on the NATO expansion have also been shown as unwarranted.

The NATO expansion nations of 1999, Poland, the Czech Republic, and Hungary have more than lived up to their obligations under the NATO alliance. Poland has made enormous investments into all areas of its military. As a result, over the last 10 years the number of Polish troops serving on NATO missions has steadily grown from 1500 to over 3500. Another 300 Polish military personnel serve in prestigious academic and administrative positions in NATO institutions around the world. Polish naval vessels also operate as part of NATO standing reaction forces all over the world, providing cutting edge mine detection and countermeasures expertise.

Poland has also emerged as one of the United States' strongest allies in the war against terrorism and extremism around the globe. Polish troops accompanied American soldiers into Iraq when they invaded in 2003, and maintained a mission that grew as large as 2500 troops up until the end of 2008. Nearly 30 Polish soldiers gave their lives in Iraq. Poland also has one of the largest contingents in Afghanistan. Over 1600 Polish soldiers fight every day to stabilize the Afghan province of Ghazni. Nine Polish soldiers have been killed and dozens wounded in Iraq.

In closing, I wish to speak a bit about history. My colleagues have heard me speak about Poland's history many times in the past. For 40 years, I watched the people of Poland live under brutal, communist rule. They did not choose Communism—it was forced upon them. Each ethnic group in America brings our own history to our wonderful American mosaic. Bringing these three nations into NATO family of nations 10 years ago was one of the best decisions we made in the post-cold war era. Of all the things I have done in my years in the Senate, this is one of those for which I am most proud.

LORD'S RESISTANCE ARMY

Mr. FEINGOLD. Mr. President, I wish to express my grave concern at the continuing massacres, kidnappings, and terror orchestrated by the Lord's Resistance Army, the LRA, in northeastern Congo and southern Sudan. As many of my colleagues know, I have long been engaged in efforts to bring an end to this—one of Africa's longest running and most gruesome rebel wars. In 2004, I authored and Congress passed the Northern Uganda Crisis Response Act, which committed the United States to work vigorously for a lasting resolution to this conflict. In 2007, I visited displacement camps in northern Uganda and saw first-hand the impact the violence orchestrated by the LRA has had throughout the region. I have been frustrated as the LRA has been able to move in recent years across porous regional borders to gain new footholds in northeastern Congo, southern Sudan, and even the Central African Republic, with little consequence.

Just over 2 months ago, the Ugandan, Congolese, and South Sudanese militaries launched a joint offensive against the LRA's primary bases in northeastern Congo. Serious concerns have been raised about the planning and implementation of this operation. Since the military strike began, the LRA has been able to carry out a series of new massacres in Congo and Sudan, leaving over 900 people dead. That is a killing rate that, according to the Genocide Intervention Network, exceeds that in Darfur or even in Somalia. Hundreds of new children have been abducted and new communities have been devastated and displaced. It is tragically clear that insufficient attention and resources were devoted to ensuring the protection of civilians during the operation. Meanwhile, the LRA's leader, Joseph Kony, and his commanders escaped the initial aerial assault and have continued to evade the militaries. Thus far, this operation has resulted in the worst-case scenario: it has failed to stop the LRA, while spurring the rebels to intensify their attacks against civilians.

I am not ruling out that this offensive—still ongoing—may yet succeed. Indeed, I strongly hope it does. On several occasions last year, Kony refused to sign a comprehensive peace agreement with the Government of Uganda, an agreement that even included provisions to shield him from an International Criminal Court indictment. At the same time, as negotiations were still underway, his forces launched new attacks in Congo, Sudan, and, for the first time, Central African Republic. They abducted hundreds of youths to rebuild their ranks. It was apparent that Kony was not interested in a negotiated settlement, despite the good efforts of mediators and northern Ugandan civil society leaders. I supported those peace negotiations, but it became increasingly clear that the LRA's leaders would only be stopped when forced to do so.

For many years I have pressed for a political solution to the crisis in northern Uganda. I pressed for the international community to work collectively to support efforts to bring peace and stability to this war-torn area. And against all odds, the most recent peace talks in Juba, South Sudan, did see a collective effort but to no avail. These negotiations were not perfect but for some time offered a path forward and provided a framework to address the underlying grievances of communities in northern Uganda. But then, it became increasing clear that Joseph Kony had no intention of ever signing the final agreement and had instead been conducting new abductions to replenish his rebel group. It became increasingly clear that Kony and his top commanders would stand in the way of any comprehensive political solution.

These failed talks justify military action against the LRA's top command, but that action must be carefully considered. As we have seen too many times, offensive operations that are poorly designed and poorly carried out risk doing more harm than good, inflaming a situation rather than resolving it. Before launching any operation against the rebels, the regional militaries should have ensured that their plan had a high probability of success, anticipated contingencies, and made precautions to minimize dangers to civilians. It is widely known that when facing military offensive in the past, the LRA have quickly dispersed and committed retaliatory attacks against civilians. Furthermore, to be sustainable, military action needs to be placed within a larger counterinsurgency strategy that integrates outreach to local populations, active programs for basic service provision and reconstruction in affected areas, and mechanisms for ex-combatant disarmament, demobilization and reintegration. Those mechanisms are especially important in the case of the LRA because of the large number of child abductees who make up the rebel ranks.

As this operation continues, I hope the regional militaries are identifying their earlier mistakes and adjusting their strategy in response. Meanwhile, the international community cannot continue to stay on the sidelines as these massacres continue. The United Nations Security Council should take up this matter immediately and, in coordination with the Secretary-General and his Special Representative for LRA-affected areas, develop a plan and new resources to enhance civilian protection. I urge the Obama administration to use its voice and vote at the Security Council to see that this happens. At the same time, I urge the administration to develop an interagency strategy for how the United States can contribute to longer term efforts to disarm and demobilize the LRA, restore the rule of law in affected areas of Congo and Sudan, and address political and economic marginalization in northern Uganda that initially gave rise to this rebel group.

This is not to suggest the United States has not already been involved with the ongoing operation. AFRICOM officials have acknowledged that they provided assistance and support for this operation at the request of the regional governments.

As a 17-year member of the Subcommittee on African Affairs and someone who has been involved with AFRICOM since its conception, I would like to offer some thoughts on this matter. While I supported AFRICOM's creation, I have been concerned about its potential to eclipse our civilian agencies and thereby perpetuate perceptions on the continent of a militarized U.S. policy. It is essential that we get this balance right and protect chief of mission authority. By doing so, we can help ensure AFRICOM contributes to broader efforts to bring lasting peace and stability across Africa. When I visited AFRICOM's headquarters last December and talked with senior officials, we discussed the important roles that it can play. They include helping to develop effective, well-disciplined militaries that adhere to civilian rule, strengthening regional peacekeeping missions, and supporting postconflict demobilization and disarmament processes. In my view, assisting a multilateral operation to disarm an armed group that preys on civilians and wreaks regional havoc fits this job description, theoretically, at least.

To put it bluntly, I believe supporting viable and legitimate efforts to disarm and demobilize the LRA is exactly the kind of thing in which AFRICOM should be engaged. Of course, the key words there are viable and legitimate. We should not be supporting operations that we believe are substantially flawed and do not have a high probability of success. Furthermore, we should ensure that operations we assist do not exacerbate inter-state tensions or violate international humanitarian law. If we get involved, even in an advisory capacity, we have to be willing to take responsibility for outcomes, whether anticipated or not. To that end, it is critical that the State Department is not only involved but plays a leading role in ensuring that any military activities are coordinated with long-term political strategies and our overarching foreign policy objectives.

In the case of this current operation against the LRA, as I have already outlined, I do not believe these conditions were met or the necessary due diligence undertaken before its launch. But we cannot just give up on the goal of ending the massacres and threat to regional stability posed by this small rebel group. That is precisely why I am urging the development of an interagency strategy to drive U.S. policy going forward. By putting in place such a proactive strategy, we can better help the region's leaders to get this mission right and protect their people from the LRA's continuing atrocities. This could finally pave the way for a new future for this region and its people and help shape an AFRICOM that works effectively for both Africa and America's security interests.

CLEAN TEA

Mr. CARPER. Mr. President, I have come to the floor of the Senate many times to discuss the importance of curbing greenhouse gas emissions. Over the past several Congresses, I have introduced legislation to create a mandatory cap-and-trade program to help utilities reduce their emissions of carbon dioxide, while also regulating unhealthy emissions of mercury, nitrogen oxide and sulfur dioxide. Hopefully, later this year, Congress will consider an economy-wide, cap-and-trade bill to curb greenhouse gas emissions.

But one area that has not received enough attention or comprehensive treatment in climate change proposals is the transportation sector.

In all fairness, it is tricky to address. Mobile sources—like cars and trucks—are numerous and do not stay in any one jurisdiction. The amount of pollution they produce is impacted by the efficiency of the vehicle, the type of fuel it uses, as well as how far, fast and often the vehicle is driven. Managing all of those different inputs is not an easy thing to do. But we must find a way if we are serious about addressing climate change.

The transportation sector produces 30 percent of greenhouse gas emissions and is the fastest growing source of pollution. If we do not curb emissions from transportation, we will either fail to reduce greenhouse gas emissions to the level scientists tell us is necessary to stave off climate change. Or we will have to ask other sectors to make up the difference.

When the transportation sector has been considered before, the focus has always been on vehicle fuel economy standards or tailpipe emissions standards. Last Congress, I was extremely proud to play a role in increasing the Corporate Average Fuel Economy, CAFE, standard for cars and trucks for the first time in 32 years. The new standard requires the entire U.S. fleet of cars and trucks to average 35 mph by 2020.

The new standard has a better chance of success because it applies across the entire U.S. fleet, removing the loophole that encouraged auto manufacturers to build larger cars. At the same time, we structured the standard in a way that allows manufacturers to specialize in the vehicles for which they are known. Instead of having every manufacturer meet the 35 mph standard, those that build smaller cars will meet a higher standard and those that build larger cars will meet a lower one. But in the end, the fleet as a whole will reach 35 mph. We increased CAFE in a way that garnered the support of both environmentalists and the automobile industry—a model I hope we can follow in developing climate change legislation.

In the same bill that raised CAFE, Congress also established a Renewable Fuel Standard, RFS, requiring that 36 billion gallons of renewable fuel is sold in 2020—up from 9 billion gallons today.

Taken together, the CAFE and RFS is expected to save two million barrels of oil per day and save consumers more than $80 billion at the pump. It will also reduce emissions of carbon dioxide by 18 percent.

While this is a major improvement, we must remember that our goal is to reduce greenhouse gas emissions by 60 to 80 percent. We need to look for other ways to make the transportation system cleaner.

That is where the bill we are introducing today comes in. The Clean Low-Emission Affordable New Transportation Act, or CLEAN TEA, would reserve a portion of any auction proceeds from a climate change bill, and dedicate it to funding transportation projects that reduce greenhouse gas emissions.

This is a critical piece of the puzzle which, if left out, hampers the effectiveness of the other measures taken by car companies and fuel producers. For example, in 1975, we created CAFE standards to reduce oil use. But at the same time, we closed down transit systems and built homes far from workplaces, schools, groceries and doctors. As a result, driving increased by 150 percent. Therefore, even though cars got significantly more efficient, American use of oil increased 50 percent. We cannot afford to make that mistake again.

CLEAN TEA requires States and metropolitan planning organizations to review their long-range transportation plans to determine what they could do to reduce greenhouse gas emissions by making their transportation system more efficient and providing alternative forms of transportation. Once they establish a goal that is appropriate for their area and a list of

projects to help them meet that goal, they would receive funding to build those projects. Eligible projects are anything that is proven to reduce greenhouse gas emissions, including transit, freight or passenger rail, sidewalks and bike lanes, carpools and vanpools, intelligent transportation systems, congestion pricing measures and coordination of development and transportation plans.

Ten percent of auction proceeds might sound like a lot. But as I mentioned before, the transportation sector is 30 percent of the problem and growing faster than any other sector. In addition, these projects that would reduce greenhouse gas emissions will save Americans money and create jobs.

The American Public Transit Association recently found that people who use transit regularly save $1,800 a year in transportation costs. The Surface Transportation Policy Project has found that those who live in areas with access to public transportation incur significantly lower costs than those who do not. This is incredibly important in a weak economy or when gas prices are high. Most people do not realize that transportation is the second highest expense in most American households—more than health care. For some, transportation costs are even higher than their mortgage or rent.

Last spring and summer, when gas prices went to $4 a gallon across the country, Americans sought ways to save money by driving less. Many of them found that their transportation options were quite limited. Their neighborhoods had no sidewalks and there was little or no transit service. Those who had options, exercised them. But those who didn't either had to pay the price of gas and skimp elsewhere or reduce their quality of life. This is unacceptable.

We fund our transportation system through a gas tax, which is to say that we pay for roads and transit by burning gasoline. When people drive less, our transportation budgets dry up. So states and localities that seek to reduce oil use, lower greenhouse emissions and save their constituents money, get their budgets cut. CLEAN TEA reverses that by sending money to states and localities based on how much they reduce emissions.

As we develop a climate change bill, we must consider how every sector of the economy can play a part in lowering greenhouse gas emissions. When it comes to the transportation system, we—right here in Congress—have a lot to say about how that system is developed, how efficient it is and how polluting it is. We should make sure that, as we tell American businesses to get their houses in order, we clean up our act as well.

Through CLEAN TEA, we have the chance to make progress addressing many problems at once—finding additional funding for transportation infrastructure, building money-saving transportation alternatives and lowering greenhouse gas emissions from the transportation sector.

Mr. SPECTER. Mr. President, I have sought recognition to comment on my cosponsorship of the Clean, Low-Emission, Affordable, New Transportation Efficiency Act, CLEAN TEA.

This bill, which I introduced along with Senator CARPER, would establish a fund for transportation initiatives designed to reduce greenhouse gas emissions. The fund would be supported by 10 percent of the proceeds of any future cap-and-trade system established by Congress to address the issue of climate change. The funding could be used by States and local planning organizations for the development of projects such as rail, transit, transit-oriented land use and other initiatives designed to reduce emissions from the transportation sector. It is important to note, however, that the bill is not focused solely on providing alternatives to auto use. Highway operational improvements such as demand management programs and intelligent transportation systems would also be eligible if they reduce emissions by utilizing highway capacity in a more efficient manner.

These are important steps in lowering our Nation's greenhouse gas emissions, reducing our dependence on foreign oil and promoting transportation mobility. Since transportation accounts for one-third of greenhouse gas emissions, it stands to reason that revenue generated from a cap-and-trade system should be devoted to creating a more sustainable transportation future.

WOMEN'S HISTORY MONTH

Mr. FEINGOLD. Mr. President, I am proud to help celebrate Women's History Month today. This is a time to celebrate the contributions of women throughout our history and to recognize the work of so many to secure women's rights and fulfill our Nation's promise of equal justice under the law.

My own State can be proud that so many Wisconsin women have made critical contributions to the movement for women's suffrage, to education, and to countless other areas of American life. Wisconsin achieved extraordinary things to pave the way for suffrage and social progress for generations to come. According to the Wisconsin Historical Society, in 1919 Wisconsin was the first State to ratify the 19th amendment to grant women the right to vote. Sixty years before that historic moment, one of the great leaders of the suffrage movement, Carrie Chapman Catt, was born in Ripon, WI. Catt's lifelong effort to pass the 19th amendment, especially her leadership of the National American Woman Suffrage Association, was vital to the Amendment's ultimate success. And Catt didn't stop there. Once the amendment was ratified, she founded the League of Women Voters to continue and build on the momentum for change that the women's suffrage movement created. Catt's lifetime of persistence and dedication—as a leader for change and, earlier in her life, as the only woman in her graduating class at Iowa Agricultural College and Model Farm—reminds us how hard women throughout our history have worked to secure our rights and freedoms.

We also remember the amazing Wisconsin women who have enriched their local communities, including Margaret Schurz. Schurz started the first kindergarten in the Nation in Watertown, WI, in 1856. Her efforts led to the implementation of kindergarten and early-education programs throughout the United States. Her legacy is a great example of the impact Wisconsin women have had in bringing about progressive change in education and many other areas.

This month we also know that we must continue to advocate for fundamental fairness and equality for women. The enactment of the Lily Ledbetter Fair Pay Act of 2009 to help ensure protection from pay discrimination represents another step forward, but there remains a long road ahead of us. In addition to passing the Fair Pay Act, Congress needs to do more to ensure all of America's citizens receive equal pay for equal work. Wage discrimination costs families thousands of dollars each year. This is hard-earned money that working women simply cannot afford to lose. I am a proud cosponsor of the Paycheck Fairness Act introduced earlier this year. This legislation strengthens penalties for employers who violate the Equal Pay Act and requires the Department of Labor to provide training to employers to help eliminate pay disparities.

I applaud President Obama's announcement that he will convene a White House Council on Women and Girls to ensure that the Federal Government is coordinated in its response to the challenges facing women and girls in our country. As we commemorate Women's History Month, we must continue to honor the tremendous contributions women have made, and renew our commitment to advancing the rights of women everywhere.

REAL STIMULUS ACT

Mr. INHOFE. Mr. President, I have cosponsored Senator VITTER's legislation, The REAL, Resources from Energy for America's Liberty, Stimulus Act of 2009. It is crucial that this Nation realize the need to develop our oil and natural gas resources from the Outer Continental Shelf and ANWR, enact the kind of responsible streamlining of government to not hinder that development, and provide important regulatory relief.

I have consistently highlighted the amounts of U.S. reserves, and I think it is important to continue to point out the amount of reserves in the United States. The OCS holds 14 billion barrels

of oil and 55 trillion cubic feet of gas, which is equivalent to 25 years worth of imports from Saudi Arabia. ANWR holds 10 billion barrels or 15 years worth of imports from Saudi Arabia. Today we would have 1 million additional barrels of oil a day coming from ANWR had President Clinton not vetoed legislation in 1995 to authorize that production. Production from ANWR is entirely responsible. Compared to the size of Alaska, ANWR's 19 million acres is about the same size of South Carolina, and of that area, we propose opening about 1.5 million acres to exploration which is roughly 6 percent of ANWR. Of those 1.5 million acres, only 2,000—an area the size of Washington's Dulles International Airport—would be devoted to drilling. This is only one example of new production which can occur in an environmentally exacting manner.

The legislation also includes important regulatory reforms which outside the energy production components of this bill would be referred to the Environment and Public Works Committee for consideration. Some of the EPW related provisions include streamlining environmental considerations in the leasing of the OCS and ANWR and streamlining reviews for new nuclear power plant licensing. The bill includes language meant to ensure that Federal projects and actions are not needlessly delayed, and therefore made more costly, by required environmental reviews. Too often the NEPA mandated environmental review process is used as the means to slow or stop projects, not based on substantive environmental grounds but, rather, simply because selected individuals oppose the projects. We need to reduce the ability of these not-in-my-backyard interests to continue to manipulate Federal law this way. Too many jobs and economic resources are at stake.

The bill importantly excludes greenhouse gases from the definition of pollutant and prohibits the EPA Administrator from granting waivers to enforce their own tail pipe emission standards. Granting these States a waiver will only result in a patchwork of State regulations and compliance will vary greatly depending on product demand in each State. The U.S. auto industry, already on life support, faces a $47 billion burden this year due to increased national fuel economy standards, according to the National Automobile Dealers Association.

Finally, the bill keeps activists from using the Endangered Species Act from hindering crucial energy exploration and production. Activists' efforts to list species and restrict human activities based on climate change are backdoor attempts to regulate greenhouse gas emissions under the Endangered Species Act. Directly linking species threats to climate change under ESA means that any increase in carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to arguments that those activities are harming any species that is in decline. It allows endless litigation on major activities that are funded, carried out, or authorized by the Federal Government. The economic impacts of regulating greenhouse gases under ESA are enormous. For example, any permit for a powerplant, refinery, or road project in the United States could be subject to litigation if it contributes to total carbon emissions. ESA prompted lawsuits and bureaucratic delays could even extend to past fossil fuel-linked Federal projects if they could increase greenhouse gas emissions or reduce natural carbon dioxide uptake. The ESA is over 30 years old. Its only real success has been to provide full time employment for the radical activists and the trial bar. Most importantly, despite billions of Federal dollars spent, millions of acres of property rights restricted, and the years of red tape delays, barely 1 percent of listed species have actually recovered. If that is not justification to restructure an outdated, ineffective law, I don't know what is—there has to be a better way.

I have long said America is not running out of oil and gas or running out of places to look for oil and gas. America is running out of places where we are allowed to look for oil and gas. The American public has got to demand that the Democrats in Congress allow us to produce from our own resources without unnecessary and burdensome Government regulation.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for the opportunity to provide opinion on our current problems. I work at the site, and was named the outstanding researcher for 2006. By way of further background, I hold a PhD in chemistry, and I have heretofore always voted [conservative].

It seems to me that the key question to be addressed is ''what is the role of the Federal government guiding and fostering energy development and usage in the United States?'' If I could ask one question of yourself, Mr. Risch, Mr. Obama, and Mr. McCain, that would be it.

It further seems to me that the de facto energy policy of our party is ''the private sector will do it.'' I believe that what we have proven over the past 40 years is that this is incorrect. The current cost of energy supports my position: $4 gasoline (with $5 in sight), rising food prices (fueled by a nonsensical corn to ethanol policy), plus the cost of the war in Iraq (Alan Greenspan is correct: it is all about oil). Certainly the cost of electricity and other energy sources will follow suit. While the private sector has proven extremely adept at maximizing profits over a 3 month quarterly-reporting time frame, that appears to be the limit of their time horizon. It is sadly ironic that decisions made in 1974 by France regarding nuclear power and by Brazil (a dictatorship at the time!) in 1975 regarding ethanol, were vastly more far-sighted that what our country has chosen by abrogating energy leadership to the private sector.

Alternatively I believe that strong interaction lead by the Federal government and involving the private sector can solve the problem. While I understand that sounds socialistic, that is exactly how we were able to harness our power to address the challenge of the second world war and the cold war.

I would recommend that you set a goal to have the country be free of imported oil in 15 years. To accomplish this, we will need to find another way to power the transportation sector, and electricity is the only viable alternative. The government should subsidize mass transit and utilization of electric cars and development of next-generation electric cars should be subsidized. Financing for subsidies should come from taxes on the egregious profits realized by oil companies, which we are subsidizing in the form of military defense of the middle east. Clearly the supply of electricity will need to be greatly augmented, and nuclear fission is the best answer for this. While I do not believe that wind or solar have the efficiency to supply the amount of electricity needed, research into improving these technologies should be fostered.

In the process of implementing these policies, a highly desirable collateral effect would be to greatly spur American science. Federal support for basic and applied research would stabilize the funding base, and improve the desirability of the scientific disciplines, which are not in favor with young Americans, because the return on mastery of the fields of math, biology, chemistry and physics are not currently commensurate with the investment required to learn them. To fund this, you will have to figure out how to reign in health care, another item which will require forceful government intervention.

While I am encouraged by your interest in my opinion, I am dismayed by the timing. At this point, the horse is long out of the barn, and if you have done anything to address the situation, it has been invisible to me. Yet, you still have a good fraction of your term remaining, enough time to start acting in the best interest of the United States and her institutions, and to start de-prioritizing those of [individuals] who are only interested in their bottom lines.

Best regards and good luck.

GARY.

To quickly preface my story, I am a professional that nets a salary of roughly $38,000/year with a small family. We have made the

decision that raising good kids and having a mother in the home is more important than making more money. With my salary and my wife's very part-time job, in the past we have been able to absorb minor blows such as unexpected medical situations, needed vehicle repairs, and other unforeseen bills. With the way things are now, such as gas and food prices, we have had to strategize and make every dollar count. There is no complaint on my end, although if and when the next unexpected medical bill happens, it will be difficult. Fortunately we have faith that all will be okay and that we will always be able to pay our bills and enjoy life.

By no means am I asking for a handout. On the contrary, I wish the elected officials that act as our government would step out of the way and allow the hard-working Americans do what they do best; use their intellect to solve problems. Please allow the free market do what it was designed to do. We firmly believe that God created this beautiful Earth for our ''responsible'' use. What I mean is that we should use the resources that are available to us (which are in wonderful abundance here) while at the same time replenish what we can for our posterity. We never bought into this ''Green'' movement and have since discovered that it was all a hoax with horrible intentions.

We will survive whatever comes our way. My family has the ''American Spirit''. I wish that Congress would adopt that same spirit.

DILLON, *Meridian*.

Thank you for asking those you represent what we think and feel about this crisis. The cost of oil going up has affected so many more things than just filling up our tank. We are faced with the choice of going to the doctors, (we have insurance), or get gas or groceries!! We have been unable to have children on our own, and we decided for me to go back to work to save up money for fertility treatments. But now that the gas, food & utility prices have shot up, we are beginning to wonder if we will be able to get to work let alone ever achieve our dream.

I see my siblings trying to raise their children and make ends meet with gas prices the way they are. I hear it in the voices of my co-workers, family, and friends. This is not right! We elected our politicians to be our representatives, not to go to Washington and do what they want. Listen to the majority not the minority. ''For the people by the people.'' We the people are talking. Are you all listening????

First: Drill off shore and in Alaska. Second: Keep working on alternatives like hydrogen, coal to oil, nuclear facilities etc. This country is full of the best and brightest. We ought to show that.

ANNETTE, *Meridian*.

Subject: Final Destination of Alaska Oil is—?

American taxpayers paid to have the Alaskan pipeline built to relieve dependence on foreign oil in the 70s. When oil prices started to drop, the oil companies, BP, Exxon, and etc. cried poor-mouth. They were not getting an adequate return on their investment in the North Slope oil fields. [Congress gave approval for the companies] to take American oil to Asia for a better price than they could get on the West Coast of California or other American markets. Then prices in America started rising, but the oil (our oil!) was still being shipped to Asian countries. To my knowledge, this is still where a lot of the Alaska oil is going.

Question: Is Congress still letting these greedy ruthless oil companies ship desperately needed American oil to Asia for higher prices? If not, when did it stop and where is it being shipped? If they are still shipping American oil to Asia, why the heck hasn't Congress stopped the process?

A response to this situation, and/or a clarification of what is the present status of Alaska oil shipments would be appreciated.

JOE, *Boise*.

I am against increasing domestic production of oil in sensitive areas such as the Arctic. It has not been made clear to me that it would have any other than a minor affect on prices and supply.

I am adjusting to the high gas prices by driving a fuel efficient vehicle and parking the others and using them only when absolutely necessary. I also am careful in my driving habits such as keeping my speed at or below 60 and avoiding undo acceleration. I turn my engine off at stop lights when I expect the wait will be long. I coast down hills when it is safe to do so with the engine off although this can be a dangerous practice.

Here's what I feel our government including congress could to help the situation:

1. Set a national speed of 55 or 60 as was done in the 70s. I think that many people do not understand that higher speeds require more gas than lower speeds to go the same distance because of air friction. This is not publicized. It should be.

2. Stop all speculation in oil trading by whatever means necessary. For me, the frequent (mostly) up and down variations in price at the gas station are more unsettling than the high price.

3. Declare new fuel efficiency standards under emergency conditions. Not some silly minor improvement by 2020! As has been done [in the past]. The auto manufacturers demonstrated how rapidly through research and development just how fast they could come up with catalytic converters in the 70s to meet emission standards. Give them credit! They can perform miracles if they are forced to. Force them!

4. Keep oil prices high but stable. Painful as it is, it seems to me the only way to effect the needed changes. I have no longer any confidence in energy leadership by either government or industry. Government just does what industry wants and what industry wants is to keep things as they are. Our government needs to take a leadership role. For a long, long time, congress and the administration have failed miserably in that role. It is time for a change.

5. Require new cars to have a fuel consumption meter clearly visible to the driver. This would encourage efficient driving. When the driver sees how his miles-per-gallon drops to near zero when accelerating up a hill—well, he might learn to drive more conservatively.

It seems to me that this is our second warning regarding the consequences of our dependence on oil, the first being in the early 70s. Perhaps this is our last warning.

DAVID, *Viola*.

I am but a young college student. I currently live in Middleton with my family for the summer. I will be headed back to University of Idaho this fall for my sophomore year. The $4 per gallon gas prices are ridiculous. While living here in the summer, I begin to realize how lucky I am to be headed back to Moscow where I can get anywhere in town just by riding a bike or walking. Living in Middleton, I need to drive 15 miles to go to work seeing as there are not very many job opportunities located in my town. Some people have to drive even drive further to get to their jobs. I have seen my parents struggle with the prices. They always consider how much it is going to cost us to drive somewhere if we plan on going on a family trip. It definitely complicates things.

I am currently studying Wildlife Resources at my school and have learned much about how environments are affected by polluting toxins that come from coal plants. This should not be an alternative. Also, corn ethanol is not effective, because in order to create enough fuel for everyone in our country, we would need to drastically increase the corn production. Nuclear power, on the other hand, I am unsure about, but what I am sure about is that we are in a decade of change—one that is challenging us. People need to realize that ''global warming'' is not a farce and people should not use excuses such as ''Well, Idaho had a higher average of snowfall this year than in the past 5 years.'' There is a reason it is called ''global warming'' and not ''Idaho warming''. It has to do with average global temperatures and the changing of these temperatures cause climate changes, which could be why we saw so much snow this past winter.

Anyways, to get back on track, we need to shift to cleaner ways of generating energy. We have all heard of harnessing wind, water, solar, and geothermal energy. These are all very costly, but run clean. The solutions are not to use more coal or drill for more oil. Those solutions are just prolonging the problem, which is our dependency. If we open up more drilling sites in America then the gas may be lowered a little bit, but American oil is still finite and will eventually deplete which will put us in the same situation we are in now. The $4 per gallon is a wakeup call that we need to change the way we are doing things and progress; not regress. Hopefully you will help to make this progression that we so desperately need.

DYLAN, *Middleton*.

Thank you for letting me express my frustrations.

This is a very simple problem to solve. Start drilling and alleviate the problems we are currently seeing at the gas pumps, food prices, and other high prices that are occurring with the high prices of fuel. If streamlined and the ability of Congress to cut red tape that is currently enacted, we could start pulling oil out of the ground in 18 months and not 5 to 10 years. Pulling oil out of the ground will make the prices fall plain and simple. [Some] will say that more oil will not cause prices to fall due to the oil companies, but basic economics 101 will tell you that more supply equals less prices plain and simple. It is not rocket science, but [some groups have] been more interested in the redistribution of wealth rather than letting the free market take it is course.

I hear lies and intentional misstatements of the truth coming from [some politicians]. When [will truthtellers start] educating] the public on how much oil we currently have in North America (more than Saudi Arabia), and letting extreme environmentalist entities that they bow to run the show on our energy policy.

I keep hearing from [some] that we cannot drill our way to energy independence. What is their solution then? I have not heard of anything that they are coming up with to alleviate the problem. They do not want nuclear power plants, they do not want to burn coal, and drilling offshore and in ANWR would be horrible for the environment. I have some news for [those folks]: their French buddies have nuclear power plants that are safe and provide clean energy for the people of France. Burning coal or emitting carbon dioxide does not create global warming; it is a natural effect that has occurred over and over again throughout the history of the Earth. Sport fisherman fish off of oil rigs in the sea, and caribou do not care about an oil rig, or pipeline laying on the ground either.

It is time [that we had some leadership and challenged the false information] on energy

policy. If not, the [conservative voices will] have less leadership in Congress, and we will have an energy crisis in the greatest county in the world.

P.S. Can we get some more oil refineries as well?

CORY.

First off, thank you for soliciting comments from your constituents.

Everyone is concerned about, and affected by energy prices. Gas prices are just the tip of the iceberg. Food prices, goods and services prices, utility bills, natural gas up double from last year, airline prices, the housing/credit crisis and a very weak dollar are all affected by our energy emergency. This is not a matter of choice. Either we pursue energy independence or we risk losing the America our forefathers created and our brave soldiers have died fighting for.

Why are we the only civilized country not aggressively pursuing energy independence? France is over 70% nuclear, the EU has plans for over 20 coal plants across Europe, Canada is drilling near our northeastern border, Russia recently gave major tax breaks to oil companies to explore inside their borders and find alternative energy, Brazil is aggressively drilling, China is building dozens of coal plants, nuclear plants and hydroelectric dams, they have also secured a lease (from Cuba) 50 miles off the shore of Key West, Florida. The US hasn't built a refinery in over 30 years. There is something wrong with this picture. Is everyone else on the wrong energy path? Or could it be we are falling behind? I think the answer is obvious.

To me the solution is twofold. Short term and long term. Short term: Allow private industry to aggressively pursue all sources of energy within our borders. We are sitting on billions of barrels of oil, oil shale and coal. Go get it now! We have nuclear technology, coal to oil technology, wind, solar. Long term: Offer incentives to private industries to create new alternative energy sources. American innovators have proved time and time again they are capable of getting the job done. Get the government out of their way and let them lead the world into the next generation of energy production.

DENNIS.

I am writing concerning your call for Idahoans to tell about how oil prices are affecting us. Fortunately I live very close to work so I do not drive much to commute. I do however have to transport children to day care, school and other activities. Trips are almost out of the question now.

Having looked into the facts I fully support drilling in ANWR and OCS. I find it disturbing that we are not already doing so when I hear that other countries, especially some that are not overly friendly to us, are permitting to drill off of our coasts. I think the U.S. should pursue all avenues of collecting domestic fuel sources including coal shale to oil and nuclear. This country should pursue nuclear power in large scale, hydrogen, and other alternatives as well. The fact remains, as you know, that we will need petroleum-based fuels for the foreseeable future and we should produce some of our own.

I think the ethanol projects are a joke as corn is a food product that has so many other uses.

BRANDON, *Idaho Falls.*

The most difficult part of paying so much at the pump is feeling that the whole situation is—at best—the fault of our Washington politicians who have been influenced by environmentalists who seem determined to return our lifestyle to the horse and buggy era.

The most vital step in all you propose is to start claiming our drilling rights in the gulf and to pass legislation which allows us to take advantage of our own oil reserves. The environmentalists have hijacked this whole country by tying the hands of oil companies, who would doubtless do everything possible to lessen our dependence on foreign oil by drilling within our own borders.

DEBORAH.

ADDITIONAL STATEMENTS

REMEMBERING JOSEPH SONNEMAN

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special resident of my home State of Alaska, longtime political activist Joe Sonneman.

Dr. Sonneman passed away March 8, 2009, from Lou Gehrig's disease. He was 64.

He made his unique mark on Alaska beginning in 1971, when he first visited to research a doctoral dissertation on the relationship between oil revenues and state government. He returned after graduate school and lived in the 49th State for most of the rest of his life. In true Alaskan fashion he proved himself to be a jack of many trades. Dr. Sonneman—known most often around his adopted hometown of Juneau only as ''Joe''—was a photographer, postal worker, public policy analyst and taxi driver. He also earned a law degree from Georgetown University and was a frequent candidate for Congress.

On behalf of his family and his many friends I ask today that we honor his memory. I ask that his obituary, published March 10, 2009, in the Juneau Empire, be printed into the CONGRESSIONAL RECORD.

The information follows:

[From the Juneau Empire, Mar. 10, 2009]

(By Joseph Sonneman)

Longtime Juneau political activist Dr. Joseph Sonneman died early March 8, 2009, at Providence Regional Medical Center in Everett, Wash., after a three-year struggle with ALS, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease. He was 64.

He was born in Chicago in 1944, and attended Chicago public schools.

After serving in the U.S. Army from 1963 to 1966, including service as a radar repairman in Korea, he earned a Bachelor of Science in economics from the University of Chicago, and master's and doctorate degrees from Claremont graduate school. While in the master's program in government finance, he was an intern at the NASA Johnson Space Center in Houston. He first came to Juneau in 1971 to conduct research for his doctoral dissertation on the effect of oil income on Alaskan government financial decisions.

When he finished graduate school, he returned to Alaska where he worked as a photographer, budget analyst, taxi driver, heavy equipment oiler on the Alaska pipeline, postal worker, and university instructor. He became interested in the law and earned a J.D. degree from Georgetown School of Law in 1989. He was a member of the Alaska, Hawaii and Washington, D.C. Bar Associations and conducted a law and legal research practice in Juneau.

He was active in politics all his life, and served on numerous local and state Democratic Party committees and as Alaska Democratic Party treasurer. He ran for Mayor of Juneau in 1973. He also ran in the primaries for the U.S. House in 1974, and for the U. S. Senate in 1978, 1992, 1996, and in 1998 succeeded in becoming the Democratic Party nominee for U.S. Senate but lost the election to Republican incumbent Frank Murkowski.

He was a member of Veterans of Foreign War Post 5559; Pioneers of Alaska Juneau Igloo Number 6; Juneau World Affairs Council; Juneau Chapter of AARP; and Paralyzed Veterans of America, and served on the Juneau Commission on the Aging.

As a photographer, he followed the example of Klondike Gold Rush photographer A. E. Hegg, and documented the construction of the Trans-Alaska Pipeline with an 8-by-10-inch view camera. Over his career, he had one-person shows at the San Jose Museum of Art, the University of Oklahoma Museum of Art, the Alaska State Museum, the Chicago Museum of Science and Industry and Harper Hall at Claremont Graduate University.

After his diagnosis of ALS, he moved to Washington to be closer to family members. He lived for two years at the Washington State Veterans Home near Seattle and was also an intermittent patient at the Veterans' Administration hospital in Seattle.

Survivors include his mother, Edith Sonneman of Chicago; and sisters Eve Sonneman of New York, Toby Sonneman of Bellingham, Wash., and Milly Sonneman of Sausalito, Calif.

Burial will be at the Sitka National Cemetery with Jewish graveside services at a date yet to be determined. Arrangements are also pending for a Juneau memorial service.

Donations in Dr. Sonneman's memory may be made to the Joe Sonneman Prize In Photography Endowment c/o David Carpenter, Claremont Graduate University Advancement Office, 165 10th St., Claremont, CA 91711.•

2009 NATIONAL CHAMPIONS

• Mr. VITTER. Mr. President, I would like to recognize the St. Catherine of Siena girls' varsity cheerleaders for being named the 2009 National Champions at the National High School Cheerleading Championship held in Orlando, FL, on February 8. I would like to take a few moments to congratulate them on their tireless efforts to bring their school and our State success.

The event was held at the Walt Disney World Resort and is produced by the Universal Cheerleaders Association. It is the most prestigious event for cheerleaders. Close to 8,000 of the Nations top cheerleaders from 400 teams in 33 States were invited to participate in the competition, including St. Catherine of Siena.

The St. Catherine squad is under the direction of Sandy Spitale and Debra L'Hoste and includes 22 students from the fifth, sixth, and seventh grades. Its members are Lauren Artigues, Ashley Barbier, Brooke Caldwell, Caroline Caldwell, Kaitlyn Coman, Elizabeth Cousins, Claire Crumb, Elise Delahoussaye, Rachel Douglass, Tiffany Forest, Callie Frey, Thia Le, Krista Liljeberg, Kelli Murphy, Allie Nicaud, Tessa Norris, Rachael Poissenot, Jessica Pottinger, Sophia Serpas, Kelsey Singletary, Kyla Szubinski, and Victoria Varisco. They were the only team from Louisiana to take home the title this year.

In addition to their impressive competitive skills, the SCS cheerleading squad also actively participates in community events through the year and represents the youth of the Greater New Orleans Area proudly. They have received numerous Leadership and Community Service Awards for their involvement in various volunteer programs.

Thus, today I congratulate these young ladies on their accomplishments as a competitive team and also as young leaders in their community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the ''Year of the Military Family''.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 80. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the ''Year of the Military Family''; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 49. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy.

*Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Kent P. Bauer and ending with Mark S. Mackey, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Coast Guard nominations beginning with Corinna M. Fleischmann and ending with Kelly C. Seals, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

By Mr. BAUCUS for the Committee on Finance.

*Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David S. Kris, of Maryland, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Mr. GREGG):

S. 576. A bill to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 577. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 578. A bill for the relief of Tim Lowery and Paul Nettleton of Owyhee County, Idaho; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 579. A bill to establish a comprehensive Federal tobacco product regulatory program, to create a Tobacco Regulatory Agency, to prevent use of tobacco products by youth, and to provide protections for adult tobacco product users through the regulation of the tobacco products manufacturing industry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. 580. A bill to prevent the undermining of the judgments of courts of the United States by foreign courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. CASEY, Mr. JOHANNS, and Mr. SANDERS):

S. 581. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS (for himself and Mr. DURBIN):

S. 582. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ALEXANDER, and Mr. DURBIN):

S. 583. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself and Mr. CARPER):

S. 584. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 585. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mrs. MURRAY:

S. 586. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 587. A bill to establish a Western Hemisphere Energy Cooperation Forum to establish partnerships with interested countries in the hemisphere to promote energy security through the accelerated development of

sustainable biofuels production and energy alternatives, research, and infrastructure, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 588. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. COCHRAN, and Mr. CARDIN):

S. 589. A bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 590. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 592. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. SCHUMER):

S. 593. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 594. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 74. A resolution expressing the sense of the Senate on the importance of strengthening bilateral relations in general, and investment relations specifically, between the United States and Brazil; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 75. A resolution commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's First Zoo; considered and agreed to.

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 49, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 262

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 262, a bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes.

S. 277

At the request of Mr. BROWN, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 310

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 310, a bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program.

S. 379

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service of Combat-Related Special Compensation.

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 546, supra.

S. 561

At the request of Mr. THUNE, his name was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 564

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 564, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 567

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 570

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. RES. 66

At the request of Mr. BOND, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 66, a resolution designating 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 577. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Immigration Fraud Prevention Act of 2009, on behalf of myself and Senator KENNEDY, to prevent the exploitation of people, citizens, and non-citizens alike, who are preyed on when seeking immigration assistance.

The Immigration Fraud Prevention Act would prevent and punish fraud and misrepresentation in the context of immigration proceedings. The act would create a new Federal crime to penalize those who engage in schemes to defraud aliens in connection with Federal immigration laws.

Specifically, the act would make it a Federal crime to wilfully and knowingly defraud or obtain or receive money or anything else of value from any person by false or fraudulent pretences, representations, or promises; and to wilfully, knowingly, and falsely represent that an individual is an attorney or accredited representative in any matter arising under Federal immigration law.

Violations of these crimes would result in a fine, imprisonment of not more than 5 years, or both.

The bill would also authorize the Attorney General and the Secretary of Homeland Security to use task forces currently in existence to detect and investigate individuals who are in violation of the immigration fraud crimes as created by the bill.

The act would also work to prevent immigration fraud by requiring that Immigration Judges issue warnings about unauthorized practice of immigration law to immigrants in removal proceedings, similar to the current law that requires notification of pro bono legal services to these immigrants; requiring the Attorney General to provide outreach to the immigrant community to help prevent fraud; providing that any materials used to carry out notification on immigration law fraud is done in the appropriate language for that community; and requiring the distribution of the disciplinary list of individuals not authorized to appear before the immigration courts and the Board of Immigration Appeals, BIA, currently maintained by the Executive Office of Immigration Review, EOIR.

Unfortunately, the need for Federal action to prevent and prosecute immigration fraud has escalated in recent years as citizens and non-citizens attempt to navigate the immigration legal system. Thus far, only States have sought to regulate the unauthorized practice of immigration law.

Since immigration law is a federal matter, I believe the solution to such misrepresentation and fraud should be addressed by Congress.

By enacting this bill, Congress would help prevent more victims like Vincent Smith, a Mexican national who has resided in California since 1975. His wife is an American citizen, and they live with their 6 U.S. citizen children in Palmdale, CA.

Mr. Smith would likely have received a green card at least two different times during his stay in California. However, in attempting to get legal counsel, Mr. Smith hired someone whom he thought was an attorney, but was not. As a result, Mr. Smith was charged more than $10,000 for processing his immigration paperwork, which was never filed. Mr. Smith now has no legal status and faces removal proceedings.

Another victim of immigration fraud is Raul, a Mexican national, who came to the United States in 2000. He also married a U.S. citizen, Loraina, making him eligible to apply for a green card. Raul and his wife went to Jose for legal help. Jose's business card said he had a ''law office'' and that he was an ''immigration specialist.'' But Jose was not a specialist and charged Raul $4,000 to file a frivolous asylum petition. While Raul thought he was going to receive a green card, he was instead placed into removal proceedings.

From California to New York, there are hundreds of stories like these. Many immigrants are preyed on because of their fears—others on their hope of realizing the American dream. They are charged exorbitant fees for the filing of frivolous paperwork that clog our immigration courts and keep families and businesses waiting in limbo for years.

Law enforcement officials say that many fraudulent ''immigration specialists'' close their businesses or move on to another part of the state or country before they can be held accountable. They can make $100,000 to $200,000 a year and the few who have been caught rarely serve more than a few months in jail. Often victims of such crimes are deported, sending them back to their home countries without accountability for the perpetrator of the fraud.

Most recently, hundreds of immigrants were exploited by Victor M. Espinal, who was arrested for allegedly posing as an immigration attorney. Nearly 125 of Mr. Espinal's clients attended the New York City Bar Association's free clinic to address their legal and immigration options. According to prosecutors, Mr. Espinal falsely claimed on his business cards that he was licensed and admitted to the California bar as well as the bar in the Dominican Republic.

Organizations such as the Los Angeles Country Bar Association, National Immigration Forum, American Immigration Lawyers Association, and American Bar Association have been documenting this exploitation for many years. Today, I ask my colleagues to join me and Senator KENNEDY in putting an end to it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 577

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 ''Immigration Fraud Prevention Act of 2009''.

SEC. 2. SCHEMES TO DEFRAUD ALIENS.

(a) AMENDMENTS TO TITLE 18.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1041. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who willfully and knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender willfully and knowingly claims or represents is authorized by or arises under Federal immigration laws, to—

''(1) defraud any person; or

''(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) MISREPRESENTATION.—Any person who willfully, knowingly, and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations or any successor regulation to such section) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item related to section 1040 the following:

''1041. Schemes to defraud aliens.''.

(b) INVESTIGATION OF SCHEMES TO DEFRAUD ALIENS.—The Attorney General and the Secretary of Homeland Security shall use the Executive Office of Immigration Review to detect and investigate individuals who are in violation of section 1041 of title 18, United States Code, as added by subsection (a)(1).

SEC. 3. NOTICE AND OUTREACH.

(a) NOTICE TO ALIENS IN IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Subparagraph (E) of section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)) is amended to read as follows:

''(E)(i) The alien may be represented by counsel and the alien will be provided—

''(I) a period of time to secure counsel under subsection (b)(1); and

''(II) a current list of counsel prepared under subsection (b)(2).

''(ii) A description of who may represent the alien in the proceedings, including a notice that immigration consultants, visa consultants, and other unauthorized individuals may not provide that representation.''.

(2) LIST OF DISCIPLINED PRACTITIONERS.—Subsection (b) of section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(A) by redesignating paragraph (3) as paragraph (6); and

(B) by inserting after paragraph (2) the following new paragraphs:

''(3) LIST OF DISCIPLINED PRACTITIONERS.—The Attorney General shall provide for lists (updated no less often than quarterly) of persons who are prohibited for providing representation in immigration proceedings.

''(4) FOREIGN LANGUAGE MATERIALS.—The materials required to be provided to an alien under this subsection shall be provided in appropriate languages, including English and Spanish.

''(5) ORAL NOTIFICATION.—At the earliest possible opportunity, an immigration judge shall orally advise an alien in a removal proceeding of the information described in paragraphs (2) and (3).''.

(b) OUTREACH TO IMMIGRANT COMMUNITIES.—

(1) AUTHORITY TO CONDUCT.—The Attorney General, through the Director of the Executive Office for Immigration Review, and the Secretary of Homeland Security shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE.—The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY.—The Attorney General and the Secretary of Homeland Security shall make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available—

(A) at appropriate offices that provide services or information to aliens; and

(B) through Internet websites that are—

(i) maintained by the Attorney General or the Secretary; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under paragraph (1) shall be made available to immigrant communities in appropriate languages, including English and Spanish.

By Mr. BENNET (for himself, Mr. CASEY, Mr. JOHANNS, and Mr. SANDERS):

S. 581. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture. Nutrition, and Forestry.

Mr. JOHANNS. Mr. President, I rise today to offer my support for the Military Family Nutrition Protection Act, which we introduced today to protect the eligibility of military families for nutrition assistance programs. This bill will do a great service to the families of our men and women serving in uniform in combat zones overseas.

When a soldier is deployed to a combat zone such as Iraq or Afghanistan, he or she receives a temporary increase in pay called ''combat pay.'' Too often, combat pay increases the soldier's salary to a level that makes his family ineligible for essential nutrition assistance programs like the School Lunch and School Breakfast programs; the Special Supplemental Nutrition Program for Women, Infants, and Children; and other programs. The family can no longer receive government assistance for food, despite the fact that the soldier's increase in pay is only temporary.

Our bill will remove this burden from our military families and stop punishing them for the sacrifices their loved ones make overseas. The bill stipulates that combat zone pay be excluded from consideration when determining a family's eligibility for all child nutrition programs. That way, when a soldier deploys to a combat zone, his or her family can continue to receive the nutrition assistance it needs, and our soldiers have one less thing to worry about in the combat zone.

As Secretary of Agriculture, I proposed a similar combat pay exemption for Food Stamp eligibility, a proposal that was included in the final version of the Farm Bill passed by Congress last year. The Military Family Nutrition Protection Act is the logical next step to ensuring our military families get the assistance they need while their loved ones are away at war.

As a member of the Senate Agriculture Committee, I am proud to cosponsor this important piece of legislation. I look forward to working on the upcoming reauthorization of the child nutrition programs, and I will urge my colleagues on the Committee and in the Senate to include the Military Family Nutrition Protection Act as part of that reauthorization.

By Mr. SANDERS (for himself and Mr. DURBIN):

S. 582. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Banking, Housing, and Urban affairs.

Mr. SANDERS. Mr. President, as I think all Americans understand, there is a new sense of outrage today at what Wall Street has done through their greed, their recklessness and, perhaps, illegal behavior, in plunging this Nation and, in fact, the world into a deep recession, which has caused the loss of millions and millions of jobs, had an extraordinarily negative impact on so many people's lives in terms of their savings and their ability to send their kids to college, and in terms of the loss of their homes. That is what Wall Street has done.

In my view, as I have said time and time before, we must have a deep investigation to understand what this crisis was, who are the people responsible for all of this damage, and we must hold them accountable. In fact, it will be a test of the criminal justice system of this country if, in fact, we have the courage to say to these millionaires and billionaires: You know what, the law applies to you too, and you cannot act illegally and cause so much damage to our country and the world.

One of the many senses of anger and frustration that we hear from the American people, one of them that I hear about very often from Vermonters, as well as people all over this country, is that at a time when we are providing hundreds of billions of dollars to bail out Wall Street, at a time when large banks are borrowing money from the Fed at a zero interest rate, the response of Wall Street has been to say: Thank you very much for all of that, and now we are going to charge you 15, 20, 25, 30 percent interest rates on your credit cards.

It seems to me that when the middle class is shrinking, when people are losing their savings, when people are losing their jobs, it is an absolute outrage that Wall Street, which is being bailed out by the taxpayers of this country, is now charging exorbitant and usurious interest rates for the American people.

What we are seeing now all over this country is millions of people who are suddenly receiving notices from these banks that say, oh, by the way, we are going to double or triple your interest rate. That is wrong and that has to end.

I am not going to quote from the Bible, but trust me, it goes back to the Bible, where there are very clear references to the immorality of usury. In fact, what we have to understand is that what Wall Street and these credit

card companies today are doing is not anything different than what gangsters and loan shark artists do who break people's kneecaps when they don't pay back, only these gangsters have three-piece suits and have millions of dollars. But at the same time they are destroying people's lives by charging 25, 30 percent interest rates.

Today, I will be introducing legislation that will require any lender in this country to immediately cap all interest rates on consumer loans at 15 percent, including credit cards.

How do we select 15 percent as the appropriate number to deal with the usury which is going on in this country? The reason we selected that number is because 15 percent is the same interest rate cap Congress imposed on credit union loans almost 30 years ago when it amended the Federal Credit Union Act.

Many people do not know this, but, in fact, right now credit unions, with certain exceptions, have to charge interest rates of 15 percent or lower. I do not see the credit unions of this country coming to Congress for hundreds of billions of dollars in bailouts. In fact, they are doing quite well. They are responding to the credit needs of their small businesses in their communities and to individuals. They are doing well. They have survived and have thrived with this regulation.

Right now, the National Credit Union Administration imposes a 15-percent cap, except under certain circumstances where the interest rate can go as high as 18 percent. The legislation I will be introducing today also would allow banks to charge higher interest rates if the Federal Reserve determines that is a necessity to maintain the safety and the soundness of lenders.

Essentially all we are saying today is we have to end the outrage by which Wall Street and large credit card companies are ripping off the American people, and the solution we are proposing is to simply emulate what the Federal Credit Union Act does for the credit unions all over this country.

I am very proud Senator DICK DURBIN is an original cosponsor of this legislation. I hope many of my colleagues will join him in sponsoring this bill.

Interestingly enough, the proposal we are introducing today is very similar to one former Senator Al D'Amato advocated for in 1991 when he offered an amendment to cap credit card interest rates. The D'Amato amendment would have capped all credit card interest rates at 14 percent. I should mention that amendment was adopted by the Senate with a vote of 74 to 19. If the Senate voted overwhelmingly in favor of that amendment back in 1991, I hope we will have at least or more support for my bill today because the problem today actually is far more severe.

This is legislation the American people want. The American people are sick and tired of being ripped off by Wall Street, especially when they are bailing out these large financial institutions.

Credit card use today is no longer just for luxuries. All over this country, people are buying their groceries with credit cards, and they are buying other basic necessities with credit cards because they have no other alternative. Young people are paying some of their college expenses with credit cards. Given that reality, given the fact that the middle class is hurting, it seems to me that if we are going to respond to the needs of the American people, we need to deal with the usury that is going on in this country. We need to cap interest rates.

I look forward very much to my colleagues supporting this legislation.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ALEXANDER, and Mr. DURBIN):

S. 583. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce, with my colleague, Senator PRYOR, the Building a Stronger America Act. This bipartisan legislation is a vital step toward recognizing the value of ''science parks''—which are concentrated high-tech, science, and research-related businesses—in strengthening America's global competitiveness. Through the development of new innovative technologies, competing and complementary companies working within close quarters are able to build upon each other's ideas when entering the national and global marketplace. Unlike well known industrial parks, science parks focus primarily on innovation and product advancement. These parks are a vital part of the Nation's economy, creating 2.57 jobs for each core job in a science park.

As ranking member of the Senate Committee on Small Business and Entrepreneurship and a senior member of the Senate Commerce Committee, I adamantly encourage increased investment in new and existing science, research, and technology parks throughout the United States as it is vital in the creation of new jobs. Our legislation would allow the Secretary of Commerce to guarantee up to 80 percent of loans exceeding $10 million for the construction of science parks. Additionally, the bill would provide grants for the development of feasibility studies and plans for the construction or expansion of science parks. This bipartisan measure would drive innovation and regional entrepreneurship by enabling science parks to renovate or build, while also encouraging rural and urban States to undertake studies on developing their own successful clusters.

On August 9, 2007, the President signed into law, the America Competes Act legislation authorizing $43 billion of new funding over the next three fiscal years that will boost Federal investment in math and science education programs. The bill we are introducing today would help to ensure that this workforce is provided with avenues in which to operate, building on the efforts of the America Competes Act by increasing research funding and education for our innovative workforce.

In my home State of Maine, we simply do not have the population density in any given area to support traditional science parks. However, Maine is a national leader in providing business ''incubation'' services. Incubators are critical to the success of new companies. To help startup entrepreneurs in Maine, incubation centers around the State provide business support tailored to companies in their region. The benefit of business incubators in Maine has been nothing short of monumental, with 87 percent of all businesses that graduate from incubators remaining in business, surviving, and creating new jobs. The seven technology centers located throughout Maine play a pivotal role in promoting technology-led economic development by advancing their own regional competitive advantages. Under the Building a Stronger America Act, both science parks and business incubators will be eligible for its vital assistance.

Residency in science parks provides businesses with numerous advantages, including access to a range of management, marketing, and financial services. At its heart, a science park provides an organized link to local research centers or universities, providing resident companies with the constant access to the expertise, knowledge, and technology they need to grow. These innovation centers are specifically geared toward the needs of new and small companies, providing a controlled environment for the incubation of firms and the achievement of high growth.

It is also vital to point out that the jobs science parks reflect the needs of a high-tech, innovative, and global marketplace. Science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs, for a total of 750,000 jobs in North America.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Through America's investments in science and technology, we continually change our country for the better. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation, and I urge my colleagues to support this legislation.

By Mr. AKAKA (for himself, Mr. BINGAMAN and Mr. DURBIN):

S. 585. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, today I am introducing the Taxpayer Abuse Prevention Act. Refund anticipation loans, RALs, are short term loans facilitated by tax preparers and secured by a taxpayer's expected tax refund which typically carry a three or four digit interest rate. These predatory RALs prey on low-income taxpayers, diminishing their earned tax credits.

Earned Income Tax Credit, EITC, benefits are intended to help working families meet their food, clothing, housing, transportation, and education needs. According to the Internal Revenue Service, IRS, in 2007 EITC filers made up 63 percent of all RAL consumers despite being only 17 percent of the taxpayer population. The National Consumer Law Center estimates $567 million was drained out of the EITC program in 2007 by RAL loan and add-on fees. Working families cannot afford to lose a significant portion of their EITC funds by expensive, short-term RALs.

The high interest rates and fees charged on RALs are not justified because these loans are outstanding for only a short length of time and present minimal risk to lenders because of the Debt Indicator, DI, program. The DI program is a service provided by the IRS that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists tax preparers in ascertaining the ability of applicants to obtain their full refund so that the RAL can be repaid.

It is troubling that the Department of the Treasury facilitates the use of RALs. In 1995, use of the DI program was suspended because of massive fraud in e-filed returns with RALs. The use of the DI program was reinstated in 1999. The effect of the DI program on total RAL volume is clear: the number of RALs fell dramatically following the suspension of the program in 1995 and rose again to pre-suspension levels immediately following its reinstatement in 1999. Use of the DI program should once again be stopped because it is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The Department of the Treasury should not be facilitating the use of RALs that allow tax preparers to reap outrageous profits by exploiting working families.

The Taxpayer Abuse Prevention Act will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers by terminating the DI program, and expand access to opportunities for saving and lending at mainstream financial services. My bill prohibits refund anticipation loans that utilize EITC benefits. Other federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

Too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by reliance on high-cost and often predatory financial services. In addition, the unbanked are unable to save in preparation for the loss of a job, a family illness, a down payment on a first home, or education expenses.

To address this problem, my bill also expands access to mainstream financial services. Electronic Transfer Accounts, ETAs, are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments, such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a RAL.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

The timeliness of this legislation has never been greater. I urge all of my colleagues to support this important bill that offers consumer protection from predatory RALs and expand access to mainstream financial services.

I want to thank my colleagues, Senator BINGAMAN and Senator DURBIN, for cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 585

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 ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 7. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the

Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 8. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

By Mrs. MURRAY:

S. 586. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I am pleased to introduce legislation that would make a tremendous difference in the lives of the millions of Americans suffering from neurological illnesses, injuries, or disorders.

An estimated one in three Americans suffers from some kind of neurological condition, from Alzheimer's to Parkinson's to multiple sclerosis. An increasing number of our troops and veterans suffer from disorders such as Traumatic Brain Injury, TBI, and Post-Traumatic Stress Disorder, PTSD.

Yet, despite this, we still have only a limited understanding of how the brain works, or how best to treat, diagnose, and cure neurological diseases and conditions. It is taking a terrible toll on our families and communities.

I know from experience how devastating these brain injuries and disorders are for victims and their families. My own father developed MS when I was young, and when he became too sick to work, my family had to rely on food stamps for a time just to get by.

Every day, we hear heart-wrenching stories of Iraq and Afghanistan veterans suffering from TBI and PTSD. Veterans with these disorders are more likely to struggle with joblessness, homelessness, substance abuse, and depression. Many are in pain, desperate for help, but unsure where to find it. And, tragically, an increasing number are taking their own lives as a result.

A recent study by the Institute of Medicine, IOM, found that the long-term health consequences of TBI alone include dementia, Parkinson's-like symptoms, seizures, and problems related to socialization and unemployment. Clearly, TBI and related disorders will affect our servicemembers and veterans far into the future, and we owe it to them to develop better treatments and understanding of these injuries and disorders.

The Neurotechnology Initiative Act of 2009, which I am introducing today, would coordinate our efforts to support new developments in research, speed up our understanding of the human brain, and help lead to treatments for all victims of neurological disorders.

The legislation would make needed improvements to the research system in our country, which now is disjointed, often limiting the ability for life-altering research to reach patients in need. For example, it costs nearly $100 million more—and takes 2 years longer than average—to bring a drug that treats a neurological disease to the market. The combined economic burden of these illnesses and disorders is estimated at $1 trillion annually.

The National Neurotechnology Initiative Act would increase funding to the National Institutes of Health, NIH; help remove bottlenecks in the system to speed up research; coordinate neurological research across federal agencies by creating a blueprint for neuroscience at NIH; and streamline the FDA approval process for life-changing neurological drugs—without sacrificing safety.

The act also has economic benefits. It will help create jobs in the emerging field of neurotechnology. By developing better treatments, we can reduce health care costs for everyone.

This research also has the potential to transform highly specialized areas of medicine, computing, and defense. Most importantly, it could save or improve the lives of millions of Americans.

I am proud that this bill has support in the House, and I look forward to working on it with my colleagues here in the Senate.

By Mr. LUGAR:

S. 587. A bill to establish a Western Hemisphere Energy Cooperation Forum to establish partnerships with interested countries in the hemisphere to promote energy security through the accelerated development of sustainable biofuels production and energy alternatives, research, and infrastructure, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 587

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 ''Western Hemisphere Energy Compact''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Western Hemisphere Energy Cooperation Forum.
Sec. 5. United States-Brazil biofuels partnership.
Sec. 6. International agricultural extension programs.
Sec. 7. Biofuels feasibility studies.
Sec. 8. Regional development banks.
Sec. 9. Carbon credit trading mechanisms.
Sec. 10. Energy crisis response preparedness.
Sec. 11. Energy foreign assistance.
Sec. 12. Energy public diplomacy.
Sec. 13. Report.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The engagement of the United States Government on energy issues with governments of willing countries in the Western Hemisphere is a strategic priority because such engagement can help to—

(A) reduce the potential for conflict over energy resources;

(B) maintain and expand reliable energy supplies;

(C) expand the use of renewable energy; and

(D) reduce the detrimental effects of energy import dependence.

(2) Several nations in the Western Hemisphere, including Brazil, Canada, Mexico, the United States, and Venezuela, are important for global energy security and climate change mitigation.

(3) Current energy dialogues and agreements should be expanded and refocused, as needed, to meet the challenges described in paragraph (1).

(4) Countries in the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral and regional relationships among countries in the Western Hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, and coal, and there are significant opportunities for the production of renewable energy, including hydroelectric, solar, geothermal, and wind power. Countries in the Western Hemisphere can provide convenient and reliable markets for their own energy needs and for foreign trade in energy goods and services.

(5) Development of sustainable energy alternatives in countries in the Western Hemisphere can improve energy security, balance of trade, and environmental quality, and can provide markets for energy technology and agricultural products.

(6) Brazil and the United States have led the world in the production of ethanol. Deeper cooperation on biofuels with other countries in the hemisphere would extend economic, security, and political benefits. The Government of the United States has actively worked with the Government of Brazil to develop a strong biofuels partnership and to increase the production and use of biofuels. On March 9, 2007, the Memorandum of Understanding Between the United States

and Brazil to Advance Cooperation on Biofuels was signed in Sao Paulo, Brazil.

(7) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere. Several countries in the Western Hemisphere have endangered their investment climate. Other countries in the Western Hemisphere have been unable to make reforms necessary to create investment climates necessary to increase the domestic production of energy.

(8) It is the policy of the United States to promote free trade in energy among countries in the Western Hemisphere, which would—

(A) help support a growing energy industry;

(B) create jobs that benefit development and alleviate poverty;

(C) increase energy security through supply diversification; and

(D) strengthen integration among countries in the Western Hemisphere through closer cooperation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BIOFUEL.—The term ''biofuel'' means any liquid fuel that is derived from biomass.

(2) BIOMASS.—The term ''biomass'' means any organic matter that is available on a renewable or recurring basis, including agricultural crops, trees, wood, wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, animal wastes, municipal wastes, and other waste materials.

(3) PARTNER COUNTRY.—The term ''partner country'' means a country that has agreed to conduct a biofuels feasibility study under section 7.

(4) REGIONAL DEVELOPMENT BANK.—The term ''regional development bank'' means the African Development Bank, the Inter-American Development Bank, the Andean Development Corporation, the European Bank for Reconstruction and Development, and the Asian Development Bank.

SEC. 4. WESTERN HEMISPHERE ENERGY COOPERATION FORUM.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, shall seek to establish a ministerial forum with countries in the Western Hemisphere to be known as the Western Hemisphere Energy Cooperation Forum (in this subsection referred to as the ''Energy Forum'').

(b) PURPOSES.—The purposes of the Energy Forum shall be to—

(1) strengthen relationships between countries of the Western Hemisphere through cooperation on energy issues;

(2) enhance cooperation, including information and technology cooperation, between major energy producers and major energy consumers in the Western Hemisphere;

(3) explore possibilities for countries in the Western Hemisphere to work together to promote renewable energy production (particularly in biofuels) and to lessen dependence on oil imports without reducing food security;

(4) ensure the energy supply is sufficient to facilitate continued economic, social, and environmental progress in the countries of the Western Hemisphere;

(5) provide an opportunity for open dialogue and joint commitments among partner countries and with private industry;

(6) provide partner countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere and to find solutions that are politically acceptable and practical in policy terms; and

(7) improve transparency in the energy sector.

(c) ACTIVITIES.—The Secretary of State, together with the Secretary of Energy, shall seek to implement, in cooperation with partner countries—

(1) an energy crisis initiative that will promote national and regional measures to respond to temporary energy supply disruptions, including participation in a Western Hemisphere energy crisis response mechanism in accordance with section 9(b);

(2) an energy sustainability initiative to facilitate the long-term security of the energy supply by fostering reliable sources of energy and improved energy efficiency, including—

(A) developing, deploying, and commercializing technologies for producing sustainable renewable energy within the Western Hemisphere;

(B) promoting production and trade in sustainable energy, including energy from biomass;

(C) facilitating investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), and energy efficiency (including automotive efficiency), cleaner fossil energy, renewable energy, and carbon sequestration technologies;

(D) promoting regional infrastructure and market integration;

(E) developing effective and stable regulatory frameworks;

(F) developing policy instruments to encourage the use of renewable energy and improved energy efficiency;

(G) establishing educational training and exchange programs between partner countries;

(H) identifying and removing barriers to trade in technology, services, and commodities;

(I) promoting dialogue and common measures of environmental sustainability for energy practices; and

(J) mapping potential energy resources from hydrocarbons, hydrokinetic, solar, wind, biomass, and geothermal;

(3) an energy for development initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including—

(A) increasing access to energy services for the poor;

(B) improving energy sector market conditions;

(C) promoting rural development though biomass and other renewable energy production and use;

(D) increasing transparency of, and participation in, energy infrastructure projects;

(E) promoting development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies;

(F) facilitating the use of carbon sequestration methods in agriculture and forestry, including facilitating participation in international carbon markets; and

(G) developing microenergy opportunities;

(4) a climate change mitigation and adaptation initiative, including activities such as—

(A) coordinating regional public and private partnerships for greenhouse gas reduction;

(B) identifying opportunities and facilitating mechanisms for forest preservation and reclamation;

(C) sharing best practices in energy policy formulation and execution;

(D) identifying areas at severe risk for climate change, such as drought, flooding, and other environmental phenomena that could lead to crisis;

(E) identifying areas in need of agricultural innovation to prepare for climate change, including using biotechnology where appropriate; and

(F) cataloging greenhouse gas emissions in the Western Hemisphere, including private sector reporting; and

(5) the increase use of biofuels based on the studies provided by each partner country under section 7.

(d) IMPLEMENTATION.—It is the sense of Congress that—

(1) all partner countries should meet at least once every year;

(2) partner countries should meet on a subregional basis, as needed; and

(3) civil society, indigenous populations, and private industry representatives should be integral to the activities of the Energy Forum.

(e) WESTERN HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, shall seek to establish a Western Hemisphere Energy Industry Group (in this subsection referred to as the ''Energy Group'') within the Energy Forum. The Energy Group should include representatives from industry and governments in the Western Hemisphere.

(2) PURPOSES.—The purposes of the Energy Group are to—

(A) increase public-private partnerships;

(B) foster private investment;

(C) enable countries in the Western Hemisphere to devise energy agendas that are compatible with industry capacity and cognizant of industry goals; and

(D) promote transparency in financial flows in the extractive industries in accordance with the principles of the Extractive Industries Transparency Initiative.

(3) DISCUSSION TOPICS.—It is the sense of Congress that the Energy Group should—

(A) promote a secure investment climate;

(B) research and deploy biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon capture and storage;

(C) develop and deploy energy efficient technologies and practices in the industrial, residential, and transportation sectors;

(D) invest in oil and natural gas production and distribution;

(E) maintain transparency of data relating to energy production, trade, consumption, and reserves;

(F) promote biofuels research; and

(G) establish training and education exchange programs.

(f) OIL AND NATURAL GAS WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary of State and the Secretary of Energy shall seek to establish an Oil and Gas Working Group within the Energy Forum or the Energy Group.

(2) PURPOSE.—The purpose of the Oil and Gas Working Group shall be to strengthen dialogue between international oil companies, national oil companies, and civil society groups on issues relating to international standards on transparency, social responsibility, and best practices in leasing and management of oil and natural gas projects.

(g) APPROPRIATION.—There are authorized to be appropriated to the Secretary of State $6,000,000 for fiscal year 2010 to carry out this section.

SEC. 5. UNITED STATES-BRAZIL BIOFUELS PARTNERSHIP.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy, shall work with the Government of Brazil to—

(1) coordinate efforts to promote the production and use of biofuels among countries

in the Western Hemisphere, giving preference to those countries that are among the poorest and most dependent on petroleum imports, including—

(A) coordinating the biofuels feasibility studies described in section 7;

(B) collaborating on policy and regulatory measures to—

(i) promote domestic biofuels production and use, including related agricultural and environmental measures;

(ii) reform the transportation sector to increase the use of biofuels, increase efficiency, reduce emissions, and integrate the use of advanced technologies; and

(iii) reform fueling infrastructure to allow for the use of biofuels and other alternative fuels;

(2) invite the European Union, China, India, South Africa, Japan, and other interested countries to join in and expand existing international efforts to promote the development of a global strategy to create global biofuels markets and promote biofuels production and use in developing countries;

(3) assess the feasibility of working with the World Bank and relevant regional development banks regarding—

(A) biofuels production capabilities; and

(B) infrastructure, research, and training related to such capabilities; and

(4) develop a joint and coordinated strategy regarding the construction and retrofitting of pipelines and terminals near major fuel distribution centers, coastal harbors, and railroads.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State $6,000,000 for fiscal year 2010 to carry out this section.

SEC. 6. INTERNATIONAL AGRICULTURAL EXTENSION PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall work with the Government of Brazil, the Government of Canada, and other governments of partner countries, to facilitate joint agricultural extension activities related to biofuels crop production, biofuels production, and the measurement and reduction of greenhouse gas emissions.

(b) EDUCATIONAL GRANTS.—The Secretary of Energy, in coordination with the Secretary of State and the Secretary of Agriculture, and in collaboration with the Government of Brazil, shall establish a grant program to finance advanced biofuels research and collaboration between academic and research institutions in the United States and Brazil.

(c) FUNDING SOURCES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2010—

(A) to the Secretary of Agriculture, $10,000,000 to carry out subsection (a); and

(B) to the Secretary of Energy, $14,000,000 to carry out subsection (b).

(2) SUPPLEMENTAL FUNDING SOURCES.—The Secretary of State shall work with the Government of Brazil, the government of each partner country, regional development banks, the Organization of American States, and other interested parties to identify supplemental funding sources for the biofuels feasibility studies described in section 7.

SEC. 7. BIOFUELS FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Energy, shall work with each partner country to conduct a study to determine the feasibility of increasing the production and use of biofuels in each such country.

(b) ANALYSIS OF THE ENERGY POLICY FRAMEWORK.—The study conducted under subsection (a) shall analyze—

(1) the energy policy of the partner country, particularly the impact of such policy on the promotion of biofuels; and

(2) the status and impact of any existing biofuels programs of the country.

(c) ASSESSMENT OF DEMAND.—The study conducted under subsection (a) shall assess, with respect to the partner country—

(1) the quantitative and qualitative current and projected demand for energy by families, villages, industries, public transportation infrastructure, and other energy consumers;

(2) the future demand for heat, electricity, and transportation;

(3) the demand for high-quality transportation fuel;

(4) the local market prices for various energy sources; and

(5) the employment, income generation, and rural development opportunities from the biofuels industry.

(d) ASSESSMENT OF RESOURCES.—The study conducted under subsection (a) shall—

(1) assess the present and future biomass resources that are available in each geographic region of the partner country to meet the demand assessed under subsection (c);

(2) include a plan for increasing the availability of existing biomass resources in the country; and

(3) include a plan for developing new, sustainable biomass resources in the country, including wood, manure, agricultural residues, sewage, and organic waste.

(e) ANALYSIS OF AVAILABLE TECHNOLOGIES SYSTEMS.—Based on the assessments described in subsections (c) and (d), the study for each partner country shall—

(1) analyze available technologies and systems for using biofuels in the country, including—

(A) converting biomass crops and agroforestry residues into pellets and briquettes;

(B) using low-pollution stoves;

(C) engaging in biogas production;

(D) engaging in charcoal and activated coal production;

(E) engaging in biofuels production;

(F) using combustion and co-combustion technologies; and

(G) using biofuels technologies in various geographic regions;

(2) analyze the economic viability of biomass technologies in the country; and

(3) compare the technologies and systems in the country relating to biofuels with the technologies and systems for conventional energy supplies to determine if biofuels technology is cost-effective, low-maintenance, and socially acceptable, and the impact of biofuels on economic development.

(f) ENVIRONMENTAL ASSESSMENT.—The study conducted by each partner country under subsection (a) shall assess—

(1) the probable environmental impact of increased biomass harvesting and production, and biofuels production and use; and

(2) the availability of financing for biofuels from global carbon credit trading mechanisms.

(g) FOOD SECURITY ASSESSMENT.—The study conducted by each partner country under subsection (a) shall assess the potential impact on food stocks and prices in the partner country.

(h) DEVELOPMENT OF POLICY OPTIONS TO PROMOTE BIOFUELS PRODUCTION AND USE.—

(1) IN GENERAL.—The study conducted by each partner country under subsection (a) shall identify and evaluate policy options to promote biofuels production and use, after taking into account—

(A) the existing energy policy of the country; and

(B) the technologies available to convert local biomass resources into biofuels in the country.

(2) COORDINATION.—In conducting the evaluation under paragraph (1), the partner country shall provide for participation of local, national, and international public, civil society, and private institutions that have responsibility or expertise in biofuels production and use.

(3) PRINCIPAL ISSUES.—The study shall address with respect to the partner country—

(A) the potential of biomass in the country and the barriers to the production of biofuels from such biomass products;

(B) the strategies for creating a market for biomass products;

(C) the potential contribution biofuels have in reducing fossil fuel consumption;

(D) environmental sustainability issues and policy options and the mitigating effect on carbon emissions of increased biofuels production;

(E) the potential contribution biofuels have on economic development, poverty reduction, and sustainability of energy resources;

(F) programs for the use of biofuels in the transportation sector;

(G) economic cooperation across international borders to increase biofuels production and use;

(H) the potential for technological collaboration and joint ventures for biofuels and the technological, cultural, and legal barriers that may impede such collaboration and joint ventures; and

(I) the economic aspects of the promotion of biofuels, including job creation, financing and loan mechanisms, credit mobilization, investment capital, and market penetration.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2010 to carry out this section.

SEC. 8. REGIONAL DEVELOPMENT BANKS.

The Secretary of the Treasury shall instruct the United States Executive Director to each regional development bank and inform the public that it is the policy of the United States that assistance provided by such bank should encourage development of renewable energy sources, including energy derived from biomass. In coordination with the Secretary of State and the Secretary of Energy, the Secretary of the Treasury shall provide information regarding progress in the development of renewable energy sources, including energy derived from biomass. The information shall be included in the annual report to Congress required by section 13 on the implementation of this Act.

SEC. 9. CARBON CREDIT TRADING MECHANISMS.

(a) IN GENERAL.—The Secretary of State shall work with interested governments in the Western Hemisphere and other countries to facilitate regional and hemispheric carbon trading mechanisms consistent with the United Nations Framework Convention on Climate Change and existing trade and financial agreements to—

(1) establish credits for the preservation of tropical forests;

(2) use greenhouse gas-reducing agricultural practices;

(3) jointly fund greenhouse gas sequestration studies and experiments in various geological formations; and

(4) jointly fund climate mitigation studies in vulnerable areas in the Western Hemisphere.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2010 to carry out this section.

SEC. 10. ENERGY CRISIS RESPONSE PREPAREDNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and the governments of other countries during an energy crisis promotes

the national security of the United States and of the other countries.

(2) Credible contingency plans to respond to energy shortages may serve as a deterrent to the manipulation of energy supplies by export and transit countries.

(3) The vulnerability of most countries in the Western Hemisphere to supply disruptions from political, natural, or terrorism causes may introduce instability in the Western Hemisphere and can be a source of conflict, despite the existence of major energy resources in the Western Hemisphere. The United States and Canada are the only members of the International Energy Program in the Western Hemisphere.

(4) Regional and international agreements for the management of energy emergencies in the Western Hemisphere will benefit market stability and encourage development in participating countries.

(b) ESTABLISHMENT OF AN ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, shall immediately seek to establish a Western Hemisphere energy crisis response mechanism (in this subsection referred to as the ''mechanism'').

(2) SCOPE.—The mechanism established under paragraph (1) shall include—

(A) real-time information sharing and a coordination mechanism to respond to energy supply emergencies in the Western Hemisphere;

(B) technical assistance in the development and management of national and regional strategic energy reserves in the Western Hemisphere;

(C) the promotion of increased energy infrastructure integration between countries in the Western Hemisphere;

(D) emergency demand restraint measures in the Western Hemisphere;

(E) the development of the ability of countries in the Western Hemisphere to switch energy sources and to switch to alternative energy production capacity;

(F) energy demand intensity reduction programs as measured by energy consumption per unit of economic activity; and

(G) measures to strengthen sea lanes and infrastructure security in the Western Hemisphere.

(3) MEMBERSHIP.—The Secretary shall seek to include in the mechanism each major energy producer and major energy consumer in the Western Hemisphere and other members of the Energy Forum established pursuant to section 4(a).

(4) STUDY.—The Secretary of Energy shall—

(A) conduct a study of supply vulnerability relating to natural gas in the Western Hemisphere; and

(B) submit a report to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives that includes recommendations for infrastructure and regulatory needs for reducing supply disruption vulnerability and international coordination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy $10,000,000 for fiscal year 2010 to carry out this section.

SEC. 11. ENERGY FOREIGN ASSISTANCE.

(a) IN GENERAL.—The Administrator of the United States Agency for International Development (in this section referred to as the ''Administrator'') shall seek to increase United States foreign assistance for renewable energy, including assistance for activities to reduce dependence on imported energy by switching to biofuels.

(b) DEVELOPMENT STRATEGY REVIEW.—The Administrator shall—

(1) review country assistance strategies and make recommendations to increase assistance for renewable energy activities; and

(2) submit the results of the review conducted under paragraph (1) to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives not later than 180 days after the date of the enactment of this Act.

(c) EXPEDITED SUSTAINABLE ENERGY GRANTS.—

(1) AUTHORIZATION.—The Administrator is authorized to award grants to nongovernmental organizations for sustainable energy and job creation projects in at-risk nations, such as Haiti. Applications for grants shall be submitted in such form and in such manner as the Administrator determines and grants shall be awarded on an expedited basis upon approval of the application.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Agency for International Development $10,000,000 to provide grants under this subsection.

SEC. 12. ENERGY PUBLIC DIPLOMACY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $5,000,000 for public diplomacy activities relating to renewable energy in the Western Hemisphere.

(b) LIMITATION.—Not less than 50 percent of any amount appropriated pursuant to paragraph (1) shall be used for education activities implemented through civil society organizations.

SEC. 13. REPORT.

The Secretary of State, in consultation with the Secretary of Energy, shall submit an annual report to Congress on the activities carried out to implement this Act.

By Mr. FEINGOLD (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. COCHRAN, and Mr. CARDIN):

S. 589. A bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Global Service Fellowship Act with Senators VOINOVICH, WHITEHOUSE, COCHRAN and CARDIN. This important bill would provide more Americans the opportunity to volunteer overseas and strengthen our commitment to international volunteerism. This bill also authorizes Volunteers for Prosperity, VFP, an office created by President Bush under Executive Order 13317. As the new administration seeks to rebuild and restore our image abroad, increasing the number of Americans volunteering abroad is a critical component of that work. The federal government should facilitate such international volunteering experiences for U.S. citizens by promoting both short and long-term opportunities.

My bill would not only provide more opportunities for people-to-people engagement, it would also reduce barriers that the average citizen faces when trying to volunteer internationally. First of all, my bill would reduce financial barriers by awarding fellowships designed to defray some of the costs associated with volunteering. The fellowship can be applied toward many of the costs associated with such travel including airfare, housing, or program costs. By providing financial assistance, the Global Service Fellowship program opens the door for more Americans to participate—not just those with the resources to pay for it.

Secondly, my bill reduces volunteering barriers by offering flexibility in the length of the volunteer opportunity. I hear frequently from constituents who are unable to participate in volunteer programs because they cannot leave their jobs or family for years or months at a time, but are interested in creating cross cultural connections and contributing meaningfully to positive global change. A survey released by the Pew Global Attitudes Project in December 2008 indicates that between 2002 and 2008, opinions of the U.S. declined steeply in 14 out of the 19 countries polled. The Global Service Fellowship Program offers U.S. citizens an immediate opportunity to help reverse this negative trend on a schedule that works for them—from a month up to a year. My bill provides a commonsense approach to the time limitations of the average American while also recognizing the important role people-to-people engagement can play in countering negative views of our country around the world.

Not only does this bill make it easier for all Americans to apply for fellowships, it also engages Congress by giving Members of Congress the opportunity to notify their constituents who are awarded the fellowship—and calls on the recipient to report back to USAID and to their congressional representatives once they have returned from their time abroad. Through this process, Congress will see firsthand the benefit international volunteering brings to their communities and the Nation.

This program would cost $15 million, which is more than offset by a provision in my bill that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. This program would be a valuable addition to our public diplomacy, development, and humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 590. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise in support of legislation that Senator PRYOR and I have introduced, the Defense Communities Assistance Act of 2009. As base communities nationwide struggle with a host of issues—from

the tumultuous economy, to closures as a result of the latest Defense Base Closure and Realignment, BRAC, round, to an influx in service personnel—the Federal Government must provide assistance to its base communities to effectively implement the various initiatives of the Department of Defense and to spur economic growth. This legislation, which is supported by the Association of Defense Communities, ADC, seeks to accomplish that goal by providing immediate benefits to all base communities, for both closed and active military installations across the country.

During even the best of economic times, the closure of a military base can devastate a local economy. Today, with our economy in a troubling recession, the outlook is even more grim, with communities facing overwhelming challenges in redeveloping a former military installation. For instance, the closure of the Naval Air Station Brunswick, NASB, in my home State of Maine will create profoundly negative economic consequences with an estimated loss of 6,500 jobs. Given these trying economic times, we must ensure that every effort is made to foster redevelopment in communities affected by base closures.

There is no question that the negative effects of base closures are disproportionately and unfairly borne by the communities where bases have closed. At the same time, communities surrounding active bases must cope with realignments, global repositioning, and grow the force initiatives to accommodate service personnel influxes at their own expense. That is why this comprehensive measure includes key provisions to assist not only bases facing closure, but active base communities absorbing growth impacts.

Accordingly, this legislation would grant permanent authority for the military departments to exchange real property deemed excess to the DOD, in return for the construction of new facilities, or to limit encroachments, at other active installations. This authority provides military departments with greater flexibility in real estate asset management and has previously only been available to property on an installation that had been closed or realigned.

In recent years, the Army has engaged in pilot programs at installations to procure municipal services, such as water and electricity, from a city or county government. These municipal service agreements have been successful, saving the Army several million dollars and providing significant benefits. In the National Defense Authorization Act for fiscal year 2008, this authority was extended to the other two military departments and allowed each service to purchase municipal services for three installations. This legislation builds on that success and greatly extends the military departments' authority to purchase, from a county government or other local government, municipal services for military installations across the country.

Additionally, this bill would address the Defense State Memorandum of Agreement, DSMOA, program which was established to facilitate and fund State oversight of contaminated DOD sites, including BRAC sites. DOD has recently interpreted DSMOA in a manner that has severely impaired state budgets, which has in turn reduced State oversight at these sites. The Defense Communities Assistance Act would ensure that funding under DSMOA may be used for state BRAC property transfer activities while also preventing withholding DSMOA funds when States exercise their enforcement authority.

Additionally, section 330 of the National Defense Authorization Act for fiscal year 1993 was originally adopted with the intention of protecting parties involved in base redevelopment from liability for undiscovered pre-existing pollution conditions at closed military installations. Regrettably, recent court decisions have been inconsistent in interpreting section 330 creating uncertainty that has left base closure property holders with difficulty in obtaining environmental insurance among other problems. This bill provides vital clarification to ensure the original intention of protecting parties involved in base redevelopment from unnecessary liability at closed military installations.

Furthermore, the national economic problems that our country currently faces demand swift and efficient action to avert a deeper and more intractable recession. That is why this legislation would repeal section 3006 of the National Defense Authorization Act for fiscal year 2002, thereby encouraging the Secretary of Defense to provide no-cost Economic Development Conveyances, EDCs, to base communities as a preferred property disposal mechanism. This provision would help to spur job generation and economic development immediately.

As a result of five BRAC rounds, hundreds of military installations have been decommissioned or downsized with the expectation that the properties would be available for local reuse and economic development. At the same time, an inconsistent and time consuming transfer process by the military departments has left thousands of acres of former installation property in Federal ownership, with the fallow acreage hampering the host community's economic recovery. There is tremendous risk that in the current economic climate, with property values at their lowest position in the past decade, these properties will sit fallow for years without the use of no-cost EDCs.

This measure is stimulative in nature by getting property off the books of the Federal Government and into the hands of developers to be redeveloped quickly so that displaced workers in the community will once again become employed. Encouraging expedited free, or less than fair market value, property transfers would result in incentives for private investment, significant infrastructure and public benefits, and the potential generation of tens of thousands of jobs. That is why it is a responsible course of action for the Government to provide these communities with the tools and resources, such as no-cost EDCs, needed to recover from a closure.

The timeframe and uncertainty of the BRAC transfer process is the single greatest obstacle to redevelopment of the underutilized lands. Expediting transfer of these former military bases would stimulate both private and public investment in infrastructure and redevelopment, resulting in job creation and economic development activity, the rebuilding of inadequate local infrastructure funded by the redevelopment project, and local, State, and Federal tax generation. Moreover, the Federal Government would be relieved of its property management responsibilities, saving hundreds of millions of dollars annually.

I urge my colleagues to join Senator PRYOR and me in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 590

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 ''The Defense Communities Assistance Act of 2009''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress, that as the Federal Government implements base closures and realignments, global repositioning, and grow the force initiatives, it is necessary to assist local communities coping with the impact of these programs at both closed and active military installations. To aid communities to either recover quickly from closures or to accommodate growth associated with troop influxes, the Federal Government must provide assistance to communities to effectively implement the various initiatives of the Department of Defense.

SEC. 3. PERMANENT AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION AND AGREEMENTS TO LIMIT ENCROACHMENT.

Section 2869(a)(3) of title 10, United States Code, is amended by striking ''shall apply only during the period'' and all that follows through ''September 30, 2008'' and inserting ''without limitation on duration''.

SEC. 4. EXTENSION OF AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

"§ 2465a. Contracts for procurement of municipal services for military installations in the United States

''(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary concerned may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States from a county, municipal government, or other local governmental unit in the geographic area in which the installation is located.

''(b) COVERED MUNICIPAL SERVICES.—The municipal services that may be procured for a military installation under the authority of this section are as follows:

''(1) Refuse collection.

''(2) Refuse disposal.

''(3) Library services.

''(4) Recreation services.

''(5) Facility maintenance and repair.

''(6) Utilities.

''(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary concerned may enter into a contract under subsection (a) using procedures other than competitive procedures if—

''(1) the term of the proposed contract does not exceed 5 years;

''(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair, reasonable, represents the least cost to the Federal Government, and, to the maximum extent practicable, takes into consideration the interests of small business concerns (as that term is defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

''(3) the business case supporting the Secretary's determination under paragraph (2)—

''(A) describes the availability, benefits, and drawbacks of alternative sources; and

''(B) establishes that performance by the county or municipal government or other local governmental unit will not increase costs to the Federal Government, when compared to the cost of continued performance by the current provider of the services.

''(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment, or another official of the Department of Defense at an equivalent level.

''(e) CONGRESSIONAL NOTIFICATION.—The Secretary concerned may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department of Defense will be minimized.

''(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

''2465a. Contracts for purchase of municipal services for military installations in the United States.''.

(c) EXTENSION OF PILOT PROGRAM.—Section 325(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2020''.

SEC. 5. REIMBURSABLE ACTIVITIES UNDER THE DEFENSE-STATE MEMORANDUM OF AGREEMENT PROGRAM.

Section 2701(d)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and the processing of property transfers before or after remediation, provided the Secretary shall not condition funding based on the manner in which a State exercises its enforcement authority, or its willingness to enter into dispute resolution prior to exercising that enforcement authority.''.

SEC. 6. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTIES.

Section 330(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note), is amended by striking ''cost or other fee'' and all that follows through ''contaminant,'' and inserting ''cost, statutory or regulatory requirement or order, or other cost, expense, or fee arising out of any such requirement or claim for personal injury, environmental remediation, or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant, or contaminant''.

SEC. 7. REQUIREMENT FOR NO-COST ECONOMIC DEVELOPMENT CONVEYANCES.

(a) REPEAL OF CERTAIN REQUIREMENTS.—Subsection (a) of section 3006 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1350), and the amendments made by that subsection, are hereby repealed. Effective as of the date of the enactment of this Act, the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) that were amended by section 3006(a) of the National Defense Authorization Act for Fiscal Year 2002, as such provisions were in effect on December 27, 2001, are hereby revived.

(b) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 revived by subsection (a) to ensure that the military departments transfer surplus real and personal property at closed or realigned military installations without consideration to local redevelopment authorities for economic development purposes, and without the requirement to value such property.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of current and anticipated economic development conveyances, projected job creation, community reinvestment, and progress made as a result of the enactment of this section.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I am pleased to say that we are closing the book on our Nation's failed nuclear waste policy. After decades of fighting the Yucca Mountain project, I can say with confidence that Nevada will not serve as the Nation's nuclear waste dump.

Nevadans and all Americans will be safer and more secure thanks to President Obama's commitment to finding scientifically sound and responsible solutions to dealing with nuclear waste.

I am proud to say that I have been working on a new volume in this terribly difficult debate. Bad policy like the Yucca Mountain project is easy to oppose. But it is not always easy to craft better policy.

That is what I am doing with Senator ENSIGN today—working to replace our failed approach to dealing with nuclear waste with a much better policy. We are unveiling our plan to form a congressional commission to evaluate and make recommendations on alternative approaches to managing nuclear waste.

This is a step that is way past due.

I began opposing the idea of dumping nuclear waste in Nevada when it was first proposed in the early 1980s. I was still a member of the House then, and I continued this fight in the Senate with most Nevadans firmly behind my efforts to kill the project. I have fought against the Yucca Mountain project vigorously, but from the very beginning I was also calling for long-range planning on nuclear waste because it was the right thing to do.

I continued calling for researching alternatives to Yucca in 1995 when I introduced legislation with my close friend and colleague, Senator Dick Bryan, to establish a commission on nuclear waste. Unfortunately, Congress did not listen, even though evidence was piling up showing that Yucca Mountain could become a death trap for Nevadans.

The Government's decades-long focus on Yucca Mountain has left us barren with very few good proposals for dealing with nuclear waste. Now that President Obama and Secretary Chu have taken Yucca Mountain off the table, we need to begin looking closely at new ideas. We should even dust off some older ones that have been ignored for far too long.

The legislation we are introducing today forms a temporary commission to review and make recommendations on a wide variety of alternatives to Yucca.

The commission will look at everything from at-reactor dry cask storage to reprocessing. The commission will consider having the Federal Government take title to nuclear waste, but will also consider chartering a Federal corporation to manage nuclear waste.

Very importantly, the commission will consider the security of temporary storage facilities for nuclear waste so we can give assurances to communities near nuclear power plants that their safety will not be compromised.

The cosponsors of this legislation do not all share the same views about nuclear power and we do not share the same views about nuclear waste. For example, I have long said that nuclear waste needs to remain on site where it is produced until the Government has a safe and scientifically sound solution. Others would like to reprocess and

reuse nuclear waste in nuclear reactors. Many still feel that some form of permanent disposal is a good solution.

But forming a commission is something the bill's sponsors and others agree upon because it will create a process that will help our Nation take a critical step away from the failed Yucca Mountain policy.

I look forward to continuing working with my colleagues to make sure we take responsible actions necessary to begin addressing nuclear waste.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 591

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel Establishment Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Establishment of Commission.
Sec. 3. Purposes.
Sec. 4. Composition.
Sec. 5. Duties.
Sec. 6. Powers.
Sec. 7. Applicability of Federal Advisory Committee Act.
Sec. 8. Staff.
Sec. 9. Compensation; travel expenses.
Sec. 10. Security clearances.
Sec. 11. Reports.
Sec. 12. Authorization of appropriations.
Sec. 13. Termination.

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel'' (referred to in this Act as the ''Commission'').

SEC. 3. PURPOSES.

The purposes of the Commission are—

(1) to evaluate potential improvements in the approach of the United States to high-level radioactive waste and spent nuclear fuel management in the event that the proposed Yucca Mountain high-level waste repository is never operational or constructed for any spent nuclear fuel, high-level waste, or other radioactive waste disposal; and

(2) to submit to the appropriate committees of Congress a report that contains a description of the findings, conclusions, and recommendations of the Commission to improve the approach of the United States for the management of defense waste, spent nuclear fuel, high-level waste, and commercial radioactive waste.

SEC. 4. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed of 9 members who meet each qualification described in subsection (b), of whom—

(1) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the chairperson of each appropriate committee of the Senate;

(2) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the ranking member of each appropriate committee of the Senate;

(3) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the chairperson of each appropriate committee of the House of Representatives;

(4) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of each appropriate committee of the House of Representatives; and

(5) 1 shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(b) QUALIFICATIONS.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be—

(A) engaged in any high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy; or

(B) an officer or employee of—

(i) the Federal Government;

(ii) an Indian tribe;

(iii) a State; or

(iv) a unit of local government.

(2) OTHER QUALIFICATIONS.—Individuals appointed to the Commission shall, to the maximum extent practicable, be prominent United States citizens, with national recognition and significant depth of experience in engineering, fields of science relevant to used nuclear fuel management, energy, governmental service, environmental policy, law, public administration, or foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The individual appointed under subsection (a)(5) shall serve as Chairperson of the Commission.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(e) ADMINISTRATION.—

(1) MEETINGS.—After the initial meeting of the Commission, the Commission shall meet on the call of the Chairperson or a majority of the members of the Commission.

(2) QUORUM.—Five members of the Commission shall constitute a quorum.

(3) VACANCIES.—Any vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) conduct an evaluation to advise Congress on the feasibility, cost, risks, and legal, public health, and environmental impacts (including such impacts on local communities) of alternatives to the spent fuel and high-level waste strategies of the Federal Government including—

(A) transferring from the Department of Energy responsibility for the high-level radioactive waste and spent fuel management program of the United States to a Government corporation established for that purpose;

(B) endowing such a Federal Government corporation with authority and funding necessary to provide for storage and management of high-level radioactive waste and spent nuclear fuel;

(C) cost-sharing options between the Federal Government and private industry for the development of nuclear fuel management technology and licensing;

(D) establishing Federal or private centralized interim storage facilities in communities that are willing to serve as hosts;

(E) research and development leading to deployment of advanced fuel cycle technologies (including reprocessing, transmutation, and recycling technologies) that are not vulnerable to weapons proliferation;

(F) transferring to the Department of Energy title to—

(i) spent nuclear fuel inventories at reactor sites in existence as of the date of enactment of this Act; and

(ii) future nuclear fuel inventories at reactor sites;

(G) while long-term solutions for spent nuclear fuel management are developed, requiring the transfer of spent nuclear fuel inventories—

(i) to at-reactor dry casks in a manner to ensure public safety and the security of the inventories; and

(ii) after the date on which the spent nuclear fuel inventory has been stored in a cooling pond for a period of not less than 7 years;

(H) permanent, deep geologic disposal for civilian and defense wastes, and interim strategies for the treatment of defense wastes; and

(I) additional management and technological approaches, including improved security of spent nuclear fuel storage installations, as the Commission determines to be appropriate for consideration;

(2) consult with Federal agencies (including the Nuclear Waste Technical Review Board and the National Academy of Sciences), interested individuals, States, local governments, organizations, and businesses as the Commission determines to be necessary to carry out the duties of the Commission;

(3) submit recommendations on the disposition of the existing fees charged to nuclear energy ratepayers, and the recommended disposition of the available balances consistent with the recommendations of the Commission regarding the management of spent nuclear fuel; and

(4) analyze the financial impacts of the recommendations of the Commission described in paragraph (3) on the contractual liability of the Federal Government under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(b) REPORT.—The Commission shall submit to Congress a final report in accordance with this Act containing such findings, conclusions, and recommendations as the Commission considers appropriate.

SEC. 6. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers to be appropriate.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act.

(2) FURNISHING OF INFORMATION.—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics in a timely manner directly to the Commission, on request made by the Chairperson of the Commission, or any member designated by a majority of the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and staff of the Commission in a manner that is consistent with applicable law (including regulations and Executive orders).

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the duties of the Commission.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may reasonably request and as may be authorized by law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the Federal Government.

SEC. 7. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

SEC. 8. STAFF.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson, in accordance with rules agreed on by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out the duties of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of that title.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) does not apply to members of the Commission.

(b) DETAILEES.—

(1) IN GENERAL.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission.

(2) RIGHTS.—The detailee shall retain the rights, status, and privileges of the regular employment of the detailee without interruption.

(c) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of that title.

SEC. 9. COMPENSATION; TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from the home or regular place of business of a member of the Commission in the performance of services for the Commission, a member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 10. SECURITY CLEARANCES.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the maximum extent practicable pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this Act without the appropriate security clearances.

SEC. 11. REPORTS.

(a) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall make available to the public for comment an interim report containing such findings, conclusions, and recommendations as have been agreed to by a majority of the Commission members.

(b) FINAL REPORT.—Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to Congress a final report, the contents of which shall—

(1) contain the items described in subsection (a), as agreed to by a majority of the members of the Commission;

(2) contain the opinion of each member of the Commission who does not approve of any item contained in the final report (including an explanation of the opinion and any alternative recommendation); and

(3) take into account public comments received under subsection (a).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

SEC. 13. TERMINATION.

(a) IN GENERAL.—The authority provided to the Commission by this Act terminates on the last day of the 180 day-period beginning on the date on which the final report is submitted under section 11(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 180-day period referred to in subsection (a), the Commission may conclude the activities of the Commission, including providing testimony to committees of Congress concerning reports of the Commission and disseminating the final report of the Commission.

By Mrs. FEINSTEIN (for herself and Mr. SCHUMER):

S. 593. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to ban Bisphenol A, BPA, from food and drink containers. I am pleased to be working with Congressman MARKEY on this issue, and he will be introducing identical legislation in the House. I would also like to thank my colleague Senator SCHUMER, who has agreed to cosponsor this legislation.

I believe this is a good and necessary bill. The science shows that BPA is added to food and drink containers, and leaches into these foods and beverages, especially when heated in a plastic container.

Make no mistake, chemicals are everywhere, even in our food. In many cases, we know very little about their safety. I strongly believe that the time has come to utilize a precautionary standard in all food and beverages with respect to chemical additives. If you do not know for certain the chemical is benign, it should not be used.

Bisphenol A, known commonly as BPA, is one such example. It is used in consumer products all around us: plastic containers that store food, compact discs, water bottles, canned soups and other canned foods, even baby bottles.

More than 100 studies suggest that BPA exposure at very low doses is linked to a variety of health problems, including prostate and breast cancer, obesity, attention deficit and hyperactivity disorder, brain damage, altered immune system, lowered sperm counts, and early puberty.

The National Toxicology Program in the Department of Health and Human Services has cited ''some concern'' that Bisphenol A may affect neural development in fetuses, infants, and children at current human exposures.

The solution is simple. My legislation will ban the use of Bisphenol A from food and drink containers. This ban will be effective 180 days following enactment of the legislation.

The bill will create a waiver process, in case a company demonstrates that it is technologically impossible to replace BPA in that time frame. A manufacturer can receive a one year waiver, which is renewable, while they work to remove BPA from their product. They must submit a plan to remove BPA, and their product must be labeled as containing BPA.

The legislation also directs the Food and Drug Administration to routinely review the ''List of Substances Generally Regarded as Safe.'' If new evidence emerges that suggests a chemical is not safe for use in a particular manner, it will be removed from the product.

Scientists have raised alarms regarding BPA for some time. It is an endocrine disruptor, mimicking estrogen when it is exposed to a cell.

Scientists at Stanford University accidentally discovered BPA's estrogen-mimicking effects in 1993. A mysterious estrogen-like chemical skewed results of their lab work, and they finally realized that BPA was leaching from laboratory flasks.

We know that BPA is found in almost everyone. Data from the National Health and Nutrition Survey, NHANES, conducted by the Centers for Disease Control found BPA in the bodies of 92.6 percent of the people surveyed. The study did not examine the exposure of children under 6. But it did find that levels were highest in young children, a troubling finding given that exposure to BPA is potentially most dangerous during these critical early years of development.

We know a major source of this exposure: the cans that contain our food,

the containers we eat from, even the baby bottles used to serve formula.

The Environmental Working Group commissioned an independent lab to study BPA in cans in 2007. They tested 97 cans of some of the most popular consumer products. Their findings will alarm any consumer: 53 of the 97 cans tested had detectable levels of BPA; 20 of the 53 cans with BPA have high enough levels that consuming that canned product would expose a person to levels near those that have been found to impact laboratory rats; 1 in 10 cans contained enough BPA to expose a pregnant woman or child to more than 200 times the Government's safe level. The same is true for 1 out of every 3 cans of infant formula.

For women who regularly eat canned food, their exposure level throughout a pregnancy may exceed safe doses.

These are not exotic products, but the canned goods that are in pantries across this county: meal replacement shakes, canned soups, vegetables, and canned pastas, like ravioli.

Baby bottles are also a common exposure source. Multiple studies have confirmed that many of the most popular brands of baby bottles leach BPA. A coalition of health and environmental groups, in their recent report ''Baby's Toxic Bottle'', identified several popular brands of baby bottles that leach BPA when heated: Avent; Disney, Dr. Brown's, Evenflo; Gerber; Playtex.

Now every parent knows that milk served to babies is often heated, at least to room temperature. And these bottles, when heated, leached between 5 and 8 parts per billion of BPA, a level that is within the range that has been shown to cause harm in animal studies.

We know that BPA is a hormone disrupting chemical, and may act like estrogen when in the human body. While the science is still emerging, research is connecting Bisphenol A with a variety of serious health effects. These include: early onset of puberty; hyperactivity; lowered sperm count; miscarriage.

The chemical industry will try to reassure consumers that BPA is safe, and that studies have found these health effects only in laboratory animals exposed to BPA in high doses.

But new evidence that goes beyond laboratory rat models is emerging. Last year, researchers at the Yale School of Medicine linked BPA to problems in brain function and mood disorders in monkeys, for the first time connecting the chemical to health problems in primates.

The Yale scientists exposed monkeys to low levels of BPA, which the Environmental Protection Agency, EPA, have deemed safe for humans.

Researchers found that this chemical exposure interfered with brain cell connections vital to memory, learning and mood.

The researchers stated that the findings suggest that exposure to low-dose BPA may cause widespread effects on brain structure and function.

In September of last year, the Journal of the American Medical Association, JAMA, published a study that links BPA levels in people to several serious health problems.

The study examined the BPA concentrations found in 1455 adults who participated in the 2003–2004 National Health and Nutrition Examination Survey, NHANES, a study which detected BPA in more than 90 percent of Americans tested. Using this data, researchers linked higher BPA concentrations to adverse health affects, including: cardiovascular disease; type II diabetes; clinically abnormal concentrations of some liver enzymes.

The Los Angeles Times reported on the study on September 17th, stating ''that the quarter of the group with the highest BPA levels—levels still considered safe by the FDA—were more than twice as likely to suffer from diabetes and cardiovascular disease as the quarter with the lowest levels.''

This is the first large scale study to be done examining human exposure, and I believe it must be taken very seriously.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research coming from chemical companies.

In 2006, the journal Environmental Research published an article comparing the results of government funded studies into low dose exposure to BPA with studies funded by the BPA industry.

The results are astounding; 92 percent of the Government funded studies found that exposure to BPA caused health problems in animals.

However, none of the industry funded research identified any health problems in animals exposed to low levels of BPA.

This raises serious questions about the validity of the chemical industry's studies. It also illustrates why our Nation's regulatory agencies should not and cannot solely rely on chemical companies to conduct research into their products.

The Food and Drug Administration agrees that the science is incomplete. The FDA's Science Board released a report in October 2008 that raised serious questions about the previous FDA assessments that found BPA to be safe.

In response, the FDA has asked for more studies and more research. More research is fine, but I feel strongly that we must not leave a dangerous chemical on the market while scientists learn exactly how dangerous it is.

Sufficient evidence exists for us to act now. I believe strongly in taking a precautionary approach to our chemical policy; people should be protected from chemicals until we know that they are safe for use.

There is a great deal wrong with the regulatory system in this country and the way we address dangerous chemicals. Our system is essentially backwards. Chemicals are added to products before we know much about them. To be removed from the market, a chemical must be proven to be exceedingly dangerous.

That means that while we wait for evidence of harm to develop, our children are using dangerous products, and possibly eating contaminated food.

I believe it should be the reverse. We should follow the lead of the European Union, and Canada, and remove chemicals until we know them to be safe. We should not be waiting for proof of danger, which too often comes in the form of birth defects, cancer, and other irreversible health harms.

While we continue to work to change our regulatory system, the time has come to apply this precautionary principle to BPA. Without question, there is more scientific work to be done. But we must not continue to expose our citizens to these risks while we wait to confirm BPA's dangers beyond a reasonable doubt.

The Canadian government has already taken this approach with BPA, moving to eliminate polycarbonate baby bottles that contain Bisphenol A last year. Canadian officials stated that because safe alternatives are readily available, this ban is a prudent way to reduce risk for vulnerable infants.

Many large retailers and producers, including Toys ''R'' Us, Nalgene, and Wal-Mart have agreed to no longer sell or produce baby bottles or plastic water bottles containing BPA. And just last week, the leading manufacturers of baby bottles announced they would no longer sell baby bottles made with BPA.

This is great news. I commend them, but we should not be forced to rely on retailers to product American consumers from health hazards.

The Congress agreed with this precautionary approach and banned six plasticizing chemicals, called phthalates, in legislation last year. Like BPA, phthalates have been linked to a variety of health problems in young children. Instead of doing nothing with the evidence mounts, Congress chose to step in and protect children from this risk.

The time has come to do the same with Bisphenol A.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 593

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 ''Ban Poisonous Additives Act of 2009''.

SEC. 2. BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) TREATMENT OF BISPHENOL A AS ADULTERATING THE FOOD OR BEVERAGE.—For purposes of applying section 402(a)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(6)), a food container (which for purposes of this Act includes a beverage container) that is composed, in whole or in part,

of bisphenol A, or that can release bisphenol A into food (as defined for purposes of the Federal Food, Drug, and Cosmetic Act), shall be treated as a container described in such section (relating to containers composed, in whole or in part, of a poisonous or deleterious substance which may render the contents injurious to health).

(b) EFFECTIVE DATES.—

(1) REUSABLE FOOD CONTAINERS.—

(A) DEFINITION.—In this Act, the term ''reusable food container'' means a reusable food container that does not contain a food item when it is introduced or delivered for introduction into interstate commerce.

(B) APPLICABILITY.—Subsection (a) shall apply to reusable food containers on the date that is 180 days after the date of enactment of this Act.

(2) OTHER FOOD CONTAINERS.—Subsection (a) shall apply to food containers that are packed with a food and introduced or delivered for introduction into interstate commerce on or after the date that is 180 days after the date of enactment of this Act.

(c) WAIVER.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), after public notice and opportunity for comment, may grant to any facility (as that term is defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)) a waiver of the treatment described in subsection (a) for a certain type of food container, as used for a particular food product, if such facility—

(A) demonstrates that it is not technologically feasible to replace Bisphenol A in such type of container for such particular food product; and

(B) submits to the Secretary a plan and timeline for removing Bisphenol A from such type of container for that food product.

(2) APPLICABILITY.—A waiver granted under paragraph (1) shall constitute a waiver of the treatment described in subsection (a) for any facility that manufactures, processes, packs, holds, or sells the particular food product for which the waiver was granted.

(3) LABELING.—Any product for which the Secretary grants such a waiver shall display a prominent warning on the label that the container contains Bisphenol A, in a manner that the Secretary shall require, which manner shall ensure adequate public awareness of potential health effects associated with bisphenol-A.

(4) DURATION.—

(A) INITIAL WAIVER.—Any waiver granted under paragraph (1) shall be valid for not longer than 1 year after the applicable effective date in subsection (b).

(B) RENEWAL OF WAIVER.—The Secretary may renew any waiver granted under subparagraph (A) for a period of not more than 1 year.

(d) LIST OF SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE.—

(1) REVIEW.—The Secretary, acting through the Commissioner of Food and Drugs, shall, not later than 1 year after enactment of this Act and not less than once every 5 years thereafter, review—

(A) the substances that are generally recognized as safe, listed in part 182 of title 21, Code of Federal Regulations (or any successor regulations);

(B) the direct food substances affirmed as generally recognized as safe, listed in part 184 of title 21, Code of Federal Regulations (or any successor regulations); and

(C) the indirect food substances affirmed as generally recognized as safe, listed in part 186 of title 21, Code of Federal Regulations (or any successor regulations).

(2) PUBLIC COMMENT.—In conducting the review described in paragraph (1), the Secretary shall provide public notice and opportunity for comment.

(3) REMEDIAL ACTION.—If, after conducting the review described in paragraph (1), the Secretary determines that, with regard to a substance listed in such part 182, 184, or 186, new scientific evidence, including scientific evidence showing that the substance causes reproductive or developmental toxicity in humans or animals, supports—

(A) banning a substance;

(B) altering the conditions under which a substance may be introduced into interstate commerce; or

(C) imposing restrictions on the types of products for which the substance may be used,

the Secretary shall remove such substance from the list of substances, direct food substances, or indirect food substances generally recognized as safe, as appropriate, and shall take other remedial action, as necessary.

(4) DEFINITION.—In this Act, the term ''reproductive or developmental toxicity'' has the meaning given such term in section 409(h)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by section 3.

(e) SAVINGS PROVISION.—Nothing in this Act shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this Act or that—

(1) applies to a product category not described in this Act; or

(2) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed of bisphenol A.

SEC. 3. AMENDMENTS TO SECTION 409 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Subsection (h) of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(h)(1)) is amended—

(1) in paragraph (1)—

(A) by striking ''manufacturer or supplier for a food contact substance may'' and inserting ''manufacturer or supplier for a food contact substance shall'';

(B) by inserting ''(A)'' after ''notify the Secretary of'';

(C) by striking '', and of'' and inserting ''; (B)''; and

(D) by striking the period after ''subsection (c)(3)(A)'' and inserting ''; (C) the determination of the manufacturer or supplier that no adverse health effects result from low dose exposures to the food contact substance; and (D) the determination of the manufacturer or supplier that the substance has not been shown, after tests which are appropriate for the evaluation of the safety of food contact substances, to cause reproductive or developmental toxicity in man or animal.''; and

(2) by striking paragraph (6) and inserting the following:

''(6) In this section—

''(A) the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food; and

''(B) the term 'reproductive or developmental toxicity' means biologically-adverse effects on the reproductive systems of female or male humans or animals, including alterations to the female or male reproductive system development, the related endocrine system, fertility, pregnancy, pregnancy outcomes, or modifications in other functions that are dependent on the integrity of the reproductive system.''.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 594. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are also looking at the big picture, including the increased risk of accidentally importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill does two things. First, it requires the administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the administration to disclose in the same report all sanitary and photosanitary, also known as SPS, trade barriers that could unduly restrict export markets for American commodities. What we have seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to be very clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the

livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our states are battling insects and crop diseases and dreading the next outbreak.

Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidently imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator Stabenow knows better than anyone how much money, time and other resources the Ash Borer has cost the states of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or ''Med fly.''

The list goes on and on. There is not a single state that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trace Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 594

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 ''Agriculture Smart Trade Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FREE TRADE AGREEMENT.—The term ''free trade agreement'' means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) INVASIVE AGRICULTURAL PESTS AND DISEASES.—The term ''invasive agricultural pests and diseases'' means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) SANITARY AND PHYTOSANITARY MEASURE.—The term ''sanitary and phytosanitary measure'' has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) INVASIVE AGRICULTURAL PESTS AND DISEASES.—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) SANITARY AND PHYTOSANITARY MEASURES.—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF STRENGTHENING BILATERAL RELATIONS IN GENERAL, AND INVESTMENT RELATIONS SPECIFICALLY, BETWEEN THE UNITED STATES AND BRAZIL

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 74

Whereas the United States and Brazil enjoy a longstanding economic partnership sustained by robust trade, investment, and energy cooperation;

Whereas investment in and by Brazil promotes economic growth, generates greater wealth and employment, strengthens the manufacturing and services sectors, and enhances research, technology, and productivity;

Whereas the United States is the largest direct investor abroad, with total world-wide investments of $2,800,000,000,000 in 2007;

Whereas the United States has historically been the largest direct investor in Brazil, investing a total of $41,600,000,000 in 2007;

Whereas the sound economic policy of the Government of Brazil was given an investment-grade rating by 2 of the 3 major investment rating agencies in 2008;

Whereas the United States is the largest recipient of direct investment in the world, with total foreign direct investments of $2,100,000,000,000 in 2007;

Whereas the United States receives direct investment from Brazil, including a total of $1,400,000,000 in 2007;

Whereas Brazil is the only country with a gross national product of more than $1,000,000,000,000 with which the United States does not have a bilateral tax treaty;

Whereas Brazil is the 4th largest investor in United States Treasury securities, which are important to the health of the United States economy;

Whereas Brazil ranked 3rd among other countries in the number of corporations listed on the New York Stock Exchange in 2008, with 31 corporations listed;

Whereas a bilateral tax treaty between the United States and Brazil would enhance the partnerships between investors in the United States and Brazil and benefit small and medium-sized enterprises in both the United States and Brazil;

Whereas a bilateral tax treaty between Brazil and the United States would promote a greater flow of investment between Brazil and the United States by creating the certainty that comes with a commitment to reduce taxation and eliminate double taxation;

Whereas the Brazil-U.S. Business Council and the U.S.-Brazil CEO Forum have worked to advance a bilateral tax treaty between the United States and Brazil;

Whereas the Senate intends to closely monitor the progress on treaty negotiations and hold a periodic dialogue with officers of the Department of the Treasury; and

Whereas the United States and Brazil will greatly benefit from deeper political and economic ties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government and the Government of Brazil should continue to develop their partnership; and

(2) the Secretary of the Treasury should pursue negotiations with officials of the Government of Brazil for a bilateral tax treaty that—

(A) is consistent with the existing tax treaty practices of the United States Government; and

(B) reflects modern, internationally recognized tax policy principles.

SENATE RESOLUTION 75—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PHILADELPHIA ZOO: AMERICA'S FIRST ZOO

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Whereas Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators, and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—on March 21, 1859, housed on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River;

Whereas the Philadelphia Zoo has emerged over the past century as a national and global treasure and as one of Philadelphia's most cherished, enduring, and significant educational, scientific, and conservation institutions and cultural attractions;

Whereas the Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine;

Whereas since its inception, the Philadelphia Zoo, through its myriad research and curatorial activities, has consistently and successfully protected, promoted, and preserved numerous rare and endangered wildlife species around the world;

Whereas since its landmark gates opened to the general public, the Philadelphia Zoo has welcomed more than 100,000,000 visitors, including millions of school children from the greater Philadelphia community over generations; and

Whereas the Philadelphia Zoo's sesquicentennial on March 21, 2009 is an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate recognizes the 150th anniversary of the founding of the Philadelphia Zoo on March 21, 2009.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, March 18, 2009, at 9:30 a.m. immediately following the beginning of the Full Committee Hearing, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider the nomination of David J. Hayes, to be Deputy Secretary of the Interior.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 19, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Appliance Standards Improvement Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allen Stayman at (202) 224–7865 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 12, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 12, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Session on Thursday, March 12, 2009, in room S–216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 12, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 12, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 12, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, March 12, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 12, 2009. The Committee will meet in room 106 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 12, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Ronald Rowe, a detailee with Senator HATCH, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Ronald Rowe, a Secret Service detailee in my office, be granted floor privileges for the remainder of the first session of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AMENDING THE OMNIBUS INDIAN ADVANCEMENT ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 338 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 338) to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. 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 that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 338) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 338

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

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106–568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking ''Notwithstanding'' and inserting the following:

''(a) ACCEPTANCE OF LAND.—Notwithstanding'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(b) DECLARATION.—The Secretary''; and

(3) by striking the third sentence and inserting the following:

''(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

''(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

''(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

''(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.''.

REPEAL OF THE BENNETT FREEZE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 39 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 39) to repeal section 10(f) of Public Law 93–531, commonly known as the Bennett Freeze.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. 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, and that any statements related to the bill be printed in the RECORD.

The bill (S. 39) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 39

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

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93–531 (25 U.S.C. 640d–9(f)) is repealed.

COMMEMORATING 10-YEAR ANNIVERSARY OF CZECH REPUBLIC, REPUBLIC OF HUNGARY, AND REPUBLIC OF POLAND AS MEMBERS OF NATO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 60, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 60) commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on March 12, 1999, the Czech Republic, the Republic of Hungary, and the Republic of Poland formally joined the North Atlantic Treaty Organization (NATO);

Whereas, in March 2009, NATO will celebrate the 10-year anniversary of the accession of the Czech Republic, Hungary, and Poland as members of the alliance;

Whereas representatives of the governments of the Czech Republic, Hungary, and Poland will be in attendance as NATO celebrates its 60th anniversary at a summit to be held on April 4, 2009, in Germany and France;

Whereas the security of the United States and its NATO allies have been enhanced by the integration of the Czech Republic, Hungary, and Poland into the NATO alliance;

Whereas the Czech Republic, Hungary, and Poland have been integral to the NATO mission of promoting a Europe that is whole, undivided, free, and at peace;

Whereas the membership of the Czech Republic, Hungary, and Poland has strengthened the ability of NATO to perform a full range of missions throughout the world;

Whereas the Czech Republic, Hungary, and Poland continue to provide crucial support and participation in the NATO International Security Assistance Force in Afghanistan, as NATO struggles to help the people of Afghanistan create the conditions necessary for security and successful development and reconstruction;

Whereas the Czech Republic, Hungary, and Poland helped support NATO efforts to stabilize and secure the Balkans region by contributing to the NATO-led Kosovo Force;

Whereas the Czech Republic, Hungary, Poland, and all NATO members share a strong mutual commitment to defense, regional security, development, and human rights, throughout Europe and beyond; and

Whereas the Czech Republic, Hungary, and Poland have done much to help NATO meet the global challenges of the 21st century, including the threat of terrorism, the spread of weapons of mass destruction, instability caused by failed states, and threats to global energy security: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 10th anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization (NATO);

(2) congratulates the people of the Czech Republic, Hungary, and Poland on their accomplishments as members of free democracies and partners in European stability and security;

(3) expresses appreciation for the continuing and close partnership between the United States Government and the Governments of the Czech Republic, Hungary, and Poland; and

(4) urges the United States Government to continue to seek new ways to deepen and expand its important relationships with the Governments of the Czech Republic, Hungary, and Poland.

COMMEMORATING THE FOUNDING OF THE PHILADELPHIA ZOO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 75, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's first zoo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators, and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—on March 21, 1859, housed on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River;

Whereas the Philadelphia Zoo has emerged over the past century as a national and global treasure and as one of Philadelphia's most cherished, enduring, and significant educational, scientific, and conservation institutions and cultural attractions;

Whereas the Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine;

Whereas since its inception, the Philadelphia Zoo, through its myriad research and curatorial activities, has consistently and successfully protected, promoted, and preserved numerous rare and endangered wildlife species around the world;

Whereas since its landmark gates opened to the general public, the Philadelphia Zoo has welcomed more than 100,000,000 visitors, including millions of school children from the greater Philadelphia community over generations; and

Whereas the Philadelphia Zoo's sesquicentennial on March 21, 2009 is an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate recognizes the 150th anniversary of the founding of the Philadelphia Zoo on March 21, 2009.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 37, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 37) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, 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 concurrent resolution (H. Con. Res. 37) was agreed to.

The preamble was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106–79, appoints the following Senator to the Dwight D. Eisenhower Memorial Commission: The Senator from Utah, Mr. BENNETT.

The Chair, on behalf of the majority leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: the Honorable CHARLES E. SCHUMER, of New York, and the Honorable SHELDON WHITEHOUSE, of Rhode Island.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be allowed to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENTITLEMENT AND TAX CODE REFORM

Mr. VOINOVICH. Mr. President, I rise today to call attention to what I refer to as the irresponsible and reckless fiscal path we find ourselves on as a nation and to urge my colleagues to act now to take the first step toward meaningful, comprehensive tax and entitlement reform.

On Tuesday night, we gathered here to cast our votes on the Omnibus Appropriations Act of 2009. I could not vote for this bill because it ignores the fiscal realities we find ourselves in today. This omnibus bill, which includes $408 billion in nonemergency spending, is 8 percent larger than it should be. Some agencies in the bill are set to get a 40-percent increase in funding. From my experience as a former Governor of Ohio and the mayor of the city of Cleveland, I do not believe those agencies have the capacity to spend that kind of money. This adds to the $787 billion stimulus bill that was passed last month. It increases the already staggering $10.9 trillion national debt and continues to expand the size of the Government at what has become an alarming rate.

As you can see from this chart, Federal spending as a percentage of GDP averaged just under 20 percent under President Bush. This year, under President Obama, it will reach almost 28 percent, and his administration projects that it will average out to over 23 percent across two terms. In other words, I came to the Senate in 1999, and this is what we were spending, totally, on Medicare, Medicaid, all the other appropriations. Then, as you see, it started to go up. We have to be honest, that is where we started to borrow money because we were not taking in enough money to pay for it, so we started to have deficits. Then, under Bush, it started to go up some more.

Here we are in 2009. You can see that the size of the Government is up to 27.7 percent. That is what we are spending on everything. We have gone from 8 percent to 27.7 percent. That is going to start to slide down. In 2012, the President says to us, don't worry, we are going to reduce the deficit spending by 50 percent. Look at this, it continues to spend out at this point, and by 2016—I have not shown it on the chart, but it just keeps going. We just cannot keep going that way. That is over half a trillion dollars a year we are borrowing to run the Government.

To complete what I call the triple whammy to our national debt, the administration adds to the stimulus and omnibus a new 10-year budget where the lowest deficit for a single year is larger than any annual deficit from the end of World War II.

In fact, President Obama's smallest deficit is larger than President Bush's largest deficit. And that is true despite proposing the largest tax increase in American history, including a new energy tax that will expose the false claim that we will not raise taxes on the middle class. This $646 billion tax increases will affect rich, poor and middle class alike. Yet future generations will still be burdened with higher debt. So we have gone from—and I am not proud of some Republican years, what we did. As I used to say, the Democrats tax and spend; the Republicans spent and borrowed. Now we have gone to spend, borrow, and tax.

In spite of all of that, we are going to have these gigantic deficits as far as we can see in this country. Simply put, our spending is out of control. We are spending and funding more money at a time when we should be finding ways to work harder and smarter and do more with less. I know a little bit about this, because I took over Cleveland, the first city to go into default in the depression of 1979. We were in deep trouble. I took over the State of Ohio. We were $1.5 billion in debt at that time. We had to cut the budget four times, and ultimately had to increase taxes in the margin. I know what this is about.

But nobody is talking about ''working harder and smarter'' or ''doing more with less.'' If you look at the stimulus, we spent $787 billion, and now some congressional leaders are talking about putting together a second package. I cannot believe it. We cannot continue down this path.

It is our responsibility to make budgeting decisions based on our Nation's fiscal situation and to take into consideration the impact it is having on others but, more importantly, on our children and grandchildren. Over the past year, we have been hit by an economic avalanche that started in housing, quickly spread to the financial and credit markets, then continued onward to every corner of the economy and across the world.

We have taken steps over the past months to dig out of the avalanche. But we have not reinforced our tax and entitlement system's crumbling foundation. In other words,—I have been

talking about this for 8 years—we need to have tax reform and entitlement reform. Now all of this other stuff has hit us, but the fact of the matter is, that is still there. We need tax reform. We need entitlement reform. And that is why, despite the enormity of the legislation passed over the past month, there is still a sense of great anxiety on Main Street and my street. I still live in the house that Janet and I bought in 1972. I am with real people every day. They are very concerned about the future. They get it.

The stimulus and omnibus has caused everyone who paid attention to say: My God, we have to do something to get back on firm fiscal footing. They know that unless we fix our tax and entitlement system we might as well be flying a kamikaze plane.

When I arrived in the Senate in 1999, gross Federal debt stood at $5.6 trillion or 16 percent of GDP. The Obama administration recently projected the national debt to more than double, to $12.7 trillion by the end of fiscal year 2009. That would amount to a 126-percent increase compared with only a 56-percent increases in the gross domestic product during the same 10-year period.

From 2008 to 2009 alone, the Federal debt would increase 27 percent, boosting the country's debt-to-income ratio or national debt as a percentage of our gross domestic product from 74 percent last year to 89 percent this year.

The Pacman. Here it was in 1999. Federal debt. And it is up to 70. We are now up to 89 percent. I think there are still some people who understand Pacman. When I was Governor of Ohio, I used to say that Medicaid—I am sure the Presiding Officer understands that Medicaid is the Pacman that kept eating up the budgets in your State.

Under the Obama budget, though, at 2017, for the first time since 1947 when we were paying down our World War II debt, the national debt will be larger than the size of the entire American economy.

At that point, we will be too fat and out of shape to escape from our creditors around the world. That is what it is going to look like. In 2017, it is more than 100 percent of our gross domestic product. Think of that. Today, if we are candid with the American people, when you consider the TARP, the stimulus package, and the money we continuously borrow from the Social Security trust fund, we are facing a projected budget deficit of $1.9 trillion, which is more than four times the reported 2008 deficit of $455 billion as a share of the economy.

The 2009 deficit will become the largest recorded deficit since World War II. Last June when I spoke here on the floor of this fiscal crisis, I pointed out that our national debt was $9.4 trillion, and the per capita debt, each American's share of the national debt was $31,000, up from $20,000 in 1999.

This year, that figure will reach $41,000. Let's put that into perspective. In 2009, according to the Bureau of Labor Statistics, the median income for an Ohio family in 2007 for one earner was $40,000. That means each person's share of the national debt is more than many hard-working Ohioans make in an entire year.

Alarmingly, these figures did not even count our accumulated long-term financial obligations: Medicare, Medicaid, Social Security, which grew $2.5 trillion last year as a result of the increases in the costs of Medicare and Social Security benefits.

The baby boomers are here. They are coming on. If we include those numbers, taxpayers are on the hook for a record $57 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs. That is nearly $500,000 per household.

Now, it does not take an economist to realize that of course we cannot keep going. As our former Comptroller General and head of the Government Accountability Office said, we are facing a fiscal timebomb. We must come to terms with the fact that the U.S. Government is the worst credit card abuser in the world, and it is time that we came to terms with the fiscal realities of 2009.

We cannot continue to heap debt on the backs of our children and grandchildren without a second thought. Lip service from Congress and the administration is not going to get the job done. Recently, the Office of Management and Budget Director, Peter Orszag, spoke to a group of bipartisan Senators who have breakfast regularly to talk about some of the problems.

He pointed out that as we are confronted with the economic tsunami hitting our country, we are lucky our interest rates are very low, because many investors in America and around the world are parking their money in Treasury bills.

Mr. Orszag continued on to say, we cannot expect that rate of borrowing to last, and it is imperative we take advantage of this phenomena now before foreign markets and our people demand more interest for their investment in the U.S. debt.

I could not agree more. We cannot rely on luck and foreign investors. When I met with Larry Summers, Martin Feldstein, and Larry Lindsay, they say our current fiscal path is only sustainable—listen to this—as long as the Japanese, the Chinese, and the OPEC and others have confidence that we are going to pay back our debt. And, boy, are they watching whether we are going to do anything about tax reform and entitlement reform.

Now, this has serious implications. Foreign creditors have provided more than 70 percent of the funds that the United States has borrowed since 2001—70 percent.

Today 50 percent, 51 percent of the privately owned national debt is held by foreigners. That is up from 37 percent just 6 years ago. If these foreign investors lose confidence and pull out of U.S. Treasurys, Katey bar the door. Borrowing hundreds of billions of dollars from China and OPEC nations not only puts our economy but our national security at risk. We have to make sure other countries do not control our debt.

One of the things I pointed out—and the Presiding Officer understands this—is that we have to become more oil independent. We have a situation today where somebody else controls the supply, the cost, and they are buying our debt. If I control the supply and the cost and then I am paying for your debt, I put you out of business. That is just a fact of life. We have to wake up to the fact that we cannot rely on these other countries to take care of this debt. We cannot continue to live in the United States of denial.

In 2006, I sent a letter to President Bush urging him to take on comprehensive tax and entitlement reform. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 4, 2006.

The PRESIDENT,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am respectfully writing to encourage you to take the lead on pursuing fundamental tax reform as we begin the 110th Congress in January. You have an historic opportunity, through fundamental tax reform, to transform the U.S. economy in a manner that will make our nation stronger and more prosperous for generations. In so doing, you will cement your domestic policy legacy, I urge you to carry the banner of tax reform.

In 1984, President Ronald Reagan declared to the American people that the tax code was fundamentally unfair, and that he was going to reform it. President Reagan held his belief in the unjustness of the tax code deep in his heart. He knew that hundreds of targeted tax subsidies for the benefit of powerful interests forced average Americans to pay higher marginal rates and reduced economic growth. He saw tax reform not as a retreat from his 1981 tax relief agenda, but rather as a logical continuation and enhancement of that agenda. The Tax Reform Act of 1986 was the culmination of the quest he began in 1981. to create a tax code with low marginal rates that raised the necessary revenue to fund the government with the least possible interference in our free market economy.

Likewise, fundamental tax reform that makes the tax code simple, fair, and pro-growth could serve as the third and final phase of the project you began in 2001 and continued in 2003. You do not have to choose between making the 2001 and 2003 tax relief permanent and reforming the tax code. The latter idea is a complement to, not a competitor with, the former idea. We live in a 21st century global economy, but we suffer from a tax code designed for the 20th century. Small businesses—the engines of job creation—are overwhelmed by complexity. In many cases, neighborhood businesses are forced to comply with the same convoluted rules as multinational corporations. Our international tax rules were designed in an era when the United States accounted for 50 percent of global economic output, and we had no worries about other countries competing with us for jobs and capital. Now we

live in the most competitive global economy we have known. We have redesigned social programs as targeted tax breaks with complex eligibility criteria and restrictions, completely baffling ordinary families who cannot obtain the benefits of these provisions because they are too complicated to understand.

Mr. President, you and I have been advocates for tax reform for years. In 2003, I attached an amendment to the Jobs and Growth Tax Relief Reconciliation Act that would have created a blue ribbon commission to study fundamental tax reform. The amendment was adopted by voice vote, but later was removed in conference committee. At the 2004 Republican National Convention, you announced that fundamental tax reform would become a top domestic priority. I remember sitting in the front of the audience with the Ohio delegation when you made the announcement, and I leapt to my feet to applaud you. A couple of days later while campaigning in Ohio, you told the audience that when I rose to applaud you, you thought I was going to jump up on stage and hug you.

It seemed that the tax reform bandwagon finally had started to roll. In the autumn of 2004, I offered my tax reform commission amendment again, this time to the American Jobs Creation Act. The Senate again adopted my amendment. During conference negotiations, the White House contacted me and requested that I withdraw my amendment because you were preparing to take a leadership role by appointing your own tax reform panel. I enthusiastically agreed to defer to your leadership, and I withdrew my amendment. In January 2005, you announced the creation of an all-star panel, led by former Senators Connie Mack and John Breaux, and that panel spent most of the year engaging the American public to develop proposals to make our tax code simpler, fairer, and more conducive to economic growth. In November 2005, the panel issued its final report. While not perfect in anyone's mind, the panel's two plans provided a starting point for developing tax reform legislation that would represent a huge improvement over the current system. The panel's proposals belong as a key part of the national discussion on fundamental tax reform,

Yet, momentum for tax reform seems to have slowed in the more than one year since the panel submitted its report to the Treasury Department. Initially, you indicated that upon receipt of the panel's report, the Treasury Department would analyze the proposals and then provide you with its own recommendations. These recommendations would serve as the basis for legislative action. In the meantime, however, your administration and the Congress have faced other immediate priorities—from Social Security solvency to the global war on terror to relief for victims of Hurricane Katrina. As a result, we missed an opportunity to address fundamental tax reform during the 109th Congress. And now, time is running short. Your 2007 State of the Union address provides an excellent opportunity to take up a cause that will lead you to being remembered as the president who made the tax code simple, fair, and pro-growth.

I have discussed fundamental tax reform with OMB Director Rob Portman, Secretary Hank Paulson, and Chief of Staff Josh Bolten. Mr. President you have a great team that, working with you and Congress, can get the job done. I also sense responsiveness in Congress for tax reform. Congressman Frank Wolf and I have introduced the SAFE Commission Act, which would require consideration of tax reform and entitlement reform, in the House and Senate. Senator Bob Bennett has been putting together a Senate working group on tax reform (in which I am actively participating), and other senators have expressed interest in working with us. For example, Senator Ron Wyden, who has introduced his own tax reform legislation, has shown tremendous enthusiasm for organizing a bipartisan Senate effort on tax reform.

The American people are ready for tax reform. Unlike Social Security, no one defends the current tax code. Without your leadership, however, the incoming congressional majority likely will propose their own version of ''reform''—but you and I both know it will not be true reform. They will provide new middle class tax breaks and pay for then by raising marginal tax rates on high-income taxpayers and businesses. They will challenge congressional Republicans to vote against these class warfare proposals and they will challenge you to veto them. Raising marginal tax rates on an already-broken tax system will only serve to reduce U.S. competitiveness in the global economy, and ultimately will prove self-defeating. Instead, Republicans and Democrats must work together to reform the tax code in a manner that will raise sufficient revenues to fund important national priorities, while providing an environment conducive to innovation, entrepreneurship, and economic growth.

The time to act is now. Twenty years after Ronald Reagan reformed the tax code, he still is remembered fondly as the leader who set the stage for years of prosperity at the end of the 20th century. Working on a bipartisan basis, you have an opportunity to accomplish a similar achievement for the 21st century—a lasting legacy for your fellow Americans. I urge you not to pass up this once-in-a-lifetime chance, and if you take up the challenge, I will be your faithful ally.

Sincerely,

GEORGE V. VOINOVICH,
United States Senator.

Mr. VOINOVICH. Sadly, no action was taken. We missed a gigantic opportunity to make meaningful reform while times were relatively good. We are more or less lucking out now, but we cannot count on that luck to last forever. We have to tackle tax and entitlement reform to maintain credibility, to turn around our economy, and to regain our global respectability—not a year from now, not 2 years from now, but now, now, now.

Our Tax Code, for example, is imploding from the hundreds of economic and social policies Congress pursues through tax incentives and dozens of temporary tax provisions. It is a nightmare. Just ask the millions of Americans right now who are filing their tax returns. I have said this on the floor before: When we got our tax return back last year, my wife and I looked at it. My wife said: Do you understand it?

I said: No, I don't understand it.

I said: Why don't we call our accountant; maybe he will explain it.

She said: Don't you dare. He will charge us $500.

It is out of control. For anybody who understands what is going on, it is a nightmare.

Tinkering with the Tax Code won't work. The argument I made to President Bush several times was that we know the reduction in marginal rates is going to evaporate. We know the capital gains reduction is going to evaporate in 2010. We know the reduction in taxes on dividends is going to evaporate in 2010. Why don't we take this opportunity to look at tax reform and look at those things that are going to encourage people to save and keep the economy going?

Frankly, those three things might be wonderful in that regard. But you can't have it unless you make it up with some other taxes that are the least hurtful to savings and the economy.

Since the last major tax reform in 1986, we have added over 15,000 new provisions in the Internal Revenue Code. Last year alone, we passed 500 changes in the Tax Code. It is no wonder why only 13 percent of Americans file their taxes without the help of either a tax preparer or computer software. Clearly, we have waited too long to act. This is not just a matter of saving taxpayers' time and effort, it is also about saving real money.

The Tax Foundation calculates conservatively that we all spend about $265 billion a year to keep track of our records and pay people to pay our taxes. If we could streamline it and make it simple and understandable, if we could only cut that in half, that would be a gigantic tax reduction for the American people and not cost us one dime.

We must enact fundamental tax reform to help make the Tax Code simpler, fairer, transparent, and economically efficient.

Thankfully, there have been some encouraging signs of new developments. Earlier this month, I attended a bipartisan press conference along with Senator CONRAD, Representatives COOPER and WOLF, and former U.S. Comptroller General Walker who now heads up the Peter G. Peterson Foundation. David Walker and the rest of us urged Congress to take action to restore fiscal discipline. In other words, we all said: This has to be done. We agreed it is time to begin to enact the first pillar of meaningful comprehensive tax and entitlement reform. That is why I am disappointed that President Obama did not mention a vehicle to enact tax and entitlement reform in his address to Congress, just as I was very disappointed that the Bush administration never once mentioned reducing our national debt after 2001.

I am a Republican. He was a Republican President. Our President never, ever mentioned the national debt all the time he was President. It was like it didn't exist. Yet the debt kept going up, up, up, and up. I have been calling for the creation of a commission to facilitate tax and entitlement reform for some time. In fact, back in 2006, I introduced the Securing America's Future Economy or SAFE Commission Act, which I reintroduced in the Senate in the 109th and 110th Congresses.

Congressman JIM COOPER of Tennessee and Congressman FRANK Wolf of Virginia introduced a version in the House that enlisted 93 cosponsors from both parties. This bipartisan, bicameral group had the support from

corporate executives, religious leaders, and think tanks across the political spectrum—the conservative Heritage Foundation and the liberal Brookings Institute. All of these people realize where we are.

Building on the SAFE Commission, two of my colleagues, the Budget Committee chairman from North Dakota, Senator CONRAD, and ranking member from New Hampshire, Senator GREGG, introduced a bipartisan bill that would create a tax and entitlement reform task force very similar to the SAFE Commission called the Bipartisan Task Force for Responsible Fiscal Action. I signed on as 1 of 19 cosponsors. We will never, ever take the necessary steps toward fiscal responsibility unless we create this BRAC-like, bipartisan commission.

The commission would take on the tough issues of Social Security, health care, and tax reform, and create recommendations that would be fast-tracked through a special process and brought to the floor of both Chambers for a vote. In other words, to do it the traditional way we do things around here it will never, ever get done. If you think we would have been able to close airbases and other bases around the country by doing it through legislation without the BRAC process, you are not in the real world.

If we really want to tackle this stuff, we have to get a group together. We have to work on it and come up with a compromise. If three quarters agree, it is the thing to do. We put it through an expedited procedure. The Senate gets it; the House gets it. They have to vote up or down.

It is important that that happen because it will have legislators on it. I know if somebody asked you to spend a year and a half of your life putting something together and then said: Well, once it is done, it will go through the regular procedure, you would say: Goodbye. I don't have time for that.

But if you knew you put the time in and that if you had three quarters who agreed on it and the thing was going to get some action, then you would have some incentive to say: I will stay at the table, work on this, and we will get the job done.

The workload would be heavy, and the commission could certainly benefit by taking a look at previous work that has been done to study these issues by foundations and others. It also could start by considering some of the previous proposals that have been introduced by some of our former colleagues, Senators Mack and Breaux, cochairs of the commission created by the Bush administration to reform our Tax Code.

I worked like the dickens to say: Let's have this commission to study the Tax Code. I will never forget talking to Karl Rove.

I said: I want it to be legislated. That is the way we had it in the appropriations bill.

He said: No, we will do it with something else. We will put Breaux and Mack in charge. I think he said at that time he was afraid that PELOSI and STENY HOYER might kill it in the beginning.

I said: If they are going to kill it in the beginning, let's find out. He said: No, we want the other direction. So Connie Mack and John Breaux worked their tails off for over a year. They came back with a very good report. It wasn't perfect, but I expected President Bush to take that and tweak it and send it over here.

I will never forget the story John Breaux told me. He went to visit with President Bush. He walked in the Oval Office and he started looking around. The President said to him: John, what are you doing?

And he said: Mr. President, I am looking for the report that we did.

On the shelf, gathering dust.

That is why I was pleased to hear President Obama mention the national debt in his address to Congress. But I was disappointed that when he mentioned the ''crushing cost'' we face and the reform we can no longer afford to put on hold, he only talked about health care. Although health care costs are a big part of our entitlement problem, addressing health care reform alone will not get the job done.

It is not the time for dodging and ducking. This is the time for the cold hard truth. Everyone knows we need tax and entitlement reform. I know it, the Obama administration knows it, and the American people know it. And I know for sure Peter Orszag does because a couple years ago, he was as enthusiastic about dealing with this problem as anybody in this country.

The American people elected President Obama to make the tough decisions to put this country back on the right track. As President Obama said himself so eloquently:

> We must take responsibility for our future, and for posterity.

I love that. I love that part of his speech. I thought it was just great. He cares about me. He cares about my children. He cares about my grandchildren. ''We must take responsibility for our future, and for posterity.'' Sadly, so far he is missing in action on tax and entitlement reform. In fact, in a February 27 column in the Washington Post, Michael Gerson called the President's stance on tax and entitlement reform in his joint address to Congress ''timid'' and ''hardly courageous.''

Now, in fairness to our President, he and his administration have been busy putting out fires. This President has more on his plate than maybe any President we have ever had, maybe since Franklin Delano Roosevelt. But if he ignores comprehensive tax and entitlement reform, we could see an economic holocaust.

That is why I would suggest to my fellow colleagues who have voiced similar calls for reform that we should gather our staffs, on a bipartisan and bicameral basis, to agree on the language of a vehicle commission that can get the job done—in other words, getting Republicans and Democrats, House and Senate, to get the language of what this commission should look like. We will work on that. If the administration does not like our proposals, then they would be free to weigh in with their own ideas. But doing nothing simply is not an option. I have talked to Senator GREGG about this, Senator CONRAD. And I said it is our duty to position this Nation so we have the greatest opportunity for success for the future.

I am saying, if the President does not want to do this, let's us get together and help him. OK. Let's get together. Let's help him and then say: Here, Mr. President, here is something agreed to on a bipartisan basis. We would like to go with it. If you have a better idea on how to get it done, amen and hallelujah, but we have to get going.

Each and every one of us should be able to look into the eyes of our children and grandchildren and know in our hearts we have done all we can to make sure that at least they have the same opportunity we have had for our standard of living and quality of life.

If I had to name one of the primary contributing factors to our worsening economic situation, it would have to be the loss of faith we seem to have experienced in ourselves. In many ways, today America is mired in a crisis of confidence.

I do not share the despair many experts hold concerning the future of our country. When I first became mayor of Cleveland in 1979, the city was in default on its bonds. Unemployment for the first couple of years continued to grow to more than 18 percent. Think of that: 18 percent. Cynics at the time joked, saying: Will the last person leaving Cleveland turn out the lights.

We decided that no one was going to come to Cleveland and solve our problems for us. We had the courage to be more self-reliant and make tough decisions. Through the public-private partnerships we created, we were able to unite everyone behind common goals. We empowered the community, and it worked. In fact, at that time, Cleveland was known as the ''comeback city.''

I say to the Presiding Officer, I know you could identify with this. Cleveland was named an All America City three times in a 5-year period. It never happened before, and I suspect it will never happen again. It was that public-private partnership, everybody coming together. Our motto was: Together we can do it.

Similarly, when I became Governor of Ohio in 1991, we faced a $1½ billion budget shortfall, and we were a no-growth State. We made some tough decisions. As I mentioned earlier, I had to cut the budget four times and raise taxes. But, as a result, we were able to turn the tide, create 540,000 new jobs—in fact, manufacturing grew for the first time in 25 years—and the State's

rainy-day fund grew from 14 cents to over $1 billion. And we put $200 million aside to take care of any Medicaid problem we would have.

Mr. President, I know we can turn things around again. We really can. But we need to stop the spending spree and start making tough decisions on this tax and entitlement reform. Why don't we work together to get America back on track? Let's work together to systemically deal with each of the problems, challenges, and opportunities we have in America, so we are filled with the same hope and optimism of Ronald Reagan. I got to know Ronald Reagan. He was quite a guy, quite a President. He always had a positive attitude, and he said:

> I know that for America, there will always be a bright dawn ahead.

Mr. President, the glass is not half empty, the glass is half full. If all of us work together, we can turn this thing around.

I yield the floor.

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.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 27, H.R. 146.

The PRESIDING OFFICER. The motion is debatable.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed pursuant to rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 27, H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act.

Harry Reid, Patty Murray, Benjamin L. Cardin, Kay R. Hagan, Byron L. Dorgan, Richard Durbin, Carl Levin, Jeanne Shaheen, John F. Kerry, Frank R. Lautenberg, Jeff Bingaman, Roland W. Burris, Robert Menendez, Amy Klobuchar, Jim Webb, Jack Reed, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture occur at 5:30 Monday, March 16; further, that if cloture is invoked, then the postcloture time count as if cloture had been invoked at 10 a.m. on Monday, March 16; and that during any recess or adjournment period, postcloture time continue to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 16, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, March 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the omnibus lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur on Monday at 5:30 p.m. This vote will be on the motion to invoke cloture on the motion to proceed to H.R. 146.

ADJOURNMENT UNTIL MONDAY, MARCH 16, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Monday, March 16, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

THOMAS L. STRICKLAND, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE R. LYLE LAVERTY.

DEPARTMENT OF DEFENSE

ALEXANDER VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE MARY BETH LONG, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 12, 2009:

DEPARTMENT OF JUSTICE

DAVID W. OGDEN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL.

THOMAS JOHN PERRELLI, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2009 VALOR AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Seventy members of the Fairfax County Police Department earned this high honor. It is with great pride that we submit their names into the CONGRESSIONAL RECORD:

Recipients of the Lifesaving Award are: Officer Michael W. Greene, Officer Shay V. Nelson, Officer Jonathon W. Ward, Public Safety Communicator II Erin R. Tracy, Police Officer First Class Quang D. Bui, Police Officer First Class Anthony L. Capizzi, Police Officer First Class Christopher L. Coleman, Police Officer First Class Olan J. Faulk IV, Police Officer First Class Stephen P. Foley, Police Officer First Class Matthew E. Griffin, Police Officer First Class Christopher B. Hutchison, Police Officer First Class Jonathon D. Lowery, Police Officer First Class Brett L. Manthe, Police Officer First Class Eric T. Nelson, Master Police Officer Joseph M. Flynn, and Sergeant Todd S. Erlandson.

Recipients of the Certificate of Valor are: Officer Scott P. Bzdak, Officer Amanda K. Leugers, Officer Thomas J. Murphy, Officer Kathleen E. O'Leary, Officer Matthew W. Stanfield, Officer Ruben Velez Jr., Police Officer First Class Bradley W. Capan, Police Officer First Class Richard J. Curro, Police Officer First Class George W. Davenport Jr., Police Officer First Class Theodore M. Dragan, Police Officer First Class David J. Giaccio, Police Officer First Class Matthew A. Guzzetta, Police Officer First Class Jeremy T. Hoffman, Police Officer First Class Jonathan R. Luety, Police Officer First Class Dana L. Robinson, Police Officer First Class Bart S. Rogers, Police Officer First Class Joseph N. Wallace, Police Officer First Class Leanna D. Wilson, Detective Donald R. Bateman, Detective Sean J. Cheetham, Master Police Officer John D. Brocco, Master Police Officer Timothy E. Catir, Sergeant Robert A. Blakley Jr., Sergeant Anthony C. Lampe, 2nd Lieutenant James S. Bradshaw, 2nd Lieutenant John H. Brennan, 2nd Lieutenant Edgar A. Ipina, and 2nd Lieutenant Boyd F. Thompson Jr.

Recipients of the Bronze Medal of Valor are: Officer Todd B. Sweeney, Officer Joseph W. Woloszyn II, Police Officer First Class Matthew J. Bell, Police Officer First Class Brian C. Bowers, Police Officer First Class Timothy W. Brown, Police Officer First Class William L. Coulter IV, Police Officer First Class Thomas J. Gadell Jr., Police Officer First Class Reanna M. Jacobson, Police Officer First Class Jey P. Phillips, Police Officer First Class David M. Popik, Police Officer First Class Charles A. Reinhard, Police Officer First Class Kathryn M. Schroth, Detective John A. DiGiulian, Detective Chad E. Mahoney, Detective Jeffrey C. Reiff, Detective Michael D. Riccio, and 2nd Lieutenant Kevin D. Barrington

Recipients of the Silver Medal of Valor are: Officer Donald W. Amos Jr., Police Officer First Class Eugene D. Bork, Police Officer First Class Brian J. Byerson, Police Officer First Class Kevin S. Mason, Police Officer First Class Jose R. Morillo, Police Officer First Class Shayna V. Nickolas, Police Officer First Class Katherine S. Wright, Sergeant Shawn C. Martin, and 2nd Lieutenant Dwayne F. Machosky.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H SMITH

Bill Number: HR 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: St. Francis Medical Center

Address of Requesting Entity: 601 Hamilton Avenue, Trenton, New Jersey 08629

Description of Request: I have secured $238,000 for St. Francis Medical Center to complete needed expansion and renovation of its Emergency Department and outpatient services in order to improve health care services for the uninsured and underinsured residents of Trenton, New Jersey. Requested project funds will cover the cost of renovations and furnishings to upgrade and streamline the ED and clinics. The upgraded Emergency Department will improve security, privacy, and efficiency for patients and their families. Further, the flow of services between the Emergency Department and the specialty and walk-in clinics will be greatly improved to better meet the needs of vulnerable patient population. St. Francis Medical Center will invest $250,000 over the next two years to cover additional operational costs and will seek funding for the additional costs of the project through operations, philanthropy, and other sources.

CONGRATULATIONS TO THE UNIVERSITY AT BUFFALO FOR AN EXTRAORDINARY SEASON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HIGGINS. Madam Speaker, I rise today to congratulate the University at Buffalo Bulls on their tremendous 2008 season. For the first time in their history, the Buffalo Bulls secured the Mid-American Conference Championship and competed in a championship bowl. It was fifty years ago that the Bulls last earned a Bowl appearance, when the 1958 team valiantly passed on their chance at the Tangerine Bowl in Orlando, FL to protest of the segregation laws then in effect.

Although the Buffalo Bulls were narrowly defeated in the third annual International Bowl in Toronto, Ontario, they inspired over twenty five thousand Buffalo fans to drive the ninety miles north to cheer on their team.

On behalf of the people of the 27th district, I would like to express our pride and thanks for the hard work and the perseverance of these players and their coaches. We look forward to many more championship challenges in the years to come.

TRIBUTE TO DENNIS WILCOX

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Dennis Wilcox, Publisher of the Madrid Register News, on being named 2009 Master Editor and Publisher by the Iowa Newspaper Association.

The Iowa Newspaper Association nominates publishers and editors for the award, and winners are selected by previous Master Editor-Publisher winners. Dennis was selected on the criteria of working hard, thinking soundly, being influenced unselfishly, and living honorably.

I know that my colleagues in the United States Congress join me in congratulating

Dennis Wilcox on his accomplishments. It is an honor to represent Dennis in Congress, and I wish him the best in his future.

HONORING ALISA FERGUSON FOR HER DEDICATED SERVICE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Alisa Ferguson for her dedicated service over the last six years as she has worked in my personal office and on the staff of the Science and Technology Committee. Friday will be her last day working in the House, and she will certainly be missed as she leaves the Hill to pursue a new endeavor.

Alisa began her career on Capitol Hill seven years ago as a legislative assistant to Rep. Brian Baird, where she developed an affinity for energy policy. In 2003, she began working in my personal office and quickly proved herself to be a valuable addition. She was adept at handling a myriad of issues, including appropriations and my Energy and Commerce Committee work, and addressing the concerns and needs of my constituents in Middle Tennessee.

When I became chairman of the Science and Technology Committee in 2007, I asked Alisa to join the committee staff as legislative director. She has risen to and triumphed over every challenge, and she has won the respect of her colleagues for her skill in running the committee's legislative operation. Two of the committee's finest legislative achievements, the Energy Independence and Security Act of 2007 and the America COMPETES Act, are due in no small measure to Alisa's command of the issues, knowledge of the legislative process and ability to get things done.

Alisa has been invaluable to me, the committee, the state of Tennessee and our nation. She is the very definition of a "go-to" person, and I'm fairly certain her blood now bears a tinge of MTSU Raider Blue as a result of her hard work over the years.

While I am sad to see her go, I will always be grateful for her advice and counsel over the years. Alisa, I wish you all the best.

TRAVIS REA MYERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize Travis Rea Myers on the occasion of his approaching graduation from the United States Naval Academy on May 22nd, 2009.

Travis is the son of Rea and Myrna Myers and is a graduate of Blue Springs High School in Blue Springs, Missouri. In 2005, I was proud to nominate Travis to the Naval Academy. It was evident that Travis was among the best and brightest of his class, and that he was going to be successful in life, no matter which path he chose. He will graduate in May with a Bachelor of Science Degree in Aerospace Engineering. Following in the footsteps of his father Rea, Travis will be a second generation graduate from the Naval Academy.

Travis has earned the gratitude and respect of his community of Blue Springs, Missouri. The Blue Springs Rotary Club even honored Travis by presenting him with his Officers Sabre at a meeting in his honor. His dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our great nation.

Madam Speaker, I ask my colleagues to join with me in commending Travis Myers for his dedication to his community and his country. I know Travis' family and friends join with me in congratulating him on his graduation and wishing him best of luck on all of his future endeavors.

RECOGNIZING THE MEN AND WOMEN OF THE ARMED SERVICES AND THEIR FAMILIES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize and commend the honorable service and devotion to duty of our men and women of the United States Armed Services. These men and women in uniform have put themselves in harms way—many having given the ultimate sacrifice—in defense of freedom and liberty at home and abroad. I would like to take this opportunity to extend my utmost thanks and appreciation to their selfless service and to wish them all the best in the years to come.

As part of this recognition, I would like to thank the military spouses who spend weeks and months without their significant others, often having to raise families on their own. My appreciation also goes out to the parents, family members and communities who provide support for the soldier and their family during these trying times. I would also like to extend my condolences and appreciation to the American Gold Star Mothers who have lost a son or daughter while serving our great country. These women are too counted as heroes for our country.

In addition to our active duty soldiers, I would like to thank our veterans, Reservists and Military Academy personnel. These individuals are the past, present and future of what protects American values each day. May all those who are involved with the Armed Services know the support of a grateful nation.

THANKS TO DOREEN WELSH, A SELFLESS HERO OF U.S. AIRWAYS FLIGHT 1549

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. ALTMIRE. Madam Speaker, I would like to salute Doreen Welsh of Ambridge, Pennsylvania for her heroic and selfless action on U.S. Airways Flight 1549, now known as the "Miracle on the Hudson." Doreen Welsh served as a flight attendant on Flight 1549, which made a successful emergency landing on the Hudson River on January 15, 2009, and helped to safely evacuate the flight's passengers.

The heroic deeds and masterful skills of Flight 1549's crew is something our nation will never forget.

Despite being injured during the landing, Doreen Welsh helped to evacuate passengers and ensure that no lives were lost that day. All western Pennsylvanians should be proud that one of our own played such a crucial role in saving the lives of 150 passengers and making this a truly miraculous landing.

I want to salute Doreen Welsh for her admirable service and thank her for sacrificing her own comfort for the safety of the passengers in her care and inspiring Americans everywhere in the process.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT—FTA PRIORITY CONSIDERATION PROJECTS

$6 million for the Ardmore Transportation Center—Southeastern Pennsylvania Transportation Authority—123 Market Street, Philadelphia, Pennsylvania. "Nothwithstanding any other provision of law, the funding made available for the Ardmore Transportation Center through the U.S. Department of Transportation Appropriations Acts for Federal Fiscal Year 2005 shall remain available for that project during fiscal year 2009."

$1 million for the Coatesville Train Station—City of Coatesville—One City Hall Place, Coatesville, Pennsylvania. "Nothwithstanding any other provision of law, the funding made available for the Coatesville Train Station through the U.S. Department of Transportation Appropriations Acts for Federal Fiscal Year 2006 shall remain available for that project during fiscal year 2009."

TRIBUTE TO SANDRA BROCKMAN

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. McCARTHY of California. Madam Speaker, I rise today to honor a community leader, Sandra Brockman, on her retirement after 27 years of service to the people of Kern County, California, most recently as Chief Deputy Registrar of Voters.

Sandy Brockman began her career with Kern County on February 8, 1982 as a Deputy Court Clerk with the West Kern Municipal Court. In June 1984, she was promoted to Secretary, and five months later transferred to the County Clerk Election Division, where she has worked for over 25 years in the elections

field. Ms. Brockman's position was reclassified to Senior Secretary in 1987, and by taking specialized classes relating to the conduct and history of elections over a two year period, she earned a National Certification as a Certified Elections Registration Administrator. In 1998, she was promoted to Election Process Supervisor and became interim Election Division Chief in 2000, accepting the position as a permanent appointment six months later. Ms. Brockman continued her education by attending classes designed specifically for California election law and became a Certified California Professional Elections Administrator in 2005. She has worked and supervised nearly every section in elections and capped her career off as Chief Deputy Registrar of Voters.

Under her leadership, the Election Division, which conducts all federal, state and local elections in Kern County and maintains voter registration and precinct boundaries, implemented both voter registration and voting systems. She was the right person at the right time for the job; during the past seven years, the Elections Division has experienced more material changes in election law than in the previous 18 years of Ms. Brockman's career.

Ms. Brockman has worked long hours to ensure that the election process has integrity and transparency. Her accessibility and commitment to helping anyone needing information, assistance or direction personifies how dedicated she was as a public servant. Ms. Brockman's institutional knowledge, personality and dedication to the citizens of Kern County will be sorely missed. I thank Sandy for her service to Kern County and wish her the very best in her future endeavors.

NATIONAL MS AWARENESS WEEK

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. KILROY. Madam Speaker, I rise today during National MS Awareness Week to bring attention to a disease that affects an estimated 400,000 people living in the United States. Multiple sclerosis is a chronic disease of the central nervous system that is unpredictable, the symptoms of which vary from person to person. Because MS affects individuals so differently, it is difficult to make generalizations about disability; however, MS is often characterized by tingling, numbness, painful sensations, muscle tightness or paralysis. Statistics suggest that two out of three people with MS remain able to walk over their lifetime, though many require a cane or other assistive device. MS is not always easy to diagnose because symptoms come and go but it is estimated every week, 200 people in the United States are diagnosed with MS.

I was diagnosed with MS in 2003; I have an intimate understanding about how important it is to find a cure for the disease. Research has developed ''disease-modifying'' drugs that help lessen the frequency and severity of MS attacks, reduce the accumulation of lesions in the brain and may slow the progression of disability, but we can do more.

Health insurance reform is a necessity in this country. Because insurance companies ''tier'' medications as a way to cut costs, people diagnosed with MS often find their necessary medications financially out of reach. Decisions about which medications patients should take must be made by doctors, not corporations.

The National MS Society has been a tireless advocate for health care reform and research on behalf of persons living with MS. I would like to take a moment to recognize all the work the National MS Society has put into combating this disease. Through extensive research, providing comprehensive services to people with MS and through their advocacy, they have made great strides in raising MS awareness. I congratulate them on their hard work.

Madam Speaker, I know first-hand how important it is to fund medical research to find cures for chronic diseases. As individuals and as a government, we need to come together and provide the resources necessary to create a world free of MS. I encourage all of my colleagues to join me in fighting for a cure for MS and other diseases, so that all Americans can live fully active, healthy lives.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for requests I made which are included in the text and/or report to accompany H.R. 1105, the Omnibus Appropriations Act of 2009. I certify that neither I, nor my spouse, have any financial interest in these requests, and certify that, to the best of my knowledge, these requests: (1) are not directed to an entity or program named or that will be named after a sitting Member of Congress; (2) are not intended for a ''front'' or ''pass-through'' entity; and (3) meet or exceed statutory requirements for matching funds (where applicable).

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: COPS, Department of Justice

Name of requesting entity: Kaysville City, Utah

Address of requesting entity: 23 East Center, Kaysville, Utah 84037

Description of request: $300,000 for law enforcement communications and operations technology

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: OJP—Byrne Discretionary Grants

Name of requesting entity: Clearfield City

Address of requesting entity: 55 South State Street, Clearfield, Utah 84015

Description of request: $200,000 for technology to combat gang activity

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Bureau of Reclamation, Water and Related Resources

Name of requesting entity: Park City

Address of requesting entity: PO Box 1480, Park City, Utah 84060

Description of request: $200,000 for water feasibility study

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Department of Energy, Energy Efficiency and Renewable Energy—Solar Energy

Name of requesting entity: Salt Lake County, Utah Address of requesting entity: 2001 South State Street, Salt Lake City, Utah 84190

Description of request: $618,475 for the Energy Efficient Buildings Project

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Small Business Administration

Name of requesting entity: World Trade Center Utah

Address of requesting entity: 175 East 400 South, suite 609, Salt Lake City, Utah 84111

Description of request: $385,000 for the World Trade Center Utah to connect the Utah and Intermountain business community to the people, companies, data, and government agencies which make up the fabric of global commerce, through training classes and cross cultural seminars, identification of new market opportunities, creating access to trade missions, and facilitating export financing, controls, and distribution.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Economic Development Initiatives

Name of requesting entity: Clearfield City, UT

Address of requesting entity: 55 South State Street, Clearfield, Utah 84015

Description of request: $380,000 for the purchase of blighted lands for use in the development of a private/public project known as West Phase I, a downtown redevelopment project within the city.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: National Park Service Statutory or Contractual Aid

Name of requesting entity: Ogden City, Utah

Address of requesting entity: 2549 Washington Blvd, Ogden, Utah 84401

Description of request: $300,000 to implement the Crossroads of the West Historic District.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Environmental Protection Agency STAG Water and Wastewater Infrastructure Project

Name of requesting entity: Washington Terrace, UT

Address of requesting entity: 5249 South Pointe Drive, Washington Terrace, Utah 84405

Description of request: $1,240,000 for water and sewer infrastructure replacement project

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Fund for the Improvement of Education

Name of requesting entity: Open Content Foundation at Utah State University

Address of requesting entity: 1750 North Research parkway, North Logan, UT 84341

Description of request: $190,000 for curriculum development and textbook materials for Utah's ninth grade core curriculum.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Fund for the Improvement of Education

Name of requesting entity: Weber State University

Address of requesting entity: 3850 University Circle, Ogden, Utah 84408

Description of request: $143,000 for a teacher training initiative to prepare teaching assistants to become teachers.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Health Resources and Services Administration

Name of requesting entity: Intermountain Healthcare

Address of requesting entity: 36 South State Street Floor 22, Salt Lake City, Utah 84111

Description of request: $476,000 for the Patient Safety Initiative, including purchase and implementation of electronic medical records and equipment

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA Bus and Bus Facilities account

Name of requesting entity: Cache Valley Transit District

Address of requesting entity: 754 West 600 North, Logan, Utah 84321

Description of request: $475,000 to construct a new multi-use facility for the transit district

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA Bus and Bus Facilities account

Name of requesting entity: Cache Valley Transit District

Address of requesting entity: 754 West 600 North, Logan, Utah 84321

Description of request: $475,000 for Cache Valley Transit District Hybrid Bus Fleet Expansion

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA New Starts/Fixed Guideway account

Name of requesting entity: Utah Transit Authority

Address of requesting entity: 669 West 200 South, Salt Lake City, Utah 84130

Description of request: $81,600,000 for a 44 mile commuter rail project linking Weber County to Salt Lake City

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Federal Highway Administration—Federal Lands account

Name of requesting entity: Brigham City, Utah

Address of requesting entity: 20 North Main Street, Brigham City, Utah 84302

Description of request: $285,000 to complete construction on the Bear River Access Road to the Bear River Migratory Bird Refuge.

TRIBUTE TO JESSE PURVIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Jesse Purvis, a high school student and Boy Scout, from Woodward, Iowa.

Jesse, who remembers the tornado that stormed through his town in November 2005, distributed emergency kits throughout Woodward this February. The emergency kits contain information provided by the Red Cross, Dallas County Emergency Management, Iowa One Call, and Iowa Homeland Security including directions on what to do in case of an emergency or disaster, and colored ribbons to be used on homes to help first responders during emergencies.

Jesse's concern and sacrifices for his community serve as wonderful examples of the compassionate nature of Iowans. I know that my colleagues in the United States Congress join me in thanking Jesse Purvis for his philanthropy and setting an example as a young leader. I consider it an honor to represent Jesse in Congress, and I wish him the best in his future.

INTRODUCING THE CHILD HEALTH CARE AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to help working Americans provide for their children's health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child's health care expenses.

The tax credit would be available to all citizens, regardless of whether or not they itemize their deductions. The credit applies against both income and payroll tax liability. The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide health insurance for their employees. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition, such as cancer or a physical disability, that requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code—Congress's failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress's refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes, their only recourse for health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment. If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our nation's already overcrowded emergency rooms would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above $18,000 dollars per year, or single income filers with incomes slightly above $15,000 dollars per year. Clearly, this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling single mother with an asthmatic child would at last be able to provide for her child's needs, while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Madam Speaker, this Congress has a moral responsibility to provide tax relief so that low-income parents struggling to care for a sick child can better meet their child's medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose revenue. But, who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.

CONGRATULATING THE SANTA ROSA WARRIORS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the mighty Santa Rosa Warriors (30–6), who last Saturday represented the City of Santa Rosa and the entire Rio Grande Valley of South Texas in winning the Class 2A 2009 Region IV–2A championship game against Randolph, Texas. The Warriors won in dramatic fashion in overtime and will now take on Ponder, Texas in the state semifinals.

The Rio Grande Valley is a Texas region with a long tradition of great high school sports successes, with state titles in football

and soccer. In reaching the final four, the Warriors are now at the brink of adding a basketball state title to our impressive history of victories.

When any high school team approaches the pinnacle of high school sports—state championship glory—the entire region comes together to cheer on that team. That is the case as the Warriors advance forward one win at a time. On March 13, at the Frank Erwin Center in Austin all of Santa Rosa, all of Cameron County, all of the Rio Grande Valley, and all of South Texas will be rallying for the Warriors. All Valley high schools are united as Santa Rosa takes the court to face their next formidable opponent.

The Warriors have reminded all of us that with outstanding players, solid coaches, hard work, disciplined training, committed parents, and a supportive school, more state titles are in our future. Thank you, Warriors, for representing your school and the Rio Grande Valley so admirably for all the State of Texas to see.

As their Congressman, I am so proud of the Santa Rosa High School Warriors for their outstanding wins on the basketball court and for playing their heart out throughout the season in their fight for a state crown. Please join me in applauding the coaches and each and every one of the Warriors: Coach Johnny Cipriano; Assistant Coaches Omar Guerra and Juan Esparza; Dario Mendoza, Junior; Ruben Lopez, Sophomore; Jacob Garcia, Senior; Jesus Mosqueda, Sophomore; Chris Diaz, Sophomore; Danny Theys, Junior; Rick Cavazos, Junior; Aaron Ramirez, Freshman; Ivan Martinez, Senior; Mark Cordero, Sophomore; Nacho Serrato, Sophomore.

Again, congratulations to the Warriors and their families, Santa Rosa High School, the City of Santa Rosa, and the Rio Grande Valley.

EARL CAMPBELL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. POE of Texas. Madam Speaker, Earl Campbell is known throughout the nation as one of the best running backs to ever play the game of football. He was an outstanding athlete and will be remembered as one of Texas's best. Born in Tyler, TX he grew up to become a star at The University of Texas. His presence on the field dwarfed most opponents and he rose to the occasion many times and became a standout. Recently, he was inducted into the voted into the UT Hall of Fame and was also voted the top UT football player of all time.

From 1974–77, Earl Campbell compiled 4,443 yards and forty touchdowns. In college, his games usually ended with his rushing total above 100 yards. In fact, he rushed for over 100 yards twenty-one times, and twice he rushed for over 200 yards in a single game. He finished his career with the Longhorns as a two-time All-American and winner of the 1977 Heisman Trophy.

Campbell is known as the ''Tyler Rose'' in reference to his hometown of Tyler, Texas which is known as the ''Rose Capital of America'' for its rose-growing industry. His legacy in Texas lived on after college because he was the first player drafted in the 1978 NFL Draft by the Houston Oilers.

As an Oiler, he became the Offensive Rookie of the Year and Most Valuable Player in his rookie season. The induction of Earl Campbell into the UT Hall of Fame is a testament to the hard work that he put in as a student athlete. We will forever remember ''Tyler Rose'' and what he did for the sport of football in the great state of Texas.

FINANCIAL CONSUMER HOTLINE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, with the regulatory structure of our nation's banks divided among a series of governing bodies, it can be difficult for consumers to identify and contact the appropriate regulator when they have an inquiry or complaint. In an effort to address this situation, I will be introducing the Financial Consumer Hotline Act. This legislation would establish a single, toll-free telephone number consumers can call if they have a question or complaint and want to speak to the bank's regulator. This legislation also would establish a corresponding informational website.

This legislation directs the Federal Financial Institutions Examination Council (FFIEC), a statutory interagency body empowered to prescribe uniform principles and standards for financial institutions, to set up the toll-free number and website. The Federal Reserve, the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) are all members of FFIEC. This legislation also directs FFIEC to work with state banking regulators to integrate state regulated banks into the hotline service.

RECOGNIZING DR. JEAN MALECKI ON HER SERVICE TO PALM BEACH COUNTY

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a leader in our community. On August 1 Florida will lose a wonderful public servant, as Dr. Jean Malecki is leaving the Palm Beach County Department of Health. Dr. Malecki has been with the Department of Health since 1989, serving as its Director for the last 17 years.

Born and raised in South Florida, Dr. Malecki has dedicated herself to making Palm Beach County the healthiest community in the nation. She created the Healthy Start program in which nurses make in-home visits throughout a woman's pregnancy to provide counseling to expectant mothers. She expanded the number of primary clinics, where they now treat 67,000 patients annually.

Her leadership was most visible shortly after the attacks of September 11, 2001, when she led the Palm Beach County Department of Health through the first biological terror attack in the country. Under her direction the County diagnosed the first anthrax cases and quickly mobilized a team to help investigate the attacks.

I have personally watched and learned from Dr. Jean Malecki's extraordinary service to the people of Palm Beach County. We will miss her, but wish her the best in her new life and career.

Thank you for allowing me the time to speak about this admirable leader in my community, Madam Speaker.

CALLING FOR RETURN OF SEAN GOLDMAN

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of H. Res. 125. This resolution calls on the central authority of Brazil to uphold the Hague Convention by facilitating the immediate release of Sean Goldman to his father, David Goldman.

June 16, 2004 was the day Sean Goldman was abducted by his mother, Bruna Goldman, and taken to Brazil. That day marked the beginning of a 4½ year struggle to reunite David Goldman with his son Sean. During those subsequent years, David Goldman tirelessly lobbied the Brazilian judicial system, sought international legal advice, and mourned the death of Sean's mother in August 2008. Recently, the situation was further complicated when Sean's step-father petitioned the Brazilian courts for custody of Sean and illegally replaced David's name with his own on a Brazilian birth certificate.

H. Res. 125 was introduced by my New Jersey colleague, Representative CHRISTOPHER SMITH, and I am proud to be one of the 57 cosponsors of this bill. This resolution urges the Brazilian government to uphold its commitment to the Hague Convention on the Civil Aspects of International Child Abduction. This multilateral treaty, developed by the Hague Conference on Private International Law in 1980, provides an expeditious method for returning a child taken from one member nation to another. H. Res. 125 is of the utmost importance, as it not only calls on Brazil to display their intention to follow international law, but also brings a father and son one step closer to reunification.

It is imperative for us to support David Goldman's quest to be reunited with his son. H. Res. 125 will help us accomplish this goal and I thank my colleagues for joining me in voting unanimously for its passage yesterday.

HONORING THE ACHIEVEMENTS OF WINTER HAVEN HOSPITAL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PUTNAM. Madam Speaker, the state of health care in our country can be well measured by the quality of service provided by our

nation's hospitals. I applaud Winter Haven Hospital as it celebrated its designation as a nursing Magnet hospital on Tuesday, February 24, 2009.

The Magnet distinction is a great accomplishment for Winter Haven Hospital, the first institution in Polk County to achieve this honor. The American Nurses Credentialing Center established the Magnet Recognition Program to recognize excellence in patient care and nursing practice in healthcare organizations across the country.

Recognition as a Magnet organization requires that an institution meet a series of quality indicators and standards in nursing practice. Only about 5 percent of our nation's hospitals have attained this honor, which is a true testament to Winter Haven Hospital's commitment to quality healthcare.

Since its establishment in 1928, Winter Haven Hospital has proven itself time and again as a strong local hospital with a reputation of quality specialty care and exceptional patient relations. In 2003, Winter Haven Hospital received the Best Places to Work Award by Polk Works Workforce 2020. The hospital has also received high marks for its Stroke Center, including the Gold Get-With-The-Goals Stroke Award received in 2008. Winter Haven Hospital has also earned The Joint Commission's Gold Seal of Approval, and consistently extends a great deal of resources to community support, including babysitting classes for young teenagers and cancer support groups.

Under the leadership of President Lance Anastasio, I am confident that Winter Haven Hospital will continue to be a leader in providing high quality healthcare to the citizens of Central Florida and continue to grow as a center of medical excellence.

A TRIBUTE TO CORPORAL DONTE JAMAL WHITWORTH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to salute the life of Corporal Donte Jamal Whitworth of Noblesville, Indiana who died on Saturday, February 28th, 2009 while serving our country near Al Taquddum Air Base, about 50 miles west of Baghdad.

Donte graduated from Noblesville High School in 2005 and promptly joined the United States Marine Corps where he served for the last 4 years. Most recently he deployed to Iraq as part of Operation Iraqi Freedom where he was responsible for commanding supply convoys. Donte's commitment for this country is something we can all be proud of.

A marine and a soldier, he served to promote freedom. He gave his life in defense of his family, community, State and Nation. He made our world safer. He made his family and every American proud. For this, each and every American owes him and his family a great debt of gratitude.

Madam Speaker, Corporal Donte Jamal Whitworth is a true American hero who made the ultimate sacrifice for his country. He will be deeply missed, but the strength of his character and the courage he demonstrated through his service will live on. I ask my colleagues to keep his family and friends in their thoughts and prayers during this very difficult time.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I submit the following:

(1) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Higher Education

Legal Name of Requesting Entity: Eastern Illinois University

Address of Requesting Entity: 600 Lincoln Avenue, Charleston, IL 61920

Description of Request: $190,000 for the Eastern Illinois University for the purchase of a new campus-wide siren and emergency system upgrade to extend the communication from the county emergency management officials into the classrooms and other interior public campus space. The proposed system will have emergency notification from both the classroom to the emergency responders and also from the emergency responders into the classrooms. The systems will be designed to crosstalk between the campus distributed fire alarm systems, computer network, and wireless speakers. This system will be expanded to provide more effective and efficient notification to the campus and public. Of this funding, $90,400 will be used for 226 interior speakers at public locations around the campus, $33,500 will be used to install the wireless computer center, $6,700 will retrofit existing alarms and interface with radio connections, $21,200 will be spent to purchase and install panic buttons and their mobile receivers across campus, and $38,200 is set aside for Higher Education (FIPSE) administrative costs.

(2) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation-HUD Appropriations bill included in H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Octave Chanute Aerospace Heritage Foundation-Chanute Air Museum

Address of Requesting Entity: 1011 Pacesetter Drive, Rantoul, IL 61866

Description of Request: $118,750 for the construction of a new building for historic aircraft display. Of this amount, $70,000 will be used for property acquisition, $8,000 will be allocated for a site survey, $13,000 will be used to conduct a feasibility study by an architectural firm, and $27,750 will be used for the installation of public facilities on site.

(3) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: National Writing Project

Address of Requesting Entity: 2105 Bancroft Way #1042, Berkeley, California 94720

Description of Request: $24,291,000 for the National Writing Project to fund programs in teacher development, quality writing, and research to help improve student performance in writing across the nation.

(4) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, NW., Washington, DC 20009

Description of Request: $24,803,000 for the Reading is Fundamental program which prepares children to read by delivering free books and literacy resources to children in-need across the country.

(5) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, California 91302

Description of Request: $25,095,000 for the Center for Civic Education to be used to support programs that educate American students about our nation's fundamental ideals and democratic values.

(6) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Safe Schools and Citizenship Education

Legal Name of Requesting Entity: National Council of Economic Education

Address of Requesting Entity: 1140 Avenue of the Americas, Suite 202, New York, New York 10036

Description of Request: $5,019,000 for the National Council of Economic Education to support programs that educate American students about our nation's fundamental ideals and democratic values.

(7) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy & Water Appropriations bill included in H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg., PO Box 2004, Rock Island, IL 61204

Description of Request: $8,604,000 for the first phases of construction of new 1,200 foot lock chambers at L/Ds 20, 21, 22, 24, 25, LaGrange and Peoria; for implementing small-scale navigation aids; and beginning ecosystem restoration projects along the Mississippi River and Illinois Waterway. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Investigations account and has previously been authorized by P.L. 99–662 and P.L. 110–280 Sec. 8001–8005.

(8) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy & Water Appropriations bill included in H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Building, PO Box 2004, Rock Island, Il 61204

Description of Request: $17,713,000 to address the adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Labor, HHS, Education, Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Children's Hospital of the Kings Daughters

Address of Requesting Entity: 601 Children's Lane, Norfolk, VA 23507

Description of Request: Provides $1,000,000 to the Children's Hospital of the Kings Daughters (CHKD) Health Center to provide optimal accessibility, convenience, continuity and quality of care by co-locating primary care practices, specialist offices, surgical practices, physical, occupational and speech therapy services in one location in close proximity to the interstate and within the heart of the city's pediatric population. Chesapeake, Virginia has the second highest concentration of children in the Hampton Roads region, with 20 percent of the pediatric population (ages 0–17) from the south side living within this community. The need for pediatric specialists in the Norfolk, Virginia area has outstripped the capacity of the current CHKD building, with all inpatient and outpatient services at or beyond capacity. Funds will be used to assist in the building of a centralized multispecialty children's health center in the Norfolk area. CHKD has already demonstrated success in building a regional facility at Oyster Point in Newport News, Virginia, which is exceeding all patient forecasts.

TRIBUTE TO DELTA SIGMA THETA: BERKELEY BAY AREA ALUMNAE CHAPTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. STARK. Madam Speaker, Ms. LEE of California and I rise today to pay tribute to the Berkeley Bay Area Alumnae Chapter of Delta Sigma Theta Sorority on the occasion of their 75th Diamond Anniversary on March 28, 2009. The Berkeley Bay Area Alumnae Chapter is the local chapter of the Delta Sigma Theta Sorority Incorporated and encompasses the Berkeley, San Francisco, and California Bay Area.

Delta Sigma Theta Sorority, Incorporated is a sisterhood of more than 250,000 predominately African American college educated women. The sorority currently has over 950 chapters throughout the world including the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and the Republic of Korea.

The local Berkeley Bay Area Chapter was chartered in 1934 and has membership representation from all cities in the California Bay Area. The major programs of the sorority are based upon the organization's Five Point Thrust of economic development, educational development, international awareness and involvement, physical and mental health, political awareness and involvement. Through their outreach they provide a myriad of programs and services benefitting local cities and communities.

This past week we were honored to welcome members of the Berkeley Bay Area Chapter along with approximately 1,100 members of Delta Sigma Theta from across the country to Capitol Hill during their 20th annual ''Delta Days in the Nation's Capitol Conference.'' During their visit in Washington the Sorority members discussed a variety of issues including the American Recovery and Reinvestment Act of 2009, DC Voting Rights and the 2010 Census.

''In Full Stride at Seventy-Five'' is the Berkeley Bay Area Alumnae Chapter of Delta Sigma Theta's 75th anniversary theme. We are honored to recognize this exemplary organization as it celebrates three-quarters of a century of service to the community.

IN RECOGNITION OF THE 100TH BIRTHDAY OF THE CITY OF PRINCETON, WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. RAHALL. Madam Speaker, I rise today in recognition of the 100th birthday of the great City of Princeton, West Virginia.

In West Virginia, transportation industries and coal mining have played an integral role in the economic development of the region. The City of Princeton is no exception. As early as the nineteenth century, emerging transportation technology, the railroad, and a Nation demanding West Virginia's coal helped form booming new industry in the Princeton area. Much of the coal produced was sent west to the Great Lakes region or east to Baltimore, New York City and New England, heating our great Nation and providing steam power to the U.S. Navy.

What was once a small railroad-side village in beautiful Mercer County is now a thriving city with a population of 6,300. Between 25,000 and 28,000 pass through each day, bringing business and goods to a city with a history as rich and varied as the state itself.

Many notable actors and sports team owners at one point called Princeton home. Kevin Sizemore, of the television show Prison Break, and Sam Eliot, who was in We Were Soldiers both hailed from our hallowed hills. And Ken Kendrick, owner of the Arizona Diamondbacks, and Rod Thorn, President and Manager of the New Jersey Nets called West Virginia home in their childhoods.

February 20th marked the 100th birthday of the City of Princeton. I invite you all to join me in celebrating this great City! Happy birthday Princeton!

COMPREHENSIVE HEALTH CARE REFORM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, America faces a crisis in health care. Health care costs continue to rise while physicians and patients struggle under the control of managed-care ''gatekeepers.'' Obviously, fundamental health care reform should be one of Congress' top priorities.

Unfortunately, most health care ''reform'' proposals either make marginal changes or exacerbate the problem. This is because they fail to address the root of the problem with health care, which is that government polices encourage excessive reliance on third-party payers. The excessive reliance on third-party payers removes all incentive from individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations (HMOs) resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from the individual patient and physician.

Returning control over health care to the individual is the key to true health care reform. The Comprehensive Health Care Reform Act puts control of health care back into the hands of the individual through tax credits, tax deductions, improving Health Savings Accounts, and Flexible Savings Accounts. Specifically, the Comprehensive Health Care Reform Act:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes;

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA);

C. Provides a tax credit for premiums for a high-deductible insurance policy connected with a Health Savings Account (HSA) and allows seniors to use funds in an HSA to pay for a medigap policy;

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

By providing a wide range of options, this bill allows individual Americans to choose the method of financing health care that best suits their individual needs. Increasing frustration with the current health care system is leading more and more Americans to embrace this approach to health care reform. I hope all my colleagues will join this effort to put individuals back in control of health care by cosponsoring the Comprehensive Health Care Reform Act.

HONORING JUSTIN BALFANY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to remember a young Nebraskan who left this world too soon. Justin Balfany, 15 years old, will be laid to rest tomorrow afternoon. My heart goes out to his parents Greg and Susan, his sister Kaci and the rest of his family, and I pray they find comfort in the coming days.

Justin had a strong faith in God and in his fellow students. He has been described as a ''tremendous young man'' who competed in tennis, baseball, and basketball. He was active in his church and in other groups in his hometown of Kearney.

Last year, he was invited to attend President Barack Obama's nomination acceptance speech at the Democratic National Convention in Denver, where he served as a correspondent for his hometown newspaper, the Kearney Hub, as well as the Sidney Sun Telegraph.

I was fortunate to have met Justin last year. I was impressed with his intelligence, his spirit, and his dedication.

Justin's spirit and his enthusiasm with his church, his friends, and his community reminds us what it means to be a Nebraskan. He will be missed by many.

HONORING EMERGENCY RESPONSE MEMBERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor and thank Fresno County Sheriff Margaret Mims, Supervisor Judy Case, Julianne Tuggle, and Darren Rose for their heroic efforts in an emergency situation in Washington, D.C. on February 11, 2009. Sheriff Mims, Supervisor Case, Julianne Tuggle from Supervisor Susan Anderson's office, and Darren Rose from my district office deserve full recognition for their responsiveness and public service in the nation's capital, where they gave first aid to an individual who was in a state of cardiac arrest. The 21-year-old man was unresponsive and lying face down on the ground in a crowded Metro station near the Capitol building.

Julianne and Darren were the first upon the scene; Julianne initiated the emergency response among the eclectic mix of Fresno County Officials in the vicinity while Darren Rose called 911 and coordinated the response with DC fire and emergency medical services. Julianne was able to procure a pocket face mask. Supervisor Case affixed the mask and breathed for the patient. Sheriff Mims and Supervisor Case began skilled compression and breathing coordination efforts until the man, who originally had no pulse, was able to breathe on his own. Sheriff Mims has been trained in first aid, and Supervisor Case is a registered nurse who had just been recertified in CPR, and knew the most current standard medical procedure. Together, they performed chest compressions and provided air for his lungs, which kept him stable and breathing until the Washington medics arrived 10 minutes later.

I had the honor to be able to meet with these local heroes when they were in Washington with the Council of County Governments (COG) as part of the ''One Voice'' delegation, which unites communities and regional interests in a voluntary and collaborative effort to promote and bring attention to the needs of the local community and regions.

Madam Speaker, I rise today to commend and thank Sheriff Mims, Supervisor Case, Julianne Tuggle from Supervisor Anderson's office, and Darren Rose from my office for their service to the community and their heroism in providing emergency services to stabilize and preserve the life of this citizen in D.C. and in their everyday efforts on the job.

FIFTIETH ANNIVERSARY OF THE CENTER FOR APPLIED LINGUISTICS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the Center for Applied Linguistics (CAL), which is celebrating its fiftieth anniversary this year.

CAL was established in 1959 in Washington, DC by a grant from the Ford Foundation. At the close of the 1950s, issues of U.S. language capacity, interest in U.S. and international language policy, and the emergence of English as a world language created a demand for expertise in linguistics and language training. CAL's primary function was to serve as a liaison between the academic world of linguistics and the language-related concerns of the practical world. CAL was the first organization to focus on the identification of qualified personnel for language-related professions, professional development for language teachers and development of linguistically sound materials for English as a second language as well as foreign language instruction.

CAL's original mandate was to improve the teaching of English around the world; encourage the teaching and learning of less commonly taught languages; contribute new knowledge to the field by conducting language research; and serve as a clearinghouse for information collection, analysis, and dissemination and as a coordinating agency to bring together scholars and practitioners involved in language-related issues. This was accomplished by convening meetings and issuing papers that addressed crucial language and education issues; consulting with ministries of education of countries that were newly independent, particularly in East Africa and the Middle East; working on English language learning among Native American populations; and developing materials in the less commonly taught languages.

During the Cold War, CAL enabled Eastern European scholars to disseminate their work in linguistics. During the height of the civil rights movement, CAL developed the Urban Language Program and invested resources in American dialect work, beginning with African American varieties and expanding to other ethnic and regional dialects. When large numbers of refugees arrived from Southeast Asia, CAL responded with resources to support their orientation and resettlement. In the last several decades, attention to the education of child and adult immigrants has expanded significantly. Recently, the organization has addressed national security needs by expanding the availability of resources in critical languages, such as Arabic and Chinese.

From its inception, CAL has grown and evolved to meet the needs of a changing world by providing reliable and objective information and by making complex linguistic issues comprehensible to students, researchers, teachers, parents, policy makers, and the general public. Central to its work is its research and seminal publications that serve as the basis for assessment, language education, bilingual education, English as a foreign/second language, language policy, and second language acquisition. Details of CAL's current work can be found at its website *www.cal.org.*

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding-an-earmark I received as part of H.R. 1105, the FY09 Omnibus Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Economic Development Initiatives

Project Name: CEDARS Children's Crisis Center

Amount: $142,500

Name and Address of Requesting Entity: CEDARS Youth Services, Inc., located at 620 North 48th Street, Lincoln, Nebraska 68504.

Description: The funding will be used for construction of a new Children's Crisis Center for abused, homeless, and runaway youth in Southeast Nebraska. CEDARS Youth Services plans to build a children's crisis center to provide short-term emergency shelter, immediate professional assessment of each child's needs, intense family-centered therapeutic services, and an environment that inspires a rapid return to stable and enduring family living. The 18,000 square foot facility will not only provide immediate safety and protection for vulnerable children and youth across the Midwest, but also a comfortable family-friendly setting for them to begin reunification or to meet prospective foster parents in a safe, professional supervised setting. While primarily helping persons from the Midwest area, the Center has recently served youth from the states of Tennessee, Georgia, California, Michigan, Texas and others. CEDARS is the only emergency shelter provider for children and youth in Southeast Nebraska, and this children's crisis center will expand the current service capacity by as many as 12 children each day. This is a 50% increase.

PERSONAL EXPLANATION

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. COFFMAN. Madam Speaker, on rollcall No. 100 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''no.''

On rollcall No. 101 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

On rollcall no. 102 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

On rollcall no. 103 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

On rollcall no. 104 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''no.''

On rollcall no. 105 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''no.''

On rollcall no. 106 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

On rollcall no. 107 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''no.''

On rollcall no. 108 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

On rollcall no. 109 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted ''yes.''

RECOGNIZING WOMEN OF NORTHERN VIRGINIA IN HONOR OF WOMEN'S HISTORY MONTH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Women's History Month by bringing my colleagues' attention to some of the remarkable women of the Eleventh Congressional District of the proud Commonwealth of Virginia. These women, like so many in our District and throughout this nation, worked tirelessly for their families and communities at great personal expense, and deserve recognition for their exceptional contributions to our region's more recent history.

One such example is that of Barbara Varon. A native of Germany, Varon immigrated to America as an adult and was devoted to her adopted land. As a world traveler who could speak several languages, she worked as a translator. Joining the Fairfax County General Registrar's Office, she was committed to a voter registration outreach program for high school students. Using her linguistic skills, she wrote brochures and designed pamphlets to inform the voting public. Her dedication led her to the position of chairman of the Fairfax County Electoral Board, a position in which she faithfully continued to serve her goal of seeing every citizen involved in the electoral process. Varon also donated her time to many volunteer organizations and frequently made generous anonymous donations to those in need. Varon fought valiantly for the rights and privileges of all residents to participate in the electoral process, and today, an award is granted annually in her name to a Fairfax County resident whose dedication to improving the community through volunteer service honors her memory.

Phyllis Campbell Newsome, another exemplary woman from Virginia's Eleventh District, devoted her life to bringing together nonprofit organizations in the Greater Washington area. As the Center for Nonprofit Advancement's Director of Advocacy and Community Relations, Newsome understood the power and strength of coalitions. It was frequently the power of her persuasion that brought together those with the strongest of convictions and convinced them to put aside differences, enabling a powerful nonprofit community bent on positive change. Additionally, she was a consistent and reliable source for the media and other community leaders who needed to know how the nonprofit community would be affected by anything from a hot button issue to a broad policy change. Often quoting Tip O'Neill's, ''All politics are local,'' she felt she could be most effective helping those she especially cared about — the poor and underserved communities—by working with local elected officials rather than at the state or even federal levels. A true community advocate, Phyllis Newsome is also memorialized by an annual award that is granted to an outstanding group of public servants for their dedication to the region's nonprofit community.

While neither of these outstanding women are with us today, their legacy lives on through the recognition of the ongoing contributions of the noble men and women of our District that occur annually in their name. The arrival of Women's History Month serves to remind us that we are fortunate to have such a legacy of service in our rich historical tapestry. I ask that my colleagues join me in applauding the contributions of Barbara Varon, Phyllis Campbell Newsome, and the women of the Eleventh Congressional District of the Commonwealth of Virginia, past and present, in honor of Women's History Month.

INTRODUCING THE QUALITY HEALTH CARE COALITION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Quality Health Care Coalition Act which takes a first step towards restoring a true free market in health care by restoring the rights of freedom of contract and association to health care professionals. For over a decade, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB–GYN who spent over 30 years practicing medicine, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, but also constitutes an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory which holds that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-

trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. Of course, this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. While Congress should protect the rights of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Madam Speaker, it is my hope that Congress will not only remove the restraints on medical professionals' freedom of contract, but will also empower patients to control their health care by passing my Comprehensive Health Care Reform Act. The Comprehensive Health Care Reform Act puts individuals back in charge of their own health care by providing Americans with large tax credits and tax deductions for their health care expenses, including a deduction for premiums for a high-deductible insurance policy purchased in combination with a Health Savings Account. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they find most beneficial to them, the HMO monster will wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to America's health care professionals. I also urge my colleagues to join me in working to promote a true free market in health care by putting patients back in charge of the health care dollar by supporting my Comprehensive Health Care Reform Act.

IN MEMORY OF MARGARET GRAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SKELTON. Madam Speaker, it is with deep regret that I inform the House of the death of Margaret Louise Gray of Lexington, MO.

Margaret was born October 27, 1931, in Ottawa, Kansas. She was married to William R. Gray, who preceded her in death on September 27, 1986. She is survived by a brother, Stephen Swaim, and two sisters, Doris Boyd and Betty Chatman.

Margaret was a member of the First Baptist Church of Lexington, the Lexington Business and Professional Woman's Club, War Dads, Elks, and a member of SORT. She was the Director of Family Services in Lafayette County for many years. Both her husband and she were active in developing the Lexington Senior Center and subsequently the 4–Life Center. The senior center was later named the Margaret Gray Senior Center in honor of her hard work and financial support.

Madam Speaker, Margaret L. Gray was an influential member in the Lexington community. I know the members of the House will join me in extending their heartfelt condolences to her family and friends. She will be greatly missed.

SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mrs. MALONEY. Mr. Speaker, I rise today in support of H. Res. 194, a resolution to support the goals of International Women's Day. I'd like to take this opportunity to commend the work of my colleague, Rep. JAN SCHAKOWSKY, for introducing this resolution again in the 111th Congress, and for her invaluable work in support of women's rights as co-chair of the Congressional Caucus on Women's Issues.

In the United States and in countries around the world, women are agents of change, development, and prosperity, contributing in so many ways to the well-being of their families and communities. There is clear and abundant evidence that when women thrive, the entire world thrives as well.

However, the benefits of women's full participation in economic, political, and social life are not being realized in many parts of the world. In all regions, women are less likely than men to receive pay commensurate to the value of their work, be given a voice in their national governments, or have access to basic human rights such as the right to an education. In many countries, the United States included, domestic violence is further reducing the opportunities available to women and girls to lead happy, healthy lives. H. Res. 194 is an important step towards guaranteeing the basic rights of women and girls worldwide by calling for an end to this discrimination.

Throughout my time in Congress, promoting women's rights has been one of my top legislative priorities. For years I have worked tirelessly with likeminded colleagues to restore funding to UNFPA, an organization whose mission is to promote the right of every woman to enjoy a life of health and equal opportunity. I commend the new Administration for recognizing the value of this goal by committing to funding UNFPA, including $50 million in the FY09 Omnibus Appropriations Bill.

However, more needs to be done in the 111th Congress to further women's rights. That is why I will be introducing a resolution condemning the actions of the Taliban to restrict girls' access to education in Swat, Pakistan, as well as H.R. 606, the International Women's Freedom Act. This bill reflects the goals of International Women's Day in many ways, as it calls for concerted action on the part of the State Department and Executive Branch to advance the rights of women, including creating an Office of International Women's Rights within the State Department, establishing a women's rights Internet site, and requiring that Foreign Service Officers receive women's rights related training.

This resolution in support of International Women's Day recognizes the strength, leadership, and capability demonstrated by women in every village, city, and country. I ask my colleagues to join me in reaffirming their commitments to protecting the rights of women and girls around the world, by observing International Women's Day, and by honoring women's contributions every day.

INTRODUCTION OF THE MAJOR DRUG TRAFFICKING PROSECUTION ACT OF 2009

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. WATERS. Madam Speaker, today I am introducing the Major Drug Trafficking Prosecution Act of 2009. This legislation will refocus federal prosecutorial resources on major drug traffickers and eliminate racial disparities created by the mandatory minimum sentences for powder and crack cocaine.

In the 1980s, Congress passed two Anti-Drug Abuse Acts with the goal that federal prosecutors would go after major drug traffickers at the top of the food chain, instead of low-level drug offenders at the bottom. Lengthy mandatory minimum prison sentences were passed for most drug crimes. These mandatory terms are triggered based solely on the type and weight of the drug involved, and, with very few exceptions, the courts cannot sentence below them.

Twenty years later, mandatory drug sentences have utterly failed to achieve Congress's goals.

First, these sentences are not stopping major drug traffickers. Huge quantities of drugs enter our country each year, but in 2005 the majority of crack and powder cocaine offenses, for example, were street-level dealers, mules and lookouts and users, 61.5 percent and 53.1 percent, respectively. Mandatory minimums lock up thousands of small-time sellers and addicts for decades.

Second, mandatory minimums have lengthened drug sentences, creating the need for more prisons and more taxpayer money to pay for them. Before the advent of mandatory sentences, drug offenders served an average of 22 months in prison; by 2004, that average sentence had nearly tripled, to 62 months in prison. Because of mandatory minimums, the federal prison budget has ballooned from $220 million in 1986 to $5.4 billion in 2008.

Longer sentences and more people in prison haven't translated into safer streets. At some point, the effectiveness per dollar in promoting increased public safety will decrease. For example, when crime dropped dramatically between 1992 and 1997, imprisonment was responsible for just 25 percent of that reduction. Seventy five percent was attributed to factors other than incarceration.

Finally, mandatory minimums have a disproportionate impact on African Americans, who comprise 12 percent of the U.S. population and 14 percent of drug users, but 30 percent of all federal drug convictions. African American drug defendants are 20 percent more likely to be sentenced to prison than

white drug defendants. African Americans, on average, serve almost as much time in federal prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months). Much of this disparity is due to the severe penalties for crack cocaine.

The Major Drug Trafficking Prosecution Act of 2009 will help refocus important federal prosecutorial resources to the major drug traffickers instead of low-level offenders and it will provide more discretion to judges by making some long overdue changes to current law: eliminating all mandatory minimum sentences for drug offenses; curbing federal prosecutions of low-level drug offenders; and allowing courts to place drug users on probation or suspend the sentence.

Mandatory minimums have been repealed before. A 2008 report issued by Families Against Mandatory Minimums describes how Congress first enacted mandatory drug sentences in the 1950s, then voted to repeal them in 1970 because they failed to reduce drug trafficking. I would like to refer Members to the report at the following site: http://www.famm.org/Repository/Files/8189_FAMM_BoggsAct_final.pdf. In a recent poll, 8 in 10 Americans agreed that courts—not Congress—should determine prison sentences, and 6 in 10 opposed mandatory sentences for nonviolent offenders. Today's Congress should heed the American people and repeal mandatory minimums again.

I strongly urge my colleagues to support The Major Drug Trafficking Prosecution Act of 2009.

CHARITABLE GIVING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MITCHELL. Madam Speaker, I rise today in support of charitable giving.

Americans give generously.

In the weeks following the deadly 2004 tsunami in Asia, donations from American charities outpaced official government aid by more than $100 million.

When Hurricane Katrina devastated the Gulf Coast of our nation, Americans responded with faster and more forceful giving than ever before. In the first 10 days, charitable giving topped $700 million. Ultimately, more than $4 billion was donated to the recovery effort.

Since the mid-1990s, charitable giving has accounted for roughly 2 percent of our annual GDP, which is more than double the rate of giving in any other country.

And Madam Speaker, most donations don't come from big business. They come from hardworking Americans. Individuals account for 75 percent of charitable giving.

Recently, some have proposed limitations on the tax deduction for charitable giving. We face a staggering deficit, and I believe we must balance the budget—but not by raising taxes on these donations.

It has long been a hallmark of the U.S. tax code that giving gets a tax break. Today, I joined Rep. ROS-LEHTINEN of Florida to introduce a resolution that would state this Chamber's support for charitable giving and its opposition to raising taxes on donations. At this time of great need at home and abroad, we must not make it harder for Americans to give. I urge my colleagues to join me in opposing a tax increase on charitable donations.

HONORING THE LIFE OF CONGRESSMAN DANIEL E. BUTTON

HON. ERIC J. J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MASSA. Madam Speaker, I would like to take a moment to recognize the life and achievements of Daniel E. Button, a former Congressman who represented New York's 29th District. Button, who died this week at age 91, was a father of five and a Columbia University-educated journalist in the late 1950s and early 1960s. In 1966, dismayed by what he saw as entrenched corruption, Button decided to run for Congress and won by doing the hard work of walking the district in a seemingly unattainable quest. He won by only 17,000 votes but was re-elected in 1968 for a second term. Even though Button's tenure as New York's 29th District Representative lasted only two terms, they were filled with Button's drive to fight for what he believed was right. For standing up and taking action for what he believed in, it is my pleasure to honor the late Congressman Daniel E. Button.

TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the costs imposed on them by federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals who incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms, as well as the hospitals, are required to provide care without seeking compensation to anyone who comes into an emergency room. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of $138,000 per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations, and can be fined $50,000 for failure to be in technical compliance with EMTALA!

Forcing physicians to offer their services without providing any form of compensation is a blatant violation of the takings clause of the Fifth Amendment. After all, the professional skills with which one earns a living are a form of property. Therefore, legislation, such as EMTALA, which forces individuals to use their professional skills without compensation is a taking of private property. Regardless of whether the federal government has the constitutional authority to establish programs providing free-or-reduced health care for the indignant, the clear language of the takings clause prevents Congress from placing the entire burden of these programs on the medical profession.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing, it was common for doctors to provide uncompensated care as a matter of charity. However, government laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they where acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increased health care costs associated with the government-facilitated over-reliance in third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by their interventions by imposing EMTALA mandate on physicians, in effect making the health care profession scapegoats for the unintended consequences of failed government health care policies.

EMTALA itself is having unintended consequences that could result in less care availability for low-income Americans at emergency rooms. This is because EMTALA provides a disincentive for physicians from offering any emergency care. Many physicians have told me in my district that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the federal government treats medical professionals! The tax credit of the Treat Physicians Fairly Act will help mitigate some of these unintended consequences.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to the physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

INTRODUCTION OF THE ''STUDY OF WAYS TO IMPROVE THE ACCURACY OF THE COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES ACT''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to reintroduce the ''Study of Ways to Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act,'' which would commission a study by

the National Academy of Engineering to examine the policies and procedures for ensuring the oil and gas from federal lands is appropriately measured for the purposes of paying royalties.

The bill has two components. The first calls on the National Academy of Engineering to study specific ways to improve the accuracy of the collection of royalties on oil and natural gas from Federal and Tribal lands. The study is needed because current methods used in the United States for collecting, measuring, valuing, and storing oil and natural gas may not lead to royalty payments that are as accurate as they could be.

Lawsuits have been filed alleging that energy companies are underpaying billions of dollars in royalties because of these inaccuracies—or possibly because of outright manipulation—in the process for determining royalty payments.

Many of these lawsuits have been settled, and we're talking about a lot of money here:

In 2000 and 2001, major oil companies settled with the Justice Department for over half a billion dollars in two False Claims Act lawsuits over oil and royalty underpayments.

In 2004, Chevron paid out $111 million to the State of Louisiana for underpayments.

In 2005, BP owned up to the tune of $233 in a Colorado case.

And, in a case still pending, Exxon Mobil may owe up to $3.6 billion or much more to the State of Alabama for underpayments in royalties there.

Certainly, for this kind of money, we can afford to ask the experts who understand the technical issues here to study the major underlying problems.

The second part of the bill is a review of royalty payments. It provides for a comparison of royalty payments made under federal oil and gas lease provisions to data supplied to the Federal Energy Regulatory Commission. This is to determine whether such payments were adequate under the terms of the oil and gas leases. With completion of these studies, the Congress, Minerals Management Service, and the Bureau of Land Management will have a better understanding of changes that should be undertaken to make the process more accurate and transparent, and American taxpayers will have a better chance of getting all the oil and gas royalties that they are owed.

HONORING THE MODEL HIGH SCHOOL LADY DEVILS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GINGREY. Madam Speaker, I rise today to recognize a talented group of girls from Floyd County in Georgia's 11th Congressional District. As we move towards March Madness in college basketball, the Georgia High School Association's state basketball playoffs are already underway. The Model High School Girl's Basketball Team—or Lady Devils—have soared to a perfect 30–0 record and are poised for a trip to the Georgia High School Association's Final Four tonight.

The Lady Devils' road to the Final Four has led them through a Region 7AA Championship and three rounds of State playoffs to send them to the semi-finals for the first time in over a decade.

Although many around Floyd County are riding high on the team's success, the girls of the No. 2–ranked and unbeaten Lady Devils are focused on getting back to work as they prepare for tonight's Final Four match-up against Henry County at the Macon Centreplex.

The Lady Devils are led by Coach Sally Echols, who actually played in Model High School's last trip to the Final Four in 1997. Echols has proved just as valuable as a head coach as she was on the court—leading the Lady Devils to four straight Region Championships. I ask that my colleagues join me in congratulating Coach Echols and the Model High School Lady Blue Devils for their success on the court as well as the hard work and determination that got them there. I wish them luck in the Final Four.

ON EL SALVADOR

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to express my grave concern about the upcoming elections in El Salvador this week.

Under its current and recent governments, El Salvador has served as a Forward Operating Location in the war on drugs and cooperates closely with the United States. However that may change if the opposition party, the FMLN, comes to power in Sunday's election.

The Farabundo Martí National Liberation Front (FMLN) is a pro-terrorist party with direct ties to sponsors of terror like Cuba, Iran, and FARC, the narcoguerrilla terrorist organization in Colombia. Based on its relationships, the FMLN clearly is not a reliable partner in the fight on drug trafficking and money laundering.

If the FMLN were to enter government in El Salvador, the Department of the Treasury would be forced to use its legal authority to monitor, control, delay, or terminate the movement of nearly $4 billion in remittances and other money transfers to El Salvador.

The United States must be prepared to apply, on an urgent basis, the full array of legal instruments available should circumstances after the Salvadoran election require the urgent termination of the flow of remittances to that country.

The government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security. For the sake of the Salvadorans and the United States, I pray that the FMLN is defeated, so that the United States can maintain its special relationship with the government of El Salvador.

On Election Day, El Salvador will be choosing between remaining a close U.S. ally, or realigning itself with countries hostile to the U.S. Let's hope they choose freedom, security, and good neighborliness with the U.S.

INTRODUCTORY STATEMENT ON H.R. 1463

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. HARMAN. Madam Speaker, one of the most important challenges confronting the intelligence community is learning the nature of and damage done by the worldwide network in nuclear centrifuge technology, bomb components and training run for almost two decades by A. Q. Khan—the revered "father" of his country's nuclear program. Considered a pariah abroad but a hero at home, that task got a lot tougher when Pakistan's High Court ordered Khan released from house arrest last month.

At the recent Wehrkunde Security Conference in Munich, Pakistani Foreign Minister Shah Mehmood Qureshi astonished delegates, telling us that his government had not decided whether to challenge the court decision but that Pakistan would continue to monitor Khan.

For those who stay awake at night worrying about Iran's increasing mastery of centrifuge technology and the ability of terror groups to access nuclear components, Pakistan's action is distressing.

When Khan "confessed" in 2004 to his illegal nuclear dealings, he was promptly placed under "house arrest" and pardoned by then President Pervez Musharraf. The U.S. government was denied access to him, and was never able to question him about what he did and what else he knew.

Today, we introduce legislation to condition future military aid to Pakistan on two things: that the Pakistani Government make A.Q. Khan available for questioning and that it monitor Khan's activities.

This much we do know. As a university student in Europe in the late 1960s and early 1970s, Khan earned degrees in metallurgical engineering from institutions in Holland and Belgium. In 1972, he began working for the Dutch partner of a uranium enrichment consortium and almost immediately raised eyebrows for repeated visits to a facility he was not cleared to see and for inquiries made about technical data unrelated to his own assignments.

Dutch intelligence quietly began to monitor him. In 1974, following India's first nuclear test, Khan offered his expertise to Pakistani Prime Minister Zulfikar Ali Bhutto. Later that year, Khan's company assigned him to work on Dutch translations of advanced, German-designed centrifuges—data to which he had unsupervised access for 16 days.

By 1975, the damage appears to have been done. Pakistan began to purchase components for its domestic uranium enrichment program from European suppliers, and Khan was transferred away from enrichment work due to concern about his activities.

In December, he abruptly returned to Pakistan with blueprints for centrifuges and other components and detailed lists of suppliers.

Convicted in absentia by the Dutch government for nuclear espionage, beginning in the mid-1980s, Khan is widely believed to have provided nuclear weapons technology to Iran, North Korea, Libya and possibly Syria and Iraq. His network involved front companies

and operatives in Dubai, Malaysia, Singapore, South Africa, South Korea, Switzerland and Turkey. Though much of the network was taken down following his confession, there is no conclusive evidence that it was destroyed.

Khan is again a loose nuke scientist with proven ability to sell the worst weapons to the worst people. Hopefully, appropriate Pakistani officials worry as we do that their civilians could become nuclear targets—as could NATO soldiers in neighboring Afghanistan or civilians in any number of Western countries.

Our bill provides a path for the Zardari government to do the right thing—to allow the U.S. to evaluate the full extent of A. Q. Khan's proliferation activities in order to halt any ongoing or future harm.

VEOLIA ENVIRONMENTAL SERVICES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. POE of Texas. Madam Speaker, today I am proud to honor Veolia Environmental Services and their facility in Port Arthur, TX, for their successful destruction of 1.5 million gallons of what was once the deadly nerve agent VX. Working in conjunction with Tri-State Motor Transit (TSMT) and the U.S. Army Chemical Materials Agency (CMA), they were able to complete the project safely and on time.

In the 1950s, the United States began to stockpile VX. Signed by the U.S. in 1993, The International Chemical Weapons Convention requires destruction of all chemical agents by participating nations by specified target dates. The U.S. had a stockpile of VX at the Newport Chemical Weapons Depot in Newport, Indiana where they could deactivate the chemical. They needed a facility to destroy hydrolysate, the caustic wastewater created by the agent's destruction.

The CMA discussed building a $300 million facility in Indiana to handle the process but the terrorist attack of 2001 forced them to reconsider. In 2007 they awarded Veolia with a $49 million contract to incinerate the corrosive wastewater. The wastewater would be put in specialized containers and hauled more that 1,000 miles through 8 states by TSMT to Veolia's Port Arthur facility where it would be destroyed.

This is not the type of project that a community greets with open arms. Two other sites denied the venture due to political and community concerns. Public protests and a federal lawsuit almost derailed the project once more, but Veolia made a promise to handle the job safely, in accordance with all regulations and without impact to the environment, 18 months and 428 shipments later, the process concluded without a single incident of any kind.

The project was successful on a number of levels. By utilizing the Port Arthur facility, taxpayers were saved close to $250 million. Veolia was able to assist the U.S. government in accomplishing its treaty obligations in an expeditious and safe manner. They also brought money and national attention to Southeast Texas.

I would like to commend Veolia Environmental Services and their employees for their hard work and dedication during this project.

Companies like Veolia that care about the community they serve make Southeast Texas such a special place.

INTRODUCING THE NURSING HOME EMERGENCY ASSISTANCE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Nursing Home Emergency Assistance Act. This act makes private, for-profit nursing homes eligible for the same federal aid as is currently available to public nursing homes. Under current federal law, only public nursing homes may receive federal disaster assistance. However, hurricanes, tornadoes, and earthquakes do not distinguish between private and public, or for-profit and not-for-profit, nursing homes.

As I have recently seen in my district, all nursing homes face unique challenges coping with natural disasters and their aftermaths. It is not fair to the taxpayers who work in, reside in, or have entrusted the care of their loved ones to, a private nursing home that private nursing homes are denied the same federal aid available to their public counterparts. Mr. Speaker, the Nursing Home Emergency Assistance Act ensures all residents of nursing homes can benefit from federal disaster aid. I encourage my colleagues to support this legislation.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2009 VALOR AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Two members of the Town of Herndon Police Department have earned this highest honor. It is with great pride that we submit their names into the CONGRESSIONAL RECORD:

Recipient of the Lifesaving Award: Captain Robert L. Presgrave.

Recipient of the Certificate of Valor: Sergeant Darcy L. Nidell.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Town of Herndon Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

IN RECOGNITION OF TALLADEGA COLLEGE MEN'S BASKETBALL TEAM WINNING NATIONAL TITLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to The Talladega College Tornadoes Men's Basketball Team for winning their first United States Collegiate Athletic Association National Championship Title.

The Talladega College Tornadoes won the national title on Saturday, March 7th in Uniontown, Pennsylvania on the Penn State Fayette campus by beating Rochester College 45 to 31.

I am proud to recognize Head Coach Matt Cross, President Billy Hawkins and the entire Tornado team and staff for their outstanding athleticism both on and off the basketball court. I congratulate each of these young men in claiming their first national championship for Talladega College.

Players: Romondo Banks, Jorge Canedo, Jeral Davis, Michael Ervine, Tory Guillory, Micah Hagans, Ricardo Moss, Donell Pope, Patrick Rodgers and Tarium Taylor.

Coaches: Matt Cross—Athletic Director and Head Men's Basketball Coach; Randy Pulley—Assistant Coach; Ricky Smith—Assistant Coach; Hellion Knight—Assistant Coach; and Demond Walker—Athletic Trainer.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, "Pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105."

1) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $382,000 to complete investigations at Freeport Harbor, Texas in furtherance of maintaining a federally authorized waterway.

2) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $406,000 to complete investigations in the Lower Colorado River Basin, Texas in furtherance of a federally authorized flood study.

3) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $1,264,000 to complete investigations in the Lower Colorado River Basin and Wharton and Onion Creeks, Texas in furtherance of a federally authorized flood study.

4) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $382,000 to complete investigations at GIWW Sabine Pass to Galveston Bay, Texas in furtherance of maintaining a federally authorized waterway.

5) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $1,914,000 to complete construction work at Texas City Ship Channel, Texas in furtherance of maintaining a federally authorized waterway.

6) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $20,766,000 to complete construction work at Houston-Galveston Navigation Channel, Texas in furtherance of maintaining a federally authorized waterway.

7) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $478,000 to complete construction work at Houston Ship Channel, Texas in furtherance of maintaining a federally authorized waterway.

8) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $478,000 to complete construction work at Clear Creek, Texas in furtherance of a federally authorized flood control.

9) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $323,000 to maintain the Channel to Port Bolivar, Texas in furtherance of a federally authorized water project.

10) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $6,516,000 to maintain Freeport Harbor, Texas in furtherance of a federally authorized water project.

11) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $5,590,000 to maintain Galveston Harbor Channel, Texas in furtherance of a federally authorized water project.

12) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $2,512,000 to maintain the GIWW Channel to Victoria, Texas in furtherance of a federally authorized water project.

13) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $2,716,000 to maintain the GIWW Chocolate Bayou, Texas in furtherance of a federally authorized water project.

14) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $5,730,000 to maintain the Matagorda Ship Channel, Texas in furtherance of a federally authorized water project.

15) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $1,376,000 to maintain the Texas City Ship Channel, Texas in furtherance of a federally authorized water project.

16) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $1,622,000 to maintain the Wallisville Lake, Texas in furtherance of a federally authorized water project.

17) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $29,586,000 to maintain the GIWW, Texas in furtherance of a federally authorized water project.

18) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of $13,788,000 to maintain the Houston Ship Channel, Texas in furtherance of a federally authorized water project.

19) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, Buses and Facilities

Legal Name of Requesting Entity: City of Galveston

Address of Requesting Entity: 823 Rosenberg, Galveston, Texas 77553

Description of Request: Provide an earmark of $237,500 for transit facility renovation in Galveston, Texas in furtherance of hurricane recovery.

20) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, CTPS

Legal Name of Requesting Entity: City of Galveston

Address of Requesting Entity: 823 Rosenberg, Galveston, Texas 77553

Description of Request: Provide an earmark of $95,000 for work on the Seawall in Galveston, Texas in furtherance of hurricane recovery.

21) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, Buses and Facilities

Legal Name of Requesting Entity: Golden Crescent Regional Planning Commission

Address of Requesting Entity: 568 Big Bend Drive, Victoria, TX 77904

Description of Request: Provide an earmark of $237,500 for bus replacement in Victoria, Texas in furtherance of transportation system improvement to enhance job retention and creation in and around Victoria, Texas

22) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: HHS, HRSA, Health Facilities and Services

Legal Name of Requesting Entity: Memorial Hermann Health Care Systems

Address of Requesting Entity: 7737 Southwest Freeway, Houston, Texas 77074

Description of Request: Provide an earmark of $190,000 for healthcare facilities and equipment in and around Houston, Texas

23) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: Reach out and Read

Address of Requesting Entity: 56 Roland Street, Suite 100D; Boston, MA 02129

Description of Request: Provide an earmark of $4,965,000 for reading based federally-funded national educational program.

24) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: Reading is Fundamental (RIF)

Address of Requesting Entity: 1825 Connecticut Avenue, NW—Suite 400; Washington, DC 20009

Description of Request: Provide an earmark of $24,803,000 for reading based federally-funded national educational program.

25) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: SURE BET

Address of Requesting Entity: 5606 N. Navarro, Suite 200 R; Victoria, TX 77904

Description of Request: Provide an earmark of $95,000 for program to reduce school drop-out rates in and around Victoria, Texas

26) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Housing and Community Services, Inc

Address of Requesting Entity: 8610 N. New Braunfels, Suite 500; San Antonio, TX 78217

Description of Request: Provide an earmark of $23,750 for equipment at Fox Run Apartments in Victoria, Texas

27) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: OJP, Juvenile Justice

Legal Name of Requesting Entity: Texana Center, inc.

Address of Requesting Entity: 4910 Airport Avenue, Rosenberg, TX 77471

Description of Request: Provide an earmark of $500,000 for Nublac drug rehabilitation program targeted to serve minority residents in and around Bay City, Texas

CONGRESSIONAL GOLD MEDAL FOR RABBI ARTHUR SCHNEIER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, for almost half a century Rabbi Arthur Schneier has promoted religious freedom and human rights throughout the world. A Holocaust survivor, and the Founder and President of the Appeal of Conscience Foundation, Rabbi Schneier has devoted his life to overcoming the forces of hatred and intolerance.

He has been a pioneer in bringing together religious leaders to address, ethnic or religious conflicts. For example, in Bosnia in 1997, he convened government and religious leaders to promote healing and conciliation between Orthodox, Muslim and Jewish communities. In the Balkans, the Caucasus and Central Asia he worked with the Orthodox Patriarch and the Turkish Government to hold the Peace and Tolerance Conference in 1994 and address religious and ethnic tensions in that area. In the former Yugoslavia, he mobilized religious leaders to halt the bloodshed of the early 90s, holding the Religious Summit on the Former Yugoslavia and the Conflict Resolution Conference to build support and consensus among religious leaders of different faiths. Since the early 1980s, he has led delegations of religious leaders to China to open a dialogue on religious freedom.

Born in Vienna, Austria, in 1930, Rabbi Schneier lived under Nazi occupation in Budapest during World War II and came to the United States in 1947. He has been the Spiritual Leader of the Park East Synagogue in New York City since 1962.

Today I am reintroducing the Rabbi Arthur Schneier Gold Medal act and I urge my colleague to support this legislation in recognition of a truly remarkable man.

RECOGNIZING AT&T FOR JOBS CREATION AND COMMITMENT TO CLEAN ENERGY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to applaud AT&T for its commitment to creating new jobs with an environmentally friendly, clean energy business model.

At a time when millions of Americans are suffering through one of the most difficult economies in many years, AT&T plans to create 3,000 new jobs as part of an $18 billion investment. Under this initiative, the company will enhance its broadband capacity—increasing Internet speed and accessibility for its customers.

AT&T also plans to invest $565 million in replacing its current fleet with 15,000 domestically manufactured Compressed Natural Gas, CNG, and alternative-fuel vehicles. Over the next 10 years, this will create or save 1,000 jobs.

The Center for Automotive Research, CAR, in Ann Arbor, MI., estimates that the new vehicles will save 49 million gallons of gasoline and reduce carbon emissions by 211,000 metric tons over the 10-year deployment period. That is equivalent to removing the emissions from more than 38,600 traditional passenger vehicles for a year.

Madam Speaker, AT&T has not only answered the call to help lead this country out of the economic downturn, but done so in an environmentally conscious manner. AT&T stands as a strong example for corporate America, and I hope that others will follow in their footsteps.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MCCARTHY of New York. Madam Speaker, today, I was unexpectedly detained at a doctor's appointment and missed one vote. I would like the RECORD to reflect how I would have voted.

Rollcall No. 116, on the motion to suspend the rules and agree to H. Res. 67, Recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of their successful landing, I would have voted "yea."

SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

SPEECH OF

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. SIRES. Mr. Speaker. I rise today in support of House Resolution 194, supporting the goals of International Women's Day. Women have come a long way in our nation; leading graduation rates at universities, running major corporations and being elected to the highest levels of government. I am proud to live in a country where more women than ever before are being elected to office and I am proud to serve with the first woman Speaker of the House of Representatives. However, many women around the world continue to be less fortunate; living in poverty, without access to health care, education or basic human rights. We must continue to be their voice, so that women all across the world will one day have the ability to make their own decisions about their lives. I hope that by providing women with the tools to educate themselves, they are better equipped to provide for their families, protect themselves against HIV/AIDS, end cycles of domestic violence, and fight for their rights. Mr. Speaker, we must continue to support the goals of International Women's Day to

ensure the further advancement of women in our country and around the globe.

INTRODUCING A RESOLUTION TO COMMEND THE AUSTRALIANS' UNQUALIFIED APOLOGY TO INDIGENOUS AUSTRALIANS AND TORRES ISLANDERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce legislation that commends the Australian government for apologizing for its mistreatment of Indigenous Australians and Torres Islanders, and for committing to fighting the disparities that continue to impact Indigenous communities.

Indigenous Australians first arrived on the continent more than 50,000 years ago, developed one of the oldest cultures on earth, and made world renowned contributions to the arts, politics and athletics despite the hardships that they faced at home.

From the mass killings of Indigenous people by European settlers during the 18th Century to restricting Indigenous Australians from the right to vote until 1962, violence, discrimination and disenfranchisement have however, played a significant role in European and Indigenous relations for centuries. Perhaps Australia's most notorious action against the Indigenous population during the 20th Century was the Australian government's authorization of the removal of tens of thousands of children of native and mixed ancestry from their homes under the Protection Acts. These were inspired by racist and pseudo-scientific notions of cultural and racial superiority, and designed to eradicate Indigenous culture and the very existence of the Indigenous people. The victims of this national atrocity are often referred to as the Stolen Generation.

Madam Speaker, the legacy of official and unofficial discriminatory practices by the Australian Government has contributed to substandard education, health, employment and lack of political power among Australia's Indigenous population. On average, Indigenous Australians die 17 years earlier than white Australians, and have higher instances of infant mortality, unemployment and homelessness. These figures are a jarring reminder that Australia's prosperity has yet to fully reach the people who first inhabited the land.

On February 13, 2008 millions of Australians of all colors and ethnicities witnessed Prime Minister Kevin Rudd's formal apology—on behalf of the Australian Government and its Parliament—to the Indigenous and Torres Island community. The long awaited apology was accompanied with a promise from the Council of Australian Governments (COAG) to donate $4.6 billion to fund initiatives to improve life expectancy, health, education and employment in Indigenous communities. Nearly a year later, Prime Minister Rudd addressed the nation and reported on the status of the initiatives that were implemented and drafted after the apology, and reiterated the importance of change and reconciliation.

Madam Speaker, American Theologian Tryon Edwards said, "Right actions in the future are the best apologies for bad actions in the past." The value of Australia's apology is undoubtedly determined by the Australian government's ability to aggressively address the systemic inequalities that exclude most Indigenous people from the standard of living that is held by the vast majority of non-Indigenous Australians.

Like Australia, racial disparities exist in the United States. As we commend Australia on its willingness to confront its past, let us also reflect on our history with the purpose of comprehensively targeting the residual barriers that prevent some Americans from accessing opportunities in this country.

A TRIBUTE TO KO-THI AFRICAN DANCE COMPANY OF MILWAUKEE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the internationally renowned dance troupe, Ko-Thi African Dance Company of Milwaukee. In May, 2009, Ko-Thi African Dance Troupe will celebrate its 40th anniversary.

Much of the success of the Ko-Thi African Dance Company can be attributed to its founder and Artistic/Executive Director, Ferne Caulker. Ms. Caulker, born in Sierra Leone, West Africa is a creative genius blessed with the passion and determination needed to create a "family" of professional performers. She is a full professor at the University of Wisconsin-Milwaukee in the School of Dance where she has taught since 1971. Ms. Caulker is not only a former Fulbright Fellow but a recipient of numerous award. She has made the music and dance of the peoples of the African Diaspora accessible to all Americans, especially African-American audiences. Twenty years ago she extended that vision to include a children's troupe, Ton Ko-Thi, to instill cultural pride and self-worth to children through the discipline required to create art.

The Company is comprised of both musicians and dancers trained in the history, mythology and techniques of art forms within the African Diaspora. The troupe utilizes a myriad of traditional instruments, authentic costumes, infectious music and extraordinary dance to educate and bridge the gap between cultures. Ko-Thi operates a comprehensive educational outreach program, Drum Talk that works with institutions to assist with expanding and diversifying any curriculum with the history, dance, and drumming of the African continent and its Diaspora. If you have had the privilege of attending a Ko-Thi Dance Company performance, you know it is a tremendous experience to observe their exacting stepping, pulsating vibrant rhythm and hypnotic movement. The Ko-Thi African Dance Company is Wisconsin's regional, national and international touring gem. They have performed in Japan, Canada and many venues throughout the United States.

Madam Speaker, I am proud to say the Ko-Thi African Dance Company hails from the 4th Congressional District and pleased to give praise to Ferne Caulker, the ensemble, and their Board of Directors. I wish them many more years of success.

RECOGNIZING FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT RECIPIENTS OF THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2009 VALOR AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Nine members of the Fairfax County Fire and Rescue Department earned this high honor. It is with great pride that we submit their names into the Congressional Record:

Recipients of the Lifesaving Award: Shift Captain Ronald A. Gemsheim Jr. and Firefighter Brian J. Bonkoski.

Recipients of the Certificate of Valor: Technician Michael S. Eddy, Technician Tie L. Burlow, Technician Kathleen M. Vorbau, and Firefighter Medic Damian C. Ripley.

Recipients of the Bronze Medal of Valor: Station Captain Tony C. Kostecka, Firefighter Miguel Obleas, and Firefighter Henry T. Chan.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

INTRODUCTION OF THE GERIATRICS LOAN FORGIVENESS ACT OF 2009

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. DELAURO. Madam Speaker, I rise today to introduce the Geriatrics Loan Forgiveness Act of 2009. This bill would take an important step towards encouraging more health professionals to enter the field of geriatrics and care for our aging population.

In 2011—just two years from now—the first baby boomers will turn 65. By 2030, the number of Americans 65 and older will have nearly doubled, to over 70 million.

Our nation currently has too few health care professionals who specialize in geriatrics to treat older adults with complicated illnesses,

and that problem is going to dramatically worsen in the very near future. Yet there are currently fewer than 9,000 geriatric physicians practicing in the United States, far below the 36,000 or more needed to effectively care for the nation's booming population of seniors by 2030. The numbers are similar across health care disciplines, including nursing, social work, psychology, pharmacy and psychiatry.

Geriatric specialists are the foundation of high-quality, comprehensive health care for our older adults. This kind of specialized care is complicated and demanding. For example, about 80 percent of the senior population has one or more chronic conditions. In 2002, older people made up 13 percent of the U.S. population yet accounted for 36 percent of all hospital stays, 49 percent of all days of hospital care, and 50 percent of all physician hours.

Despite this growing need, many health care professionals inclined to study and practice in geriatrics are dissuaded from doing so because treating the elderly carries financial disincentives for them. Currently, over 86 percent of medical school graduates carry educational debt, and the median debt burden for graduates of public medical institutions has risen to over $119,000 while that for private school graduates has increased to nearly $150,000.

The Geriatrics Loan Forgiveness Act of 2009 would address the national shortage of geriatric specialists by enabling geriatric specialists to participate in the existing National Health Service Corps Loan Repayment Program, encouraging more health care professionals to be certified in geriatrics. This program currently forgives up to $25,000 on behalf of an individual for each of the first two years of obligated service.

In its April 2008 report, ''Retooling for an Aging America,'' the Institute of Medicine recommended that ''Public and private payers should provide financial incentives to increase the number of geriatric specialists in all health professions.'' The Geriatics Loan Forgiveness Act would provide a very important incentive for health care graduates to enter geriatric specialties early in their careers and become part of the workforce that we need to provide quality health care to America's seniors.

THE SAFE AND SECURE AMERICA ACT OF 2009

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of Texas. Madam Speaker, today I introduce the Safe and Secure America Act of 2009 to instill confidence in the American people that our intelligence community is fully equipped to investigate and prevent threats to our safety and security.

This legislation extends for ten years sections 206 and 215 of the USA PATRIOT Act and section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, which are scheduled to sunset on December 31, 2009. Three years ago, Congress reauthorized the USA PATRIOT Act, eliminating all but these three sunsets.

Section 206 of the USA PATRIOT Act authorizes the use of multipoint or ''roving'' wiretaps for national security and intelligence investigations. A ''roving'' wiretap applies to an individual and allows the government to a use a single wiretap order to cover any communications device that the suspect uses or may use. This type of wiretap differs from a traditional criminal wiretap that only applies to a particular phone or computer used by a target. Without roving wiretap authority, investigators would be forced to seek a new court order each time they need to change the location, phone, or computer that needs to be monitored.

Section 215 allows the Federal Bureau of Investigation (FBI) to apply to the FISA court to issue orders granting the government access to any tangible items (including books, records, papers, and other documents), no matter who holds it, in foreign intelligence, international terrorism, and clandestine intelligence cases. The USA PATRIOT Improvement and Reauthorization Act of 2005 contains several protections against abuses of Section 215 authority, including Congressional oversight, procedural protections, application requirements, and judicial review.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 amends the definition of ''agent of a foreign power'' to include ''lone wolf'' terrorists who are non-U.S. persons engaged in international terrorism, regardless of whether they are affiliated with an international terrorist group. When FISA was originally enacted in the 1970s, terrorists were more commonly members of an identified group. That is not the case today. Many modern-day terrorists may subscribe to a movement but do not subscribe to a specific group and often act alone. It is imperative that such an out-dated definition does not impede our ability to gather intelligence about perhaps the most dangerous terrorists operating today.

Madam Speaker, America is fortunate to not have suffered a terrorist attack on our soil in over seven years. But we must not let our safety become complacency. America is safe today not because terrorists and spies have given up their mission to destroy our freedoms and our way of life. America is safe today because the men and women of the intelligence community work tirelessly to protect us. It would be irresponsible of Congress to take away the authorities needed to their job. The threat to America from terrorists, spies, and enemy nations will not sunset at the end of this year. Neither should America's anti-terrorism laws.

CONSUMER OVERDRAFT PROTECTION FAIR PRACTICES ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, overdraft fees are becoming an increasing problem for bank customers. A November 2008 Federal Deposit Insurance Corporation (FDIC) study of 462 FDIC regulated banks found that 86% operated formal overdraft programs, with 75% automatically enrolling consumers into an overdraft protection plan. In some cases, consumers were not allowed to opt-out. Automated overdraft usage fees assessed by banks ranged from $10 to $38, and the median fee assessed was $27.

A separate report released by the nonpartisan Center for Responsible Lending (CRL) demonstrates that well over $10 billion dollars in overdraft fees are generated each year, with almost half generated from debit card purchases, in which the customer typically has no warning that the transaction will trigger an overdraft fee. Not surprisingly, the CRL study also showed that the overwhelming majority of customers want to know if a debit or ATM transaction would trigger an overdraft fee.

To provide consumers more notice and choice related to overdraft fees, I am reintroducing the Consumer Overdraft Protection Fair Practices Act.

The central provision of the Consumer Overdraft Protection Fair Practices Act is that it requires notice to customers when an ATM or debit card transaction will trigger an overdraft and an opportunity in real time for the consumer to accept or reject the overdraft service (and the associated fee) for that transaction.

This legislation amends the Truth in Lending Act (TILA) to provide these new consumer protections. By bringing overdraft plans under the TILA, as an extension of credit, it would require the disclosure of the terms and charges associated with an overdraft program. This would give an opportunity for account holders to choose to have an overdraft plan or not—the same basic consumer protections provided for other consumer credit products.

In addition, the bill seeks to stop the practice of banks maximizing their overdraft fee income by intentionally manipulating the order in which they process debits on customer accounts so as to increase the number of overdrafts. For example, some banks pay the largest check first before paying other smaller checks or making any deposits. While banks argue that the largest check is often the most important, a bank that has an overdraft program generally pays them all, so changing the order only changes the amount of the fees paid by the customer.

This disclosure bill is modeled on legislation with which most Americans are now very familiar—requiring disclosure at ATMs that ATM transactions will trigger a fee. Just as individuals may choose the convenience of withdrawals from an ATM, they may choose the convenience of overdraft protection or not, after being informed of the cost of the service.

In summary, the bill provides these key protections:

Requires consumer consent before banks can permit overdraft loans for a fee. Banks will be required to obtain written consent for covering overdrafts for a fee, and to disclose to consumers the amount of any fee, the types of transactions that will overdraw the account, and the time period for repayment of the extension of credit.

Clarifies that overdraft fees are finance charges under the Truth in Lending Act, so consumers can compare the cost of borrowing the bank's funds through an overdraft with other sources of cash advances.

Prohibits banks from manipulating the order in which checks and other debits are posted if it causes more overdrafts and maximizes fees.

Requires banks to warn the customer that an electronic transaction may trigger an overdraft loan fee and allow the customer to cancel the transaction after receiving this warning.

THE DEATH OF COMMON SENSE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. DUNCAN. Madam Speaker, John A. Smaldone of Maryville, Tennessee reads constantly and follows current events more closely than almost anyone.

He recently sent a letter to the editor of the Maryville-Alcoa Daily Times about the death of common sense.

I agree with this letter and would like to call it to the attention of my colleagues and other readers of the RECORD.

[From the Daily Times, Feb. 27, 2009]

COMMON SENSE LONG DECEASED

(By John A. Smaldone)

DEAR EDITOR: Today I am sad to announce that we mourn the passing of a beloved old friend, Common Sense. Common sense has been with us for many years. No one knows for sure how old he was, since his birth records were long ago lost in bureaucratic red tape. He will be remembered as having cultivated such valuable lessons as: Knowing when to come in out of the rain; why the early bird gets the worm; Life isn't always fair; and maybe it was my fault.

Common Sense lived by simple, sound financial policies (don't spend more than you can earn) and reliable strategies (adults, not children, are in charge).

His health began to deteriorate rapidly when well-intentioned but overbearing regulations were set in place. Reports of a 6-year-old boy charged with sexual harassment for kissing a classmate; teens suspended from school for using mouthwash after lunch; and a teacher fired for reprimanding an unruly student, only worsened his condition.

Common Sense lost ground when parents attacked teachers for doing the job that they themselves had failed to do in disciplining their unruly children.

It declined even further when schools were required to get parental consent to administer sun lotion or an aspirin to a student; but could not inform parents when a student became pregnant and wanted to have an abortion.

Common Sense lost the will to live, as the churches became businesses; and criminals received better treatment than their victims.

Common Sense took a beating when you couldn't defend yourself from a burglar in your own home and the burglar could sue you for assault.

Common Sense finally gave up the will to live after a woman failed to realize that a steaming cup of coffee was hot. She spilled a little in her lap and was promptly awarded a huge settlement.

Common Sense was preceded in death by his parents, Truth and Trust; by his wife, Discretion; by his daughter, Responsibility; and by his son, Reason.

His four stepbrothers survive him;

I Know My Rights.

I Want It Now.

Someone Else Is To Blame.

I'm A Victim.

Not many attended his funeral because so few realized he was gone.

INTRODUCTION OF THE MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT: MARCH 12, 2009

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to introduce legislation today to financially assist some of the most endangered, charismatic and landmark wildlife species on this planet.

This measure is modeled after highly successful efforts to raise money for breast cancer research, to fund domestic violence prevention programs and to assist the families of rescue workers killed or disabled in the terrorist attacks of September 11, 2001.

Under the terms of my proposal, the U.S. Postal Service would issue a semipostal stamp depicting highly imperiled African and Asian elephants, Rhinoceros, Tigers, Great Apes and Marine turtles. The stamp would be issued at a premium price so that the Postal Service could recapture their costs and would provide any additional revenues to the Multinational Species Conservation Funds.

While it is unclear how much money would be raised through the sale of semipostal wildlife stamps, we do know that since 1998, 802 million breast cancer stamps have been sold to the public which has raised a remarkable $59.5 million for critical breast cancer research. It is also important to note that these new wildlife stamps will not replace or undermine the breast cancer stamps which by law will be available until at least December 31, 2011. I am also convinced that stamp enthusiasts will not only buy more breast cancer stamps but will purchase wildlife flagship species stamps.

For the past twenty years, the United States Congress has enacted Multinational Species Conservation Funds to assist African and Asian elephants, Rhinoceros, Tigers, Great Apes and Marine Turtles. Money appropriated to these funds are the only continuous source of revenue in the world for these species and approved conservation projects have stopped several of these animals from sliding toward extinction. Nevertheless, there is no denying that there are now less than 40,000 Asian elephants, 15,000 Rhinoceros and 5,000 tigers living in the wild and that six of the seven species of marine turtles are highly endangered. Without further assistance several of these species will disappear in our lifetime and it is, therefore, essential that new creative funding mechanisms be developed to save these imperiled species. The semipostal wildlife stamp has the potential to raise millions of dollars at no cost to the U.S. taxpayer.

Since 1988, the U.S. Fish and Wildlife Service has funded more than 1,600 conservation projects to assist these species. What is not well known, however, is that the agency was unable to support an additional 1,300 meritorious projects which could well determine whether these species survive in the future.

Since coming to Congress, I have worked together with a number of conservation organizations to establish and extend funding for the Multinational Species Conservation Funds. I am pleased that 24 conservation organizations have endorsed this legislation including the African Wildlife Foundation, American Veterinary Medical Association, the Association of Zoos and Aquariums, Born Free USA, Caribbean Conservation Corporation, Cheetah Conservation Fund, Conservation International, Defenders of Wildlife, Dian Fossey Gorilla Fund International, Fauna and Flora International, Feld Entertainment, Humane Society of the United States, Humane Society International, International Elephant Foundation, International Fund for Animal Welfare, International Rhino Foundation, Jane Goodall Institute, The Nature Conservancy, Ocean Conservancy, Safari Club International, Wildlife Alliance, Wildlife Conservation Society, The WILD Foundation, and the World Wildlife Fund. These diverse groups which represent tens of millions of people understand that additional funding for these landmark species is essential.

Finally, I would like to thank my Subcommittee Chairwoman MADELEINE BORDALLO, the former Chairmen of the Committee on Natural Resources, Congressmen DON YOUNG and GEORGE MILLER, Congressman RON KIND, Congresswoman MARY BONO MACK, Congressman PETER KING, Congressman JOHN TANNER and Congresswoman ILEANA ROS-LEHTINEN for joining with me as co-sponsors of the Multinational Species Conservation Funds Semipostal Stamp Act.

ON INTRODUCING A RESOLUTION COMMENDING THE INTERNATIONAL CRIMINAL COURT FOR ISSUING AN ARREST WARRANT FOR SUDANESE PRESIDENT OMAR HASSAN AHMAD AL-BASHIR

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution commending the International Criminal Court for issuing an arrest warrant for Sudanese President Omar Hassan Ahmad al-Bashir, for war crimes and crimes against humanity. This resolution reaffirms our nation's commitment to supporting a multifaceted approach to bringing about peace and stability in the Darfur region. After over six years of conflict in Darfur, six years of government-led genocide against its own people, six years of murder, rape, torture, and oppression, I applaud the international community for taking a major step forward in the name of justice, humanity, and the rule of law.

Madam Speaker, no leader who commits such horrific crimes should be allowed to remain free. President al-Bashir has directed the Sudanese government's efforts to use the very worst kinds of crimes to carry out an active program of oppression. While the roots of this conflict run deep, combining a complex mix of racial, tribal, religious, political, geographic, and environmental matters, surely there can be no excuse to engage in the kind of violence that President al-Bashir has inflicted on the people of Darfur. It is well past time to bring him to justice.

I laud the International Criminal Court for issuing a warrant for President al-Bashir's arrest. This was a long time coming. The ICC owes a great deal to the grassroots efforts of a wide range of non-governmental organizations (NGOs), human rights groups, individual

experts, and other activists for keeping up the pressure on the international community to act.

This warrant has not yet resulted in an arrest, nor even in a cessation of hostilities. In fact, President al-Bashir responded to the warrant by expelling over a dozen international aid agencies from the region, further threatening the lives of well over 1 million people who depend on these organizations for food, water, shelter, health care, and personal safety. Such is the measure of the Sudanese government and its leadership. But this warrant is a major step forward. When the international community begins to hold leaders responsible for their unconscionable crimes, we begin to prevent such abuses from occurring in the future.

Madam Speaker, I am under no illusion that this arrest warrant—even if it results in President al-Bashir's arrest and removal from power—will end the conflict in Darfur. This warrant is yet another step on the long road to ending this conflict and achieving some measure of stability in the war-torn region. But it will require a comprehensive approach combining positive political, economic, social, and even military efforts. The United States, for one, needs to build on the ICC's momentum by immediately committing to an intense diplomatic effort. I welcome Secretary of State Hillary Clinton's affirmative remarks on the ICC's warrant, and I further encourage President Obama to appoint a full-time, high-level envoy to the region. We can and we must build on the ICC's efforts to bring to justice those responsible for the atrocities in Darfur.

I urge my colleagues to support this resolution.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. KLEIN of Florida. Madam Speaker, on March 9, 2009, I was tending to a family commitment, for which the timing was not flexible.

Had I been able to vote, I would have voted "yes" on rollcall No. 110; "yes" on rollcall No. 111; "yes" on rollcall No. 112.

HONORING WINTER HAVEN AREA TRANSIT'S 10TH ANNIVERSARY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PUTNAM. Madam Speaker, the Winter Haven Area Transit (WHAT) began as a three-year pilot program funded jointly by the City of Winter Haven and the Polk County Board of County Commissioners. It is now celebrating its 10th anniversary, marked by a special time capsule ceremony on Tuesday, March 17, 2009.

WHAT served 47,553 riders in its first year and served 589,747 last year. WHAT now provides transportation to Bartow, Eagle Lake, Auburndale, Lake Alfred, Lake Wales, Haines City, Lakeland and Winter Haven. It has a fully functional state-of-the-art transit terminal serving thousands of riders each day.

The WHAT is operated under the Citrus Connection, which serves Lakeland—another city in my district. The Citrus Connection estimated that riders save $1,300 they would otherwise spend on car expenses such as gas, title payments, maintenance, insurance, or parking fees. Given the pervasive ridership, the WHAT system puts money back in the pocket of taxpayers who would otherwise use it to unnecessarily sit in traffic.

The WHAT system moves people more efficiently to places of employment, shopping districts, medical appointments, and generally improves the quality of life of local residents.

Finally, I would like to draw attention to Winter Haven resident Larry Murphy, because this system would not have been put in place without his efforts. Mr. Murphy gathered 175 signatures on a petition and continually pushed his case before the city commission for the bus service. His efforts paid off and have been enjoyed by 2,687,618 riders over the past 10 years.

Mr. Murphy's vision was to help people get where they needed to go. His advocacy is what got the Winter Haven Area Transit buses. His legacy is what keeps them moving forward.

Happy 10th Anniversary to the Winter Haven Area Transit and a great thanks to Mr. Murphy.

INTRODUCTION OF THE FREEDOM FROM UNNECESSARY LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Freedom from Unnecessary Litagation Act. As its title suggests, this bill provides an effective means of ensuring that those harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. This bill achieves its goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their award to a trial lawyer.

Relying on negative outcomes insurance instead of litigation will also reduce the costs imposed on physicians, other health care providers, and hospitals by malpractice litigation. The Freedom from Unnecessary Litigation Act also promotes effective solutions to the malpractice crisis by making malpractice awards obtained through binding, voluntary arbitration tax-free.

The malpractice crisis has contributed to the closing of a maternity ward in Philadelphia and a trauma center in Nevada. Several years ago, surgeons in West Virginia actually walked away from their jobs to protest increasing liability rates. These are a few of the examples of how access to quality health care is jeopardized by the epidemic of large, and medically questionable, malpractice awards, and the resulting increase in insurance rates.

As is typical of Washington, most of the proposed solutions to the malpractice problem involve unconstitutional usurpations of areas best left to the states. These solutions also ignore the root cause of the litigation crisis: the shift away from treating the doctor-patient relationship as a contractual one to viewing it as one governed by regulations imposed by insurance company functionaries, politicians, government bureaucrats, and trial lawyers. There is no reason why questions of the assessment of liability and compensation cannot be determined by a private contractual agreement between physicians and patients. The Freedom from Unnecessary Litigation Act is designed to take a step toward resolving these problems through private contracts.

Using insurance, private contracts, and binding arbitration to resolve medical disputes benefits patients, who receive full compensation in a timelier manner than under the current system. It also benefits physicians and hospitals, which are relieved of the costs associated with litigation. Since it will not cost as much to provide full compensation to an injured patient, these bills should result in a reduction of malpractice premiums. The Freedom from Unnecessary Litigation Act benefits everybody except those trial lawyers who profit from the current system. I hope all my colleagues will help end the malpractice crises while ensuring those harmed by medical injuries receive just compensation by cosponsoring my Freedom from Unnecessary Litigation Act.

TRIBUTE TO JERRY PATTERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Jerry Patterson, a native of Fort Dodge, Iowa, on being inducted into the Iowa High School Baseball Coaches Association Hall of Fame.

Jerry, a 70-year-old resident of Fort Dodge has done everything in the game of baseball. He played high school baseball in Fort Dodge, has coached for many years, and has even owned a ball park. Fort Dodge's baseball field, Patterson Field, is named after Jerry.

Jerry was recently honored in Cedar Rapids, Iowa in front of a crowd of approximately 1,000 people from across the state. Patterson has been inducted to the Hall of Fame in honor of his passion, dedication, and contributions to the game of baseball and Fort Dodge.

Jerry, who has been successfully battling cancer for over 12 years, continues to serve as an inspiration to his community, and his contributions have made a lasting impact across the state. I know that my colleagues in the United States Congress join me in congratulating Jerry Patterson on his induction into the Hall of Fame. I consider it an honor to represent Jerry in Congress, and I wish him and his wife happiness and health in the future.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Georgian Court University

Address of Requesting Entity: 900 Lakewood Avenue, Lakewood, New Jersey 08701

Description of Request: I have secured $190,000 for the Autism Institute for Training and Applied Research at Georgian Court University, Lakewood, New Jersey in Division F of the Omnibus Appropriations Act, 2009. The Institute will establish a statewide resource for parents, caregivers and healthcare professionals and provide development and in-service training and outreach and conduct applied research on all facets of autism spectrum disorders. Georgian Court University is committed to this project and is in the process of developing courses in autism and has hired a full-time faculty member devoted to autism research.

HONORING ANNE A. ANDREWS, FAIRFAX COUNTY'S CITIZEN OF THE YEAR

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Anne A. Andrews, Fairfax County's Citizen of the Year. For over three decades, Anne Andrews has raised her voice for, and our awareness of, the needs of Fairfax County's most vulnerable residents. She demonstrates an unparalleled dedication to helping others and is one of the most committed citizen leaders in the County. The passion she embodies is apparent in the expansiveness and intensity of volunteer services she has faithfully provided over the years.

Anne is most well-known for her tireless commitment and dedicated service, for the past 34 years, as Convener of the Route One Task Force for Human Services, providing a collaborative forum for over 40 community and government representatives and community-based organizations. The Task Force has raised awareness of issues, developed capacities to fill service gaps, and engaged wide community participation in enhancing mental health and homeless services as well as providing more accessible health care in the Richmond Highway area.

Anne's expertise lies in identifying a need and mobilizing an entire community to help serve that need. An excellent example is that of the Community Health Care Network (CHCN), formed in 1989, an organization that credits its formation largely to her tireless advocacy. It is one of the best resources to provide accessible, quality primary health care services for low income, uninsured, and underinsured residents. She was a key force behind pulling together community support, helping establish the CHCN that today enrolls over 20,000 residents each year through three community health care centers. Since its beginning, she has served as a stalwart member of the CHCN Community Advisory Committee.

Anne also championed the establishment of the Program of Assertive Community Treatment (PACT), providing comprehensive, community-based services in areas of treatment, rehabilitation, and support for the most severely mentally ill members of our community for whom traditional clinic-based treatments have been insufficient. She was unanimously elected to lead the Southeast Health Planning Task Force, established to develop strategies to provide enhanced services and deliver accessible health care in southeastern Fairfax County. Anne co-revived a Citizen's Advisory Board to strengthen the Mount Vernon Center for Community Mental Health. The Board assists in improved service delivery, advocates for expanded mental health programs, and provides citizen advice on mental health issues and policies.

Under Anne's leadership, the first shelter for the homeless in Fairfax County was established in the Richmond Corridor. More recently, she facilitated a community tie-in to the county's hypothermia project.

Anne remains a steady and effective advocate for community-based mental health treatment and community access to health care, particularly for the most vulnerable members of our community. There are few people who take the time and energy to affect a community so greatly and as positively as Anne. Due to her outstanding contributions and persistent efforts, Fairfax County is a healthier community, and I ask my colleagues to join me in recognizing Anne Andrews as the 2008 Fairfax County Citizen of the Year.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3035–3096

Measures Introduced: Nineteen bills and two resolutions were introduced, as follows: S. 576–594, and S. Res. 74–75. **Pages S3073–74**

Measures Reported:

S. 49, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, with an amendment in the nature of a substitute. **Page S3073**

Measures Passed:

Omnibus Indian Advancement Act: Committee on Indian Affairs was discharged from further consideration of S. 338, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land, and the bill was then passed. **Page S3091**

Bennett Freeze: Committee on Indian Affairs was discharged from further consideration of S. 39, to repeal section 10(f) of Public Law 93–531, commonly known as the "Bennett Freeze", and the bill was then passed. **Page S3091**

Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization 10-Year Anniversary: Committee on Foreign Relations was discharged from further consideration of S. Res. 60, commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization, and the resolution was then agreed to. **Page S3091**

Philadelphia Zoo 150th Anniversary: Senate agreed to S. Res. 75, commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's First Zoo. **Pages S3091–92**

Authorizing Use of the Capitol Grounds: Senate agreed to H. Con. Res. 37, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. **Page S3092**

Measures Considered:

Revolutionary War and War of 1812 Battlefield Protection Act Cloture Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812. **Page S3096**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, March 12, 2009, a vote on cloture will occur at 5:30 p.m. on Monday, March 16, 2009; provided further, that if cloture is invoked, then post-cloture time count as if cloture had been invoked at 10 a.m. on Monday, March 16, 2009, and that during any recess or adjournment period, post-cloture time continue to run. **Page S3096**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 3 p.m., on Monday, March 16, 2009. **Page S3096**

Appointments:

Dwight D. Eisenhower Memorial Commission: The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106–79, appointed the following Senators to the Dwight D. Eisenhower Memorial Commission: Senator Bennett. **Page S3092**

United States Senate Caucus on International Narcotics Control: The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appointed the following Senators as members of the United States Senate Caucus on International Narcotics Control: Senators Schumer and Whitehouse. **Page S3092**

Nominations Confirmed: Senate confirmed the following nominations:

By 65 yeas 28 nays (Vote No. EX. 97), David W. Ogden, of Virginia, to be Deputy Attorney General. **Pages S3042–51**

By 72 yeas 20 nays (Vote No. EX. 98), Thomas John Perrelli, of Virginia, to be Associate Attorney General. **Pages S3051–54**

Nominations Received: Senate received the following nominations:

Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

Alexander Vershbow, of the District of Columbia, to be an Assistant Secretary of Defense. **Page S3096**

Messages from the House: **Page S3073**

Measures Referred: **Page S3073**

Measures Placed on the Calendar: **Page S3073**

Executive Reports of Committees: **Page S3073**

Additional Cosponsors: **Pages S3074–75**

Statements on Introduced Bills/Resolutions: **Pages S3075–90**

Additional Statements: **Pages S3072–73**

Notices of Hearings/Meetings: **Page S3090**

Authorities for Committees To Meet: **Page S3090**

Privileges of the Floor: **Pages S3090–91**

Record Votes: Two record votes were taken today. (Total 98) **Pages S3051, S3054**

Adjournment: Senate convened at 11 a.m. and adjourned at 6:58 p.m., until 2 p.m. on Monday, March 16, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3096.)

Committee Meetings

(Committees not listed did not meet)

SUSTAINABLE TRANSPORTATION SOLUTIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine sustainable transportation solutions, focusing on investing in transit to meet 21st century challenges, after receiving testimony from Raymond H. LaHood, Secretary of Transportation; Joseph F. Marie, Connecticut Department of Transportation, West Hartford, on behalf of the American Association of State Highway and Transportation Officials; Mayor John Hickenlooper, Denver, Colorado, on behalf of the United States Conference of Mayors; and Beverly Scott, Metropolitan Atlanta Rapid Transit Authority, Atlanta, Georgia, on behalf of the American Public Transportation Association.

BUDGET AND REVENUE PROPOSALS

Committee on the Budget: Committee concluded a hearing to examine the President's fiscal year 2010 budget and revenue proposals, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: On Wednesday, March 11, 2009, committee announced the following subcommittee assignments for the 111th Congress:

Subcommittee on Aviation Operations, Safety, and Security: Senators Dorgan (Chair), Inouye, Kerry, Boxer, Nelson (FL), Cantwell, Lautenberg, Pryor, McCaskill, Klobuchar, Warner, Begich, Rockefeller (ex officio), DeMint, Snowe, Ensign, Thune, Wicker, Isakson, Vitter, Brownback, Martinez, Johanns, and Hutchison (ex officio).

Subcommittee on Communications and Technology: Senators Kerry (Chair), Inouye, Dorgan, Nelson (FL), Cantwell, Lautenberg, Pryor, McCaskill, Klobuchar, Udall (NM), Warner, Begich, Rockefeller (ex officio), Ensign, Snowe, DeMint, Thune, Wicker, Isakson, Vitter, Brownback, Martinez, Johanns, and Hutchison (ex officio).

Subcommittee on Competiteveness, Innovation, and Export Promotion: Senators Klobuchar (Chair), Kerry, Dorgan, McCaskill, Udall (NM), Warner, Begich, Rockefeller (ex officio), Martinez, Ensign, DeMint, Thune, Brownback, Johanns, and Hutchison (ex officio).

Subcommittee on Consumer Protection, Product Safety, and Insurance: Senators Pryor (Chair), Dorgan, Boxer, Nelson (FL), McCaskill, Klobuchar, Udall (NM), Rockefeller (ex officio), Wicker, Snowe, DeMint, Thune, Isakson, Vitter, and Hutchison (ex officio).

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard: Senators Cantwell (Chair), Inouye, Kerry, Boxer, Lautenberg, Begich, Rockefeller (ex officio), Snowe, Wicker, Isakson, Vitter, Martinez, and Hutchison (ex officio).

Subcommittee on Science and Space: Senators Nelson (FL) (Chair), Inouye, Kerry, Boxer, Pryor, Udall (NM), Warner, Rockefeller (ex officio), Vitter, Snowe, Ensign, Thune, Isakson, Johanns, and Hutchison (ex officio).

Subcommittee on Surface Transportation and Merchant Marine: Senators Lautenberg (Chair), Inouye, Kerry, Dorgan, Boxer, Cantwell, Pryor, Udall, Warner, Begich, Rockefeller (ex officio), Thune, Snowe, Ensign, DeMint, Wicker, Isakson, Vitter, Brownback, Johanns, and Hutchison (ex officio).

CLIMATE CHANGE RESPONSE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine climate science, focusing on empowering our response to climate change, after receiving testimony from Sean Dilweg, Wisconsin Insurance Division, Madison, on behalf of the National Association of Insurance Commissioners; Tim Killeen, National Science Foundation, Arlington, VA; Katharine Jacobs, Arizona Water Institute, Tucson; and Frank Alix, Powerspan Corporation, Portsmouth, NH.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy, and Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere, both of the Department of Commerce, and routine promotion lists in the Coast Guard.

ELECTRICITY TRANSMISSION LINES SITING

Committee on Energy and Natural Resources: Committee concluded a hearing to examine proposed legislation regarding siting of electricity transmission lines, including increased federal siting authority and regional transmission planning, after receiving testimony from Senator Reid; Jon Wellinghoff, Acting Chairman, Federal Energy Regulatory Commission; Tony Clark, North Dakota Public Service Commission, Bismarck, on behalf of the National Association of Regulatory Utility Commissioners; Reid Dechton, Energy Future Coalition, Washington, DC; Joseph L. Welch, ITC Holdings Corporation, Novi, MI; Graham Edwards, Midwest Independent Transmission System Operation, Inc., Carmel, IN; James A. Dickenson, JEA, Jacksonville, FL, on behalf of the Large Public Power Council; and Michael G. Morris, American Electric Power, Columbus, OH.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior, after the nominee, who was introduced by Senator Bayh, testified and answered questions in his own behalf.

HEALTH CARE REFORM

Committee on Finance: Committee concluded a hearing to examine workforce issues in health care reform, focusing on assessing the present and preparing for the future, after receiving testimony from David C. Goodman, Dartmouth Institute for Health Policy and Clinical Practice, Hanover, NH; Allan H. Goroll, Harvard Medical School, Boston, MA; and Fitzhugh Mullan, George Washington University, and Steven A. Wartman, Association of Academic Health Centers, both of Washington, DC.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador.

INDIAN AFFAIRS BUDGET

Committee on Indian Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for tribal priorities, after receiving testimony from Jacqueline Johnson, National Congress of American Indians, Robert B. Cook, National Indian Education Association, and Cheryl Parish, Bay Mills Housing Authority, on behalf of the National American Indian Housing Authority, all of Washington, DC; and Jessica Burger, National Indian Health Board, Manistee, MI.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 49, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, with an amendment in the nature of a substitute.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of David S. Kris, of Maryland, to be an Assistant Attorney General.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 55 public bills, H.R. 1454–1508; and 11 resolutions, H.J. Res. 40; H. Con. Res. 71–72; and H. Res. 237–244, were introduced. **Pages H3399–H3401**

Additional Cosponsors: **Pages H3401–02**

Reports Filed: There were no reports filed today.

Committee Election: The House agreed to H. Res. 237, electing the following Member to the Committee on Foreign Affairs: Representative Woolsey (to rank immediately after Representative Gene Green of Texas). **Page H3339**

Water Quality Investment Act of 2009: The House passed H.R. 1262, to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, by a recorded vote of 317 ayes to 101 noes, Roll No. 123. **Pages H3345–76**

Agreed by unanimous consent that the Chair may reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule 20 or under clause 6 of rule 18. **Page H3345**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H3354**

Accepted:

Oberstar amendment (No. 1 printed in H. Rept. 111–36) that authorizes tribal governments to be eligible for technical and management assistance for small publicly-owned sewerage agencies; amends an existing Clean Water Act authority for the Environmental Protection Agency (EPA) to carry out pilot projects by ensuring that certain ''green technology'' activities are eligible for controlling stormwater runoff, and increase the authorization of appropriations for this authority to $100 million for each of fiscal years 2010 through 2014; clarifies the eligibility for construction of energy-efficient or renewable-energy generation technologies at publicly-owned sewerage agencies under the Clean Water State Revolving Fund; provides additional criteria for States to determine ''affordability criteria'' for waste-water infrastructure projects and activities, including factors related to per capita income and local unemployment rates; provides additional transparency and accountability for expenditures from the Clean Water State Revolving Fund by requiring EPA to conduct, and make publicly available, an annual performance review of expenditures from the Clean Water State Revolving Fund, including a review of the types and categories of projects and activities carried out using the fund, and an estimate of the number of jobs created from proceeds of the fund; strikes a provision related to the collection of tonnage duties that was unnecessary; authorizes additional studies on the water-related infrastructure needs along the United States-Mexican border region, and the condition of wastewater infrastructure on the Great Lakes; requires States to set aside 20 percent of combined sewer and sanitary sewer grants to communities that implement green infrastructure or other water and energy efficient improvements; and requires the EPA Administrator to conduct a study on the presence of pharmaceuticals and personal care products in the waters of the United States; **Pages H3359–61**

Markey (CO) amendment (No. 3 printed in H. Rept. 111–36) that requires states to use at least 15 percent (instead of 10 percent as required in the bill) of each capitalization grant for water pollution control to provide assistance to municipalities of less than 10,000 people to the extent that there are sufficient applications for assistance; **Pages H3365–66**

Miller (MI) amendment (No. 4 printed in H. Rept. 111–36) that directs the EPA to convene a task force (EPA, FDA, and others appointed by the Administrator of the EPA) to develop recommendations on the proper disposal of unused pharmaceuticals and a strategy to educate the public on those recommendations. Also permits, at the request of the head of the task force, any federal agency or department to detail personnel to the task force; **Pages H3366–67**

Flake amendment (No. 5 printed in H. Rept. 111–36) that prohibits earmarking of funds appropriated as a result of the reauthorization of the Water Pollution Control Revolving Loan Funds included in the bill; **Pages H3367-68**

Oberstar amendment (No. 6 printed in H. Rept. 111–36) that requires that States, in the development of their priority methodology, give priority to projects that construct bioswales that filter and naturally store stormwater runoff and floodwaters for future water supply and recharge of natural aquifers; **Pages H3368–69**

Roskam amendment (No. 7 printed in H. Rept. 111–36) that requires the Director of OMB to study programs authorized by the Act under the Program Assessment Rating Tool or a successor performance assessment tool developed by OMB; **Page H3369**

Dahlkemper amendment (No. 8 printed in H. Rept. 111–36) that requires certification by a system operator that both water and energy conservation are components of their fiscal sustainability plan; **Pages H3369–70**

Wittman amendment (No. 9 printed in H. Rept. 111–36) that requires the OMB Director to submit to Congress a financial report containing an interagency crosscut budget for restoration activities that protect, conserve, or restore water quality in the Chesapeake Bay watershed. Also, the EPA Administrator will have to develop and update an adaptive management plan for Chesapeake Bay restoration activities; and **Pages H3370–72**

Driehaus amendment (No. 10 printed in H. Rept. 111–36), as modified, that increases from $1.8 billion to $2.5 billion the authorization level for the grant program that makes funds available for combined sewer overflows and sanitary sewer overflows.

Pages H3372–74

Rejected:

Mack amendment (No. 2 printed in H. Rept. 111–36) that sought to remove all Davis-Bacon prevailing wage provisions from the bill (by a recorded vote of 140 ayes to 284 noes, Roll No. 122).

Pages H3361–65, H3374–75

H. Res. 235, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question without objection.

Pages H3341–45

Pursuant to the rule, H. Res. 218, H. Res. 219, and H. Res. 229 are laid on the table.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, March 11th:

Supporting the designation of Pi Day: H. Res. 224, to support the designation of Pi Day, by a ⅔ yea-and-nay vote of 391 yeas to 10 nays, Roll No. 124.

Page H3376

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 16th for morning hour debate.

Page H3378

Senate Message: Message received from the Senate today appears on page H3350.

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of today and appear on pages H3374, H3375, and H3376. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:50 p.m.

Committee Meetings

COMMITTEE BUDGET VIEWS AND ESTIMATES FY 2010

Committee on Agriculture: Approved the Budget Views and Estimates Letter of the Committee on Agriculture for submission to the Committee on the Budget.

DOMESTIC NUTRITION PROGRAMS

Committee on Appropriations: Subcommittee on Agriculture held a hearing on Domestic Nutrition Programs. Testimony was heard from Thomas O'Connor, Acting Deputy Under Secretary, Food, Nutrition, and Consumer Services, USDA; and public witnesses.

WHAT WORKS FOR SUCCESSFUL PRISONER REENTRY

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on what Works for Successful Prisoner Reentry. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Army and Marine Corps Force Protection. Testimony was heard from the following officials of the Department Army: GEN Ross Thompson, Deputy Assistant Secretary of the Army (Acquisitions, Logistics, and Technology); GEN James D. Thurman, USA, Deputy Chief of Staff, (G–3/5/7) of the Army; and GEN James Amos, USMC, Assistant Commandant of the Marine Corps.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Securing the Nation's Rail and Transit Systems. Testimony was heard from the following officials of the Department of Homeland Security: John Sammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration; and W. Ross Ashley, Assistant Administrator, Grant Programs, FEMA; Bill Morange, Deputy Executive Director and Director of Security, Metropolitan Transportation Authority, New York; Jack Eckles, Deputy Executive Officer, System Safety and Security, Los Angeles County Metropolitan Transportation Authority.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies held a hearing on Review of VA Challenges. Testimony was heard from the following officials of the GAO: Randall B. Williamson, Director, Health Care; and Valerie C. Melvin, Director, Information Management and Human Capital Issues; and the following officials of the Department of Veterans Affairs: John D. Daigh, Jr., M.D., CPA, Assistant Inspector General, Healthcare Inspections; Belinda J. Finn, Assistant Inspector General, Auditing; and Maureen T. Regan, Counselor to the Inspector General.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related

Agencies held a hearing Family and Troop Housing. Testimony was heard from Wayne Arny, Deputy Undersecretary, Installations and Environment, Department of Defense; Keith Eastin, Assistant Secretary, Installations and Environment, Department of the Army; B. J. Penn, Assistant Secretary, Installations and Environment, Department of the Navy; and Kevin Billings, Acting Assistant Secretary, Installations, Environment, and Logistics, Department of the Air Force.

STATE, FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on Africa: Great Lakes, Sudan and the Horn. Testimony was heard from public witnesses.

TRANSPORTATION, HUD APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Transportation Challenges of Rural America. Testimony was heard from public witnesses.

DOD AT HIGH RISK RECOMMENDATIONS—IMPROVING DEPARTMENT MANAGEMENT

Committee on Armed Services: Held a hearing on the Department of Defense at High Risk: Recommendations of the Comptroller General for Improving Department Management. Testimony was heard from Gene L. Dodaro, Acting Comptroller General, GAO.

MILITARY RESALE, AND MORALE, WELFARE AND RECREATION OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on military resale and morale, welfare and recreation overview. Testimony was heard from the following officials of the Department of Defense: Arthur Myers, Principal Director, Military Community and Family Policy, Office of the Under Secretary, Personnel and Readiness; RADM. Robert J. Bianchi, USN, Commander, Navy Exchange Service Command; MG. Keith L. Thurgood, USAR, Commander, Army and Air Force Exchange Service; Timothy R. Larsen, Director, Personal and Family Readiness Division, Manpower and Reserve Affairs Department Headquarters, U.S. Marine Corps; Philip E. Sakowitz, Jr., Director and CEO, Defense Commissary Agency; Richard Gorman, Chief Operating Officer, U.S. Army Family and Morale, Welfare and Recreation Command; John B. Baker, Director, Fleet and Family Readiness, Commander, Navy Installations Command; and Charles E. Milam, Director, Air Force Services, Headquarters U.S. Air Force.

DEPARTMENT OF EDUCATION FISCAL YEAR 2010 BUDGET

Committee on the Budget: Held a hearing on Department of Education Fiscal Year 2010 Budget. Testimony was heard from Arne Duncan, Secretary of Education.

LOST EDUCATIONAL OPPORTUNITIES IN ALTERNATIVE SETTINGS

Committee on Education and Labor: Subcommittee on Healthy Families and Communities, and the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary held a joint hearing on Lost Educational Opportunities in Alternative Settings. Testimony was heard from public witnesses.

UNIVERSAL SERVICE: REFORMING THE HIGH-COST FUND

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing on Universal Service: Reforming the High-Cost Fund. Testimony was heard from public witnesses.

CONSUMER PROTECTION POLICIES FOR CLIMATE LEGISLATION

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing on Consumer Protection Policies for Climate Legislation. Testimony was heard from public witnesses.

COMMITTEE BUDGET VIEWS AND ESTIMATES FY 2010; SPECIAL INSPECTOR GENERAL TROUBLED ASSET RELIEF PROGRAM ACT OF 2009

Committee on Financial Services: Ordered reported the following: S. 383, Special Inspector General for the Troubled Asset Relief Program Act of 2009; and a Committee Print, as amended, entitled "Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2010."

MARK-TO-MARKET ACCOUNTING

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Mark-to-Market Accounting: Practices and Implications. Testimony was heard from James Kroeker, Acting Chief Accountant, SEC; Robert Hertz, Chairman, Financing Accounting Standards Board; Kevin Bailey, Deputy Comptroller, Regulatory Policy, Office of the Comptroller of the Currency, Department of the Treasury; and public witnesses.

IRAN SANCTIONS ENABLING ACT

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing on H.R. 1327, Iran Sanctions Enabling Act of 2009. Testimony was heard from Ted Deutch, Senator, State of Florida; and public witnesses.

U.S. FOREIGN ECONOMIC POLICY IN THE GLOBAL CRISIS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on U.S. Foreign Economic Policy in the Global Crisis. Testimony was heard from C. Fred Bergsten, former Assistant Secretary, International Affairs, Department of the Treasury; and public witnesses.

BORDER VIOLENCE—STRATEGIES AND RESOURCES

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled " Border Violence: An Examination of DHS Strategies and Resources". Testimony was heard from the following officials of the Department of Homeland Security: VADM Roger T. Rufe, Jr., (USCG Ret.), Director, Office of Operations Coordination; Alonzo Pena, Department of Homeland Security Attache, U.S. Embassy, Mexico City; John Leech, Acting Director, Office of Counternarcotics Enforcement; Salvador Nieto, Deputy Assistant Commissioner, Intelligence and Operations Coordination, Customs and Border Protection; and Kumar Kibble, Deputy Director, Office of Investigations, Immigration and Customs Enforcement.

VIOLENCE ON THE U.S.-MEXICAN BORDER

Committee on Oversight and Government Reform: Subcommittee on National Security, and Foreign Affairs held a hearing on Money, Guns, and Drugs: Are U.S. Inputs Fueling Violence on the U.S.-Mexican Border? Testimony was heard from Jonathan Paton, Senator, State of Arizona; and public witnesses.

COMMITTEE BUDGET VIEWS AND ESTIMATES FY 2010 BUDGET

Committee on Rules: On March 11, the Committee adopted its Budget Views and Estimates of the President's Fiscal Year Budget for submission to the Committee on the Budget.

ATSDR: PROBLEMS IN THE PAST, POTENTIAL FOR THE FUTURE

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on ATSDR: Problems in the Past, Potential for the Future? Testimony was heard from Howard Frumkin, Director, National Center for Environmental Health/ Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; the following former officials of the Department of Health and Human Services: Salvador Mier, former Director, Prevention, Center for Disease Control; and Ronnie Wilson, former Ombudsman, Agency for Toxic Susbstances and Disease Registry; and public witnesses.

ENSURING STIMULUS CONTRACTS—SMALL AND VETERANS OWNED BUSINESSES

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing on Ensuring Stimulus Contracts for Small and Veteran-owned Businesses. Testimony was heard from Calvin Jenkins, Acting Associate Administrator, Government Contracting and Business Development, SBA; Joel Szabat, Assistant Secretary, Transportation Policy, Department of Transportation; Gail Wegner, Acting Director, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs; Brenda DeGraffenreid, Office of Small and Disadvantaged Business Utilization, Department of Energy; Linda Oliver, Acting Director, Office of Small Business Programs, Department of Defense; and public witnesses.

COMMITTEE ORGANIZATION; PROTECTING LOWER-INCOME FAMILIES WHILE FIGHTING GLOBAL WARMING

Committee on Ways and Means: Subcommittee on Income Security and Family Support met for organizational purposes.

The Subcommittee also held a hearing on Protecting Lower-Income Families While Fighting Global Warming. Testimony was heard from Terry Dinian, Senior Advisor, Climate Issues, CBO; and public witnesses.

INTELLIGENCE ACTIVITIES BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Intelligence Activities. Testimony was heard from Leon Panetta, Director, CIA.

Joint Meetings

VETERANS' SERVICE ORGANIZATIONS

Joint Hearing: Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of veterans' service organizations, after receiving testimony from John Chad Hapner, American Veterans (AMVETS), Lanham, MD; Robert H. Price, Air Force Sergeants Association, Suitland, MD; Joseph L. Barnes, USN (Ret.), Fleet Reserve Association, and Robert F. Norton, USA (Ret.), Military Officers Association of America, both of Alexandria, VA; Gene

Overstreet, Non Commissioned Officers Association of the United States of America (NCOA), San Antonio, TX; Jeff Roy, Military Order of the Purple Heart, Annandale, VA; Charlie L. Flowers, USAF (Ret.), The Retired Enlisted Association, Aurora, CO; Charlie F. Smith, National Association of State Directors of Veterans Affairs, Charlotte, NC; and John Rowan, Vietnam Veterans of America, Cold Creek, NY.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 242)*

H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009. Signed on March 11, 2009. (Public Law 111–8)

COMMITTEE MEETINGS FOR FRIDAY, MARCH 13, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of March 16 through March 21, 2009

Senate Chamber

On *Monday*, at approximately 3 p.m., Senate will resume consideration of the motion to proceed to consideration of H.R. 146, Revolutionary War and War of 1812 Battlefield Protection Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: March 17, to hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command, 9:30 a.m., SH–216.

March 18, Subcommittee on Personnel, to hold hearings to examine the incidence of suicides of United States Servicemembers and initiatives within the Department of Defense to prevent military suicides, 2:45 p.m., SR–232A.

March 19, Full Committee, to hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea, with the possibility of a closed session following in SR–222, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: March 17, to hold hearings to examine perspectives on modernizing insurance regulation, 9:30 a.m., SD–538.

March 18, Full Committee, to hold hearings to examine risk management oversight at Federal financial regulations, 2:30 p.m., SD–538.

March 19, Full Committee, to hold hearings to examine bank supervision and regulators, 10:30 a.m., SD–538.

March 19, Subcommittee on Financial Institutions, to hold hearings to examine current issues in deposit insurance, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: March 19, to hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense, 10 a.m., SR–253.

Committee on Energy and Natural Resources: March 17, to hold oversight hearings to examine energy development on public lands and the outer Continental Shelf, 10 a.m., SD–366.

March 18, Full Committee, to hold hearings to examine nuclear energy development; to be immediately followed by a business meeting to consider the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior, 9:30 a.m., SD–366.

March 19, Full Committee, to hold hearings to examine the Appliance Standards Improvement Act of 2009, 9:30 a.m., SD–366.

Committee on Finance: March 17, to hold hearings to examine tax issues related to fraud schemes and an update on offshore tax evasion legislation, 10 a.m., SD–215.

March 18, Subcommittee on Health Care, to hold hearings to examine what is health care quality and who decides, 2:30 p.m., SD–215.

Committee on Foreign Relations: March 16, to hold closed hearings to receive a briefing on global counterterrorism efforts, 10 a.m., SVC–217.

Committee on Health, Education, Labor, and Pensions: March 18, business meeting to consider S. 277, to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, 10 a.m., SD–430.

Committee on the Judiciary: March 17, Subcommittee on Crime and Drugs, with the United States Senate Caucus on International Narcotics Control, to hold joint hearings to examine law enforcement responses to Mexican drug cartels, 10:30 a.m., SD–226.

March 18, Full Committee, to hold hearings to examine the National Academy of Science's report Strengthening Forensic Science in the United States: A Path Forward, 10 a.m., SD–226.

March 19, Full Committee, business meeting to consider S. 515, to amend title 35, United States Code, to provide for patent reform, and the nomination of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Department of Justice, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: March 19, to hold hearings to examine perspectives from main street on small business lending, 10 a.m., SR–428A.

Committee on Veterans' Affairs: March 18, to hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 334, Cannon Building.

Select Committee on Intelligence: March 17, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

March 19, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

United States Senate Caucus on International Narcotics Control: March 17, with the Committee on the Judiciary, Subcommittee on Crime and Drugs, to hold joint hearings to examine law enforcement responses to Mexican drug cartels, 10:30 a.m., SD–226.

House Committees

Committee on Appropriations, March 16, Subcommittee on Defense, executive, Select Intelligence Oversight Panel: Afghanistan, 5 p.m., H–140 Capitol.

March 17, Subcommittee on Commerce, Justice, Science, and Related Agencies, on Status of Climate Change Science, 10 a.m., H–309 Capitol.

March 17, Subcommittee on Defense, on Military Personnel-Air Force, 10 a.m., H–104 Capitol.

March 17, Subcommittee on Energy and Water Development, and Related Agencies, on Nuclear Weapons Complex, 1 p.m., 2362–B Rayburn.

March 17, Subcommittee on Homeland Security, on Interoperable Communications, 10 a.m., 2359 Rayburn.

March 17, Subcommittee on Legislative Branch, on Kickoff Meeting, 3 p.m., H–144 Capitol.

March 18, Subcommittee on Commerce, Justice, Science and Related Agencies, on Critical On-going Satellite Climate Change Datasets, 10 a.m., and 2 p.m., H–309 Capitol.

March 18, Subcommittee on Defense, on Military Personnel-Army, 10 a.m., and on NORTHCOM, 1:30 p.m., H–140 Capitol.

March 18, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Public Witnesses, 10 a.m., and 2 p.m., 2358C Rayburn.

March 18, and 19, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Livable Communities, Transit Oriented Development & Incorporating Green Building Practices into Federal Housing and Transportation Policy, 2 p.m., 2359 Rayburn on March 18, and 10 a.m., 2358–A Rayburn on March 19.

March 19, Subcommittee on Commerce, Justice and Science, and Related Agencies, on Climate Satellite Requirements and NASA and NOAA Programs, 10 a.m., H–309 Capitol.

March 19, Subcommittee on Defense, on AFRICOM, 10 a.m., and on Military Personnel-Navy/Marine Corps, 1:30 p.m., H–140 Capitol.

March 19, Subcommittee on Financial Services, and General Government, on The Judiciary Fiscal Year 2010 Budget, 10 a.m., 2220 Rayburn.

March 19, Subcommittee on Homeland Security, on Biometric Identification, 10 a.m., 2362–B Rayburn.

March 19, Subcommittee on Interior, Environment and Related Agencies, on Council on Environment, 9:30 a.m., B–308 Rayburn.

March 19, Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies, on Pacific Command, 1:30 p.m., H–143 Capitol.

Committee on Armed Services, March 17, Subcommittee on Air and Land Forces, hearing on the status of the future combat systems program, 3 p.m., 2118 Rayburn.

March 17, Subcommittee on Strategic Forces, hearing on the status of U.S. strategic programs, 10 a.m., 2118 Rayburn.

March 18, full Committee, hearing on security developments in the areas of responsibility of the U.S. Southern Command, Northern Command, Africa Command, and Joint Forces Command, 10 a.m., 2118 Rayburn.

March 18, Subcommittee on Military Personnel and the Subcommittee on Readiness, joint hearing on Medical Infrastructure: Are Health Affairs/TRICARE Management Activity Priorities Aligned with Service Requirements? 2 p.m., 2118 Rayburn.

March 19, Subcommittee on Oversight and Investigations, hearing on the Project on National Security Reform: Commentary and Alternative Views, 1 p.m., 2212 Rayburn.

Committee on the Budget, March 17, hearing on Budgeting for Transportation: Financing Investments in Highways and Mass Transit, 10 a.m., 210 Cannon.

March 18, hearing on Department of Defense Fiscal Year 2010 Budget, 10 a.m., 210 Cannon.

March 18, to continue Members' Day—Part Two, 2 p.m., 210 Cannon.

Committee on Education and Labor, March 17, hearing on The Importance of Early Childhood Development, 10 a.m., 2175 Rayburn.

March 19, Subcommittee on Early Childhood, Elementary and Secondary Education, hearing on Improving on Improving Early Childhood Development Policies and Practices, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, March 17, Subcommittee on Health, hearing on Making Health Care Work for American Families: Ensuring Affordable Coverage, 10 a.m., 2123 Rayburn.

March 17, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on Stimulating the Economy through Trade: Examining the Role of Export Promotion, 10 a.m., 2322 Rayburn.

March 18, Subcommittee on Energy and Environment, hearing on Competitiveness and Climate Policy: Avoiding Leakage of Jobs and Emissions, 9:30 a.m., 2123 Rayburn.

March 19, Subcommittee on Oversight and Investigations, hearing entitled ''The Salmonella Outbreak: The Role of Industry in Protecting the Nation's Food Supply,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, March 17, hearing entitled ''Perspectives on Regulation of Systemic Risk in the Financial Services Industry,'' 10 a.m., 2128 Rayburn.

March 18, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled ''American International Group's Impact on the

Global Economy: During and After Federal Intervention,'' 10 a.m., 2128 Rayburn.

March 19, Subcommittee on Financial Institutions and Consumer Credit, hearing on the following bills: H.R. 627, Credit Cardholders' Bill of Rights Act of 2009; and H.R. 1456, Consumer Overdraft Protection Fair Practice Act of 2009, 2:30 p.m., 2128 Rayburn.

March 19, Subcommittee on Housing and Community Opportunity, hearing entitled ''Examining the Home Affordable Program,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, March 18, hearing on Striking the Appropriate Balance: The Defense Department's Expanding Role in Foreign Assistance, 10 a.m., 2172 Rayburn.

March 18, Subcommittee on Western Hemisphere, hearing on Guns, Drugs and Violence: The Merida Initiative and the Challenge in Mexico, 2 p.m., 2172 Rayburn.

March 19, Subcommittee on Asia, The Pacific and the Global Environment, hearing on H. Con. Res. 55, Recognizing the 30th anniversary of the Taiwan Relations Act, 1 p.m., 2172 Rayburn.

Committee on Homeland Security, March 17, Subcommittee on Emergency Communications, Preparedness and Response, hearing on PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission, 10 a.m., 311 Cannon.

March 18, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing on Homeland Security Intelligence: Its Relevance and Limitations, 10 a.m., 311 Cannon.

March 18, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled ''100% Air Cargo Screening: Can We Secure America's Skies?'' 2 p.m., 311 Cannon.

March 19, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''Human Trafficking: Recent Trends,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, March 19, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on the Treatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II, 12 p.m., 2237 Rayburn.

Committee on Natural Resources, March 17, Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''Leasing and Development of Oil and Gas Resources on the Outer Continental Shelf,'' 10 a.m., 1324 Longworth.

March 18, full Committee, hearing on the following bills: H.R. 31, Lumbee Recognition Act; and H.R. 1385, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, 10 a.m., 1324 Longworth.

March 19, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009, 10 a.m., 1324 Longworth.

March 19, Subcommittee on National Parks, Forests and Public Lands, oversight hearing on Restoring the Federal Public Lands Workforce, 10 a.m., 1324 Longworth.

Committee on Science and Technology, March 17, hearing on New Directions for Energy Research and Development at the U.S. Department of Energy, 10 a.m., 2318 Rayburn.

March 19, Subcommittee on Investigations and Oversight, hearing on Follow the Money: Accountability and Transparency in Recovery Act Science Funding, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 18, hearing entitled ''The Administration's FY Year 2010 Budget and Medicare: How Will Small Providers be Impacted?'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 18, Subcommittee on Aviation, hearing on ATC Modernization and NextGen: Near-Term Achievable Goals, 10 a.m., 2167 Rayburn.

March 19, Subcommittee on Water Resources and Environment, hearing on the Efforts to Address Urban Stormwater Runoff, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 19, Subcommittee on Health, to mark up H.R. 1377, to amend title 38, United States Code, to expand veterans eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, followed by a hearing on Closing the Health Gap of Veterans in Rural Areas: Discussion of Funding and Resources Coordination, 10 a.m., 334 Cannon.

March 19, Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 228, to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; H.R. 466, Wounded Veteran Job Security Act; H.R. 1088, Mandatory Veteran Specialist Training Act of 2009; H.R. 1089, Veterans Employment Rights Realignment Act of 2009; and H.R. 1171, Homeless Veterans Reintegration Program Reauthorization Act of 2009, 1 p.m., 340 Cannon.

Committee on Ways and Means, March 17, Subcommittee on Health, hearing on MedPAC's Annual March Report to the Congress on Medicare Payment Policy, 10 a.m., 1100 Longworth.

March 19, Subcommittee on Oversight, hearing on Troubled Asset Relief Program (TARP) and Oversight of Federal Borrowing and the Use of Federal Monies, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Hearing: March 18, Senate Committee on Veterans' Affairs, to hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 334, Cannon Building.

Next Meeting of the SENATE

2 p.m., Monday, March 16

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of the motion to proceed to consideration of H.R. 146, Revolutionary War and War of 1812 Battlefield Protection Act, and after a period of debate, vote on the motion to invoke cloture thereon at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 16

House Chamber

Program for Monday: To be announced.

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