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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 13, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Charles E. Smith, Berea Baptist Church, Forest Hill, Texas, offered the following prayer:

Almighty God, bestow the best of Your blessings upon the men and women of Congress and all who shall hereafter occupy these Halls. Grant them divine wisdom to lead our Nation with humility and discernment.

Order their steps as they work to strengthen our national resources. Preserve in them the time-honored values of faith, hope, and love that sustained our forefathers. Let their decisions inspire America so that we might shine as a beacon.

As we pause this week to pay homage to our fallen police officers, let us be thankful for the services of our law enforcement officers everywhere who risk their lives daily for the safety and protection of others.

Protect also our military members, fortifying them as they secure the blessings of liberty to us and our posterity.

Finally, unite us as one Nation under God that we may give You praise and glory always.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHIMKUS 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.

MESSAGE FROM THE SENATE

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

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

WELCOMING REV. CHARLES SMITH

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. BURGESS) is recognized for 1 minute.

There was no objection.

Mr. BURGESS. Mr. Speaker, I have the honor of welcoming and recognizing Rev. Charles E. Smith, who just gave the opening prayer before Congress this 13th day of May of 2009. Rev. Smith is the pastor at Berea Baptist Church in Forest Hill, Texas. He is joined today by his wife, Gloria; his children; and many, many members of his church family and church congregation.

Rev. Smith is a native of Texas and a longtime resident of Fort Worth, where he and his wife live with their six children. A graduate of the Southern Bible Institute and of the University of Texas at Arlington, with a degree in architecture, Rev. Smith has served as a spiritual foundation in his community for over 25 years.

Mr. Speaker, I commend Rev. Smith for his longstanding service to his parishioners and congregants in Forest Hill, Texas, in the Forth Worth area, and to members of his congregation whom he has so capably served. It is my pleasure to have Rev. Smith here with us today and an honor to represent him and his parishioners in the 26th District of the State of Texas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

COMPREHENSIVE HEALTH CARE REFORM

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

Mr. HALL of New York. Mr. Speaker, I hear stories every day from Hudson Valley families about the skyrocketing costs of health care. People tell me that having to deal with insurance companies leaves them being denied coverage for any reason, plausible or not. They talk about medical bills that are already too high before they have to pay even more to cover their children who just graduated from college and are now struggling to find work.

Families USA released a study this week showing that 3.5 million New Yorkers spend more than 10 percent of their pretax income on health care costs and almost 1 million New Yorkers spend more than 25 percent. This is

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pretax income, which would be an even higher percentage of their disposable income.

These numbers are one more piece of evidence showing that the time is now for comprehensive health care reform. We must reduce health care costs for middle class families.

DEAD PEOPLE GET STIMULUS CHECKS

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

Mr. POE of Texas. Mr. Speaker, in an effort to give away taxpayer money, the Social Security Administration is even sending so-called ''stimulus'' checks to dead people. An 83-year-old man in Maryland said his mother, who has been dead for over 40 years, received one of the $250 stimulus checks.

Even though the 83-year-old son didn't receive one of the checks, I guess because he's still alive, I'm sure he appreciated the government thinking about his mom by sending her a check so close to Mother's Day.

It does seem a bit odd that it takes the government 40 years to figure out somebody died. Anyway, the Social Security bureaucrats admit at least 10,000 other dead people received checks too. That would be about $2.5 million in money. I wonder how many other free checks were sent to dead people that the Social Security folks don't even know about.

Maybe since the bureaucrats are giving money to dead people, they should go ahead and register them to vote as well. Get the community group ACORN involved. Apparently, ACORN has a reputation for successfully registering dead folks to vote. Then the dead people can get free money and vote too. What a deal.

And that's just the way it is.

CLEAN ENERGY FOR AMERICA

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

Mr. BRALEY of Iowa. Mr. Speaker, America can become the world leader in the new clean energy economy. But to ensure our economic recovery is sustainable for years to come, we intend to pass comprehensive clean energy legislation that will create millions of new American jobs that can't be shipped overseas; reduce our dependence on foreign oil; increase production of cleaner, renewable energy sources; crack down on heavy polluters who have damaged our air and water quality; and give American entrepreneurs and innovators the tools they need to stay competitive in this global economy.

The Energy and Commerce Committee is currently considering draft legislation called the American Clean Energy and Security Act, or ACES. The legislation will reform our country's energy policies by limiting the amount of pollutants industries can emit into the atmosphere and by investing in a clean energy economy that will lead to new jobs, new businesses, and less dependence on foreign oil. This act will invest in American jobs that can't be shipped overseas. Whether it's the ingenuity and innovation to create new technologies or the manufacturing that builds windmills, we will create millions of jobs here at home and make America the world leader in the 21st-century clean energy economy.

DAWN JOHNSEN

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

Mr. PITTS. Mr. Speaker, the President's nominee to head the Justice Department's Office of Legal Counsel is truly from the radical fringe, which is why her confirmation is running into so much trouble in the Senate.

That person is Dawn Johnsen, a former attorney for one of the Nation's largest and most radical abortion groups. Ms. Johnsen's own quotes speak for her radical views. She equated pregnancy to slavery. She said that laws restricting a woman's ''abortion choice are disturbingly suggestive of involuntary servitude.'' She's likened pregnant mothers to ''no more than fetal containers.'' And she claims that abortion is ''a relief'' rather than the traumatic experience it truly is for women.

Her appointment is a slap in the face to fair-minded Americans. And now Senator REID has indicated he does not have the votes to bring her nomination to the Senate floor. The President should take a cue from the Senate and withdraw this mistaken nomination, a nomination that runs counter to the values of the American people.

POSTVILLE RAID ANNIVERSARY AND COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, this week marks the 1-year anniversary of the raid at the Agriprocessor plant in Postville, Iowa.

On May 12, 2008, ICE agents arrested nearly 400 immigrant workers, this despite the horrific stories of worker abuse at the plant. This is a clear example of the misplaced priorities of the Bush administration, who fast-tracked criminal cases against undocumented workers.

Last year I traveled to Postville and witnessed firsthand the deflated spirit of families who were torn apart from their loved ones. These raids not only affected the families of the detainees but the whole community of Postville, which to this day has not fully recovered.

This is an example of the ugly consequences of enforcement-only approaches to immigration reform. We need a real reform that reflects America's needs. That's comprehensive immigration reform.

I urge my colleagues in Congress to learn from the past and work with CHC and President Obama to pass comprehensive immigration reform.

THE GLOBAL WARMING BILL

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

Mr. SHIMKUS. Mr. Speaker, you can be assured of a couple things: The global warming bill reportedly that will be taken up next week in the Energy and Commerce Committee will raise energy costs and create massive job losses.

How do I know this? It happened in southern Illinois in 1992, where we lost 14,000 coal miner jobs. The State of Ohio lost 35,000 coal miner jobs.

Why in the world in this economy would we make it more difficult to compete in the international arena by raising energy costs?

I hope my Democratic friends are ready to answer that question.

THE NEW ENERGY ECONOMY

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

Mr. PERLMUTTER. Mr. Speaker, it's nice to see a Speaker from Colorado in the chair.

I want to respond to my friend from Illinois who just spoke about the loss of thousands of jobs in the coal industry.

The purpose of our bill is to move forward into a new energy economy, and there will be opportunities for those in the coal industry, but we have to find ways to capture the pollution that is set off by the coal. And so there are thousands of jobs in the technology and research of how we can use a cheap and plentiful resource like coal, but we need to burn coal so it doesn't continue to pollute the atmosphere.

We also need to use renewable energy wherever we can, and we need to be efficient in how we use our energy.

That's the new energy economy, and there will be thousands and thousands of jobs in that economy. It's good for national security, it's good for the climate, and it's good for jobs. We must do it now.

COMMEMORATING THE 28TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

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

Mr. PAULSEN. Mr. Speaker, this week marks the 28th Annual National Peace Officers' Memorial Service, a

time when thousands of officers come to Washington, D.C. to honor officers who have given the ultimate sacrifice in the line of duty. It's a time of remembrance and an opportunity to provide comfort and appreciation to the families of fallen officers.

The motto of Police Week is: ''Never Alone, Never Forgotten.'' And it must ring in the Halls of Congress not only this week but every day. That's why I have joined Congressman STUPAK in introducing the Law Enforcement Officers' Procedural Bill of Rights. This bipartisan legislation ensures that police officers will receive a fair process and proper protections in administrative proceedings.

I want to thank all the law enforcement community and officers who commit their lives to serve us. From the officers who protect us here at Capitol Hill to those police officers that defend us back in our districts, this country is a safer place because of the work you do.

□ 1015

AFGHANISTAN

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

Ms. EDWARDS of Maryland. Mr. Speaker, I just returned from Afghanistan yesterday on a delegation led by the gentlewoman from California, SUSAN DAVIS. We are all blessed by the sacrifice of our servicemen and women, our diplomats and other civilians in harm's way. We were moved by the courage of the Afghan women, in whose success rests the future of Afghanistan.

Mr. Speaker, it's time for the President and this Congress to be straight about what it means to win in Afghanistan. Our spending must reflect our goal, and right now it does not. This is not a 90 percent, in-out, 2-year military operation, and everyone there knows it. Winning requires a long-term plan to return 90 percent illiteracy to literacy, to grow food crops to replace poppies, to transform a 16th century economy to the 21st century.

It's a generation of change, and we have to have a plan while we are there and one for leaving. We best honor our men and women who serve and give their lives by being honest. They stand on the wall. They hold the line. They cross the wire. And the least we can do is prepare the American people to match their sacrifice with real and long-term commitment for Afghanistan and for our own national security.

YEAR OF THE BAILOUT

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

Mr. TIAHRT. Mr. Speaker, last year should be remembered as the year of the bailout. This year is not much better under the current leadership in Washington. Incredibly, banks that want to repay the money they got from the Troubled Asset Relief Program, or TARP, as it is referred to, are being stopped by the Obama administration from repaying the funds.

After accepting TARP bailout funds and, in some cases being forced to accept bailouts, many banks have had enough and they are ready to return the money. You would think that would be easy, but the government won't let them pay back the TARP funds. The vague guidelines provided by the Obama administration for returning TARP funds are creating a regulatory uncertainty that is bad for our economy and bad for us taxpayers.

We deserve to get the bailout money back from the banks as quickly as possible, which is why I have introduced the Bailout Freedom Act to ensure sure we have a clear and timely process for making that happen. Once banks are certified to be well capitalized by the regulators, the Federal Government should allow the TARP bailout funding to be paid back.

From the beginning, I have opposed the bailouts and the growing encroachment of the Federal Government in our daily lives. Now we must reverse that course of the current trend and allow TARP bailout funding to be paid back.

Please join me in supporting the Bailout Freedom Act.

GLOBAL WARMING IS A CLEAR AND PRESENT DANGER

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

Ms. SPEIER. Mr. Speaker, two-thirds of the American people believe that global warming is a clear and present danger, yet there are still Members in this House that deny it even exists.

Fortunately, many here are working diligently to craft a bipartisan and commonsense energy plan that makes polluters pay, provides for middle class energy tax credits, and creates a new industry and lots of good, clean, green jobs. In the process, we will reduce our reliance on foreign oil from nations that mean to do us harm and put us on a path towards being faithful stewards of this beautiful planet that God has loaned us.

But the science deniers don't care about any of that. They choose, instead, to twist the simple idea that polluters should pay for what they pollute into the same tired argument that it is somehow a tax.

The American people are speaking loud and clear. They want Congress to do something about global warming. At least some of us are listening.

DOD NEEDS MORE TRANSPARENCY IN BUDGET PROCESS

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

Mr. FLEMING. Mr. Speaker, I rise today as a member of the House Armed Services Committee. I am concerned that the Department of Defense has become less open and less accountable. Recent actions taken by the Pentagon has limited transparency and congressional oversight.

First, for the first time ever, nondisclosure agreements have been required of senior defense officials working on the budget.

Second, for the first time, routing ship readiness reports are being classified. This hampers Congress in its important oversight function of the military. The Army was even a no-show at the House Armed Services Committee hearing on its top acquisition project.

Do we want to wait until war to discover we have a hollow fleet or inadequate equipment? Congress has the constitutional duty to raise and support armies and navies.

This responsibility requires candid answers from our senior military leaders about the FY 2010 budget approval. To quote our President, ''A democracy requires accountability, and accountability requires transparency.'' Where is this promised transparency?

CLEAN ENERGY FOR AMERICA

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

Ms. WATSON. Mr. Speaker, America can become the world leader in the new clean energy economy. To ensure our economic recovery is sustainable for years to come, we intend to pass comprehensive clean energy legislation that will create millions of new American jobs that cannot be shipped overseas, reduce our dependence on foreign oil, increase production of cleaner, renewable energy sources, crack down on heavy pollutants who have damaged our air and water quality, and give American entrepreneurs and innovators the tools they need to stay competitive in the global economy.

There is also the Energy and Commerce bill called the American Clean Energy and Security Act. It will invest in American jobs that cannot be shipped overseas. It will reduce our dependence on foreign oil. It will be consumer focused and increase production of cleaner, renewable energy sources.

SERIOUS ECONOMIC IMPACT WITH EPA CO_2 RULES

(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, I have a memo and article, ''OMB Memo: Serious Economic Impact Likely with EPA CO_2 Rules'' and also the article that is from the Dow Jones Newswires that brings attention to this. I have both documents right here, and I encourage my colleagues to read both of these documents.

As the memo points out, and the article also states, contrary to administration statements, some within the executive branch have serious reservations about regulating CO_2 through the Clean Air Act. They highlight that such regulation will place a tremendous cost on our economy. I share their concerns, and I have introduced H.R. 391 to prohibit the EPA from undertaking such regulation.

The regulation of greenhouse gases by the EPA would, and I am quoting from the memo here, ''is likely to have serious economic consequences.''

Mr. Speaker, we all know what that is, and we know it will be realized if the cap-and-trade bill currently under consideration is passed.

I encourage everyone to join me on H.R. 391 and to read the memos.

GROW CLEAN ENERGY JOBS

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

Mr. INSLEE. Mr. Speaker, Americans are an optimistic people. That was confirmed yesterday when results came out showing that Americans believe, by a 2–1 margin, that we will grow clean energy jobs by the millions when we adopt a clean energy bill in this House, and they are right.

We should be optimistic that we are going to build electric cars and sell them to the rest of the world, not just China. We ought to be optimistic that we are going to build concentrated solar energy technology and sell it to the rest of the world.

We ought to be optimistic that we are going to build the electric batteries that will fuel our cars and help make our grid more responsive.

This is the optimism that those of us have who are going to pass a clean energy bill this year to make this happen.

Here is another reason for optimism. Yesterday we reached a consensus in the House Energy and Commerce Committee. With broad swathes of the country, the south-north industrial egg, we have reached a consensus that we are going to grow jobs everywhere in this country because we are the optimists, and the optimists are going to win this clean energy debate.

REFORM OUR HEALTH CARE SYSTEM

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

Mr. YARMUTH. Mr. Speaker, this Congress will soon move to reform our health care system, and none too soon. And when we do, I hope there is one prerequisite, one standard that we can all agree on, and that is the essential fact that we need to make sure that every American has health insurance.

Yesterday, on television, I saw a commentator arguing against health insurance for everyone saying, I don't want to pay for health insurance for my neighbor. Well, if I were his neighbor, what I would say is, You had better want to, because you, like every other American, is one pink slip, one cancer diagnosis, one serious accident away from being among the 47 to 50 million Americans without insurance and who face financial ruin because of that problem.

Yes, we may differ on the details. We may figure out and have a substantial debate about how we get there. But unless we make sure that every American has health insurance, then every neighbor is going to be paying far more than he or she should for their coverage, and we will continue to have a system which is not what the American people deserve.

WE CAN'T CONTINUE TO DEPEND ON MIDDLE EAST OIL

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

Mr. PALLONE. Mr. Speaker, I have been here for about 20 years now and I have been through various crises, in the 1970s with energy and gas prices and, of course, one that we just faced within the last year or so.

The bottom line is that we need energy independence. We can't continue to depend on Middle East oil. At the same time we have a global climate crisis. Anyone who denies it is just kidding themselves.

So basically what we are doing here in the House is coming up with a bill that will probably come to the floor within the next 2 weeks that tries to achieve energy independence and also addresses the problem of global warming, but at the same time creates a lot of jobs. Because as we move towards renewables, whether it be solar or wind or geothermal, there are a lot of jobs in research and development. There are jobs in actually building those facilities. There are jobs in trying to create more energy efficiency.

And these jobs that would be created, these are the kinds of high-technology jobs, if you will, as well as construction jobs, that we really need, because a lot of people are out of work and are not working in similar industries. Their activities can be basically transferred to these new kinds of job opportunities.

So I want to stress that this energy bill is a job creation bill.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2187, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

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. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, 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 Education and Labor. 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 Education and Labor 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.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the 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. POLIS. I further ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 427 provides for a structured rule for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

Mr. Speaker, I strongly support the rule and the underlying bill. I thank Congressman CHANDLER, Congressman LOEBSACK, Congressman KILDEE, Chairman MILLER, and the entire staff of the Education and Labor Committee for their hard work in reintroducing this bipartisan, critical legislation to modernize and green American schools.

Every child in America has the right to an excellent education. This can only be achieved through the best teachers in safe schools and productive learning environments equipped with the resources required to succeed. Anything else is increasingly unacceptable in the 21st century.

Unfortunately, as a Nation, we are unable to meet this basic standard. According to the American Federation of Teachers, our schools fall short of being in good condition by an estimated $255 billion. The American Society of Civil Engineers gave our Nation's schools a D on the national infrastructure report card.

The American Recovery and Reinvestment Act, which we passed earlier this year, will go a long way towards correcting this horrifying statistic. However, we can't stop with the Recovery Act. This is too important an issue.

Overcrowding and crumbling and unsafe schools and classrooms are an everyday reality for students, teachers, and staff in too many parts of our country. In Colorado, the backlog of school construction and maintenance needs that has been documented has been estimated between $6 billion and $10 billion.

This backlog puts the health, safety, and achievement of our students at risk. Healthy students learn better and are better prepared to meet the high standards of the workforce. The students of today will be the professionals and citizens of tomorrow. They must be ready to meet unexpected challenges, such as today's economic crisis, and they must be empowered to bring America to the next level of innovation and discovery and the pathway to prosperity.

As a former superintendent, I can tell you that modern, environmentally friendly classrooms are necessary for teachers to perform and for students to learn. Research shows that high-quality school environments contribute to higher education achievement and lower teacher attrition. Yet, States and school districts are unable to keep up with these basic needs. This is especially true during the severe recession. This $6.4 billion investment will produce direct and major economic and environmental benefits.

This legislation represents a giant step forward in ensuring that school buildings are modernized, repaired, and renovated to meet students' and teachers' needs. This will be a positive impact on residential property values and economic development efforts. It creates an estimated 136,000 jobs in communities across the country at a time when we desperately need them.

By making schools more energy efficient and less reliant on fossil fuels, this bill will also help reduce the emissions that contribute to global warming, as well as cut energy costs, saving operational money for schools and local governments.

This bill will stimulate local economies, while protecting the environment. The added benefit of job creation in the areas hardest hit by the recession will be an important component of our economic recovery.

When I think about the devastation of the Gulf Coast, where schools have been overlooked for decades and, in many cases, were washed away by flood waters of Hurricanes Katrina and Rita, it really brings home the need for passing this Federal assistance program.

The African America Environmentalist Association estimates that the legislation will support hundreds of thousands of new construction jobs and invest more than half a billion dollars for school facility improvements in the troubled region of the Gulf Coast.

In 2006, I had the honor of cochairing a successful campaign for a $300 million bond initiative for Boulder Valley School District in my congressional district to address their school needs. But many low-income districts in Colorado don't have the capacity to finance the necessary school upgrades.

That's why I'm particularly pleased that this legislation addresses income disparities by allocating funds to States and districts based on their share of students from low-income families. This way, we can ensure that the funding reaches the schools and students that need it the most.

Communities in my home State of Colorado will receive over $70 million, which will enable much needed improvements in our schools. I look forward to visiting these schools as they continue to work on making their improvements.

Earlier this week, I had the opportunity to visit schools in Adams County, Boulder Valley, Mapleton, and Westminster, and observed the progress that this bill will make possible for the children of Colorado.

Finally, I'd like to again thank Chairman MILLER and the committee for ensuring that public charter schools receive their fair share of the funding as well.

On behalf of my constituents in Colorado, especially the students, parents, and educators, I'd like to urge my colleagues to vote ''yes'' on the bill and the rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the gentleman from Colorado (Mr. POLIS), for the time. I yield myself such time as I may consume.

The condition of our public schools is increasingly becoming a troubling issue. Parents, students, and teachers feel that many schools are increasingly overcrowded, unsafe, and obsolete, detracting from student performance.

The deteriorating conditions in many schools has forced school systems throughout the Nation to spend progressively more of their budgets on school renovations and construction projects instead of on students and teachers.

Today, the House of Representatives is set to consider H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. This bill will direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public educational facilities. These funds will help school systems pay for renovations and construction projects so that they can dedicate more of their budgets to improving the education of our Nation's students.

It also requires the funds to be used only for projects that meet certain green standards, such as Leadership in Energy and Environmental Design, known as LEED; Energy Star, or an equivalent State or local standard.

One of the central tenets of the majority party's campaign both in 2006 and in 2008 was that they would run Congress in a more open and bipartisan manner. For example, the distinguished Speaker said, We promise the American people that we would have the most honest and open government—and we will. However, that promise has yet to come to fruition, as the majority has consistently blocked an open process through their control of the Rules Committee.

A prime example of how they have consistently stymied openness and bipartisanship can be seen by looking at the virtual absolute lack of open rules that they have allowed since they took control of the House of Representatives in 2006. In nearly 2½ years, the majority has allowed one open rule—and that was over 2 years ago.

Instead of fulfilling their campaign promise, the majority consistently closes the amendment process and keeps Members from offering amendments to important legislation.

Earlier this year, the majority rushed through some of the largest and most significant pieces of legislation through a closed rule process, including the nearly $800 billion so-called stimulus and the over $400 billion so-called omnibus appropriations bills.

Now, Mr. Speaker, I bring up this lack of an open process and the continued use of the closed rule by the majority because later today the Rules Committee is expected to meet to consider yet another closed rule for fiscal year 2009, the War Supplemental Appropriation Act. That legislation will provide over $90 billion to fund the Department of Defense and related programs.

Now it is time that the majority lives up to its campaign promise and allows an open debate process. It's not

enough to allow amendments on generally noncontroversial legislation like the one we bring to the floor today that authorizes over $6 billion for school construction. They should allow an open process, Mr. Speaker, on, for example, the over $90 billion supplemental appropriations bill that we will consider later this week, and on energy and health care legislation expected to be taken up in the coming weeks.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman from Colorado. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 2187. I also must comment, I'm sorry that my friend and colleague from Florida feels that things like the 2009 appropriations bill was somehow closed, because not only was it agreed to last year in committee and subcommittee and through the normal appropriations process, but there were hundreds, if not thousands, of special appropriations or earmarks that some would say that were asked for and granted to Republican Members of Congress.

So it's simply in that case not true that——

Mr. LINCOLN DIAZ-BALART of Florida. Will my friend yield?

Mr. HALL of New York. Yes, just for a second.

Mr. LINCOLN DIAZ-BALART of Florida. I was talking about the process that does not permit amendments on the floor. That's what we're referring to when we talk about closed rules.

Mr. HALL of New York. I understand. Reclaiming my time, I want to talk——

Mr. LINCOLN DIAZ-BALART of Florida. The fact that there were earmarks in the bill is a separate debate.

Mr. HALL of New York. Reclaiming my time.

The SPEAKER pro tempore. The gentleman from New York controls the time.

Mr. HALL of New York. I'm reclaiming my time, sir. I only have 2 minutes.

□ 1045

I just wanted to correct that bit of the RECORD.

America's aging schools are in dire need of assistance. I am a former trustee and school board president. I have seen it. Buildings are crumbling while school districts are having trouble paying their energy bills. This bill would help school districts invest in repairs, construction and green modernization without passing the burden on to local taxpayers who in New York, I know, can't afford any more property tax.

Schools in my district are already doing some of this work. For example, Arlington High School is installing solar panels to offset carbon emissions, panels that were lobbied for by the students who went to their school board, went to the State and came to us asking us if our office could help. The Haldane Central School District is planning to replace their old HVAC system with a cost-effective and renewable geothermal power system. But these and other districts in the Hudson Valley could use some help.

As schools make repairs, hundreds of thousands of jobs will be available to hardworking Americans, good-paying jobs that cannot be outsourced.

I urge my colleagues to support this rule and this legislation because it is good for our environment, good for our students, and good for our economy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in opposition to this rule on what is a relatively noncontroversial bill just to ask the majority, What are you afraid of? You have a 78-seat majority in the House of Representatives, but you are afraid that amendments may carry. It is an astonishing admission of weakness by the leadership that you cannot withstand a House vote on amendments. As someone who has been here as a staffer and a Member since 1984, I will tell you that closed rules generally end speakerships over time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. KIRK. I stand corrected.

I would just say that closed rules generally end speakerships over time because what happens is if you do not let democracy reign on the House floor, what happens is big bills wipe out. And we certainly saw this in the end of Speaker Wright's service when on closed rules he misguided the rules on the Chamber and then collapsed entire huge pieces of legislation, by the way, reconciliation legislation, which then wiped out his speakership.

With a 78-seat majority, it is an astonishing admission of weakness that the leadership cannot win on amendment votes on the House floor and that they do not want to be subjected to scrutiny and feel that in the Speaker's office alone there is a judgment which will always carry the day on the House floor. And I will refer to the end of Speaker Wright's career, the end of Speaker Foley's career, even the end of Speaker Hastert's career, as a reflection that democracy is much better served if you can actually allow some controversial amendments or two. And to sit on a 78-vote majority and think you are going to lose on the House floor is an amazing admission on your part.

Now one of the things that is not being considered, because this legislation closes down amendments, is a bipartisan amendment by Congressman CARNEY and me. Now, what we wanted to do was simply open up eligibility under this legislation to the 44 percent of American schools that, under the terms of this legislation, are not eligible for funding. This legislation stands for the principle that only roughly 60 percent of schools in America can even apply for funding under this legislation and that 44 percent cannot apply.

In my congressional district, we have seen good green school initiative programs like at the Thomas Middle school in Arlington Heights, in which they assembled public and donor funds for a 1-kilowatt solar array on their roof and for conservation measures. They learned an important lesson. And by the way, the kids learned an important lesson that maybe solar power in Chicagoland did not have the greatest potential as in other parts of the country because we only have about 58 sunny days a year. It was an important renewable energy lesson where in the Windy City wind power might be the more appropriate solution. And I'm very happy that our students learned that lesson. And some of them may be inspired by their experience at Thomas to pick up a career in the field of science and engineering.

We had a similar program at the Elm Place middle school in Highland Park, Illinois, a greening project in which the students reported that despite all of the attention on the renewable energy side, they actually saved more money with conservation. These are important lessons that we know apply to the Nation, as well, and I'm very happy the students were able to learn this lesson.

Under our amendment that was rejected by this rule, we would have opened up just 1 percent of the funding in this legislation to the other 44 percent of schools, mainly suburban schools, which are locked out of any consideration of funding under this bill. In Illinois, there are 32 school districts that may not receive funding from this legislation. And I think that the other 44 percent should have been considered, that 44 percent of kids should have participated in green school projects, as the kids in my congressional district have done with their own money; and yet we rejected that possibility.

It is astonishing because I think the Carney-Kirk amendment would have carried, would have provided an opportunity for a lot of kids in America to learn some very valuable lessons about the future of the economy, but also astonishing that on a 78-vote majority in this House of Representatives, the Democrat leadership feels that they will still regularly lose in open debate on this House floor.

Mr. POLIS. Mr. Speaker, a few times I have heard reference to a closed rule. And I want to be entirely clear that what we are proposing is, in fact, a structured rule on this bill. There were 34 amendments that were submitted. We are forwarding for the consideration by the full House 14. So I do believe that arguments against a closed rule on this particular bill are not founded.

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

Ms. SUTTON. Mr. Speaker, I thank the gentleman for the time and for the clarification about the nature of this rule.

I rise today in support of the underlying legislation, H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, a bill that was considered, discussed, and passed already once by this House in the last Congress.

This bill will improve the foundations of our education system and modernize our buildings to reflect the environmental realities before us. We know all too well that our treasured school districts are struggling to make essential improvements during these challenging economic times.

It is critical that we improve our schools to ensure that students have a healthy and safe environment in which to learn and develop the skills necessary to compete in today's workforce. By facilitating development of sustainable schools, our students will have a healthy learning environment that will naturally promote environmental literacy. It is also essential that our schools are structurally sound and updated with the needed safety measures that will protect our youth from today's threats.

And, Mr. Speaker, I am particularly supportive of a measure that was included in this Congress when this bill passed the House. That measure included an initiative which I championed that will allow schools to use funding from this bill to improve their building infrastructure with the necessary security measures and security doors.

I am pleased that my provision remains in the current bill. And let me tell you why it is important. Brunswick High School, in my district, is the largest single-level high school building in Ohio, stretching one-quarter of a mile from end to end with 60 entrances. As you can imagine, this presents a difficult security challenge for teachers and administrators. But with this provision, the district can use the funding to update the high school's entrances to meet today's security needs.

I am also proud 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 improvement projects are produced right here in the United States. The economic downturn has taken a toll on U.S. manufacturing, including the steel plants in my congressional district, and we need to put Americans back to work doing the work that America needs to have done.

This bill also contains Davis-Bacon protections requiring that contractors who build these projects pay their workers the local prevailing wage which is so important to ensuring that workers are able to provide for their families. This is about families.

Mr. Speaker, in these challenging economic times, important, innovative legislation such as this will go a long way to creating new opportunities for America's students and workforce.

I urge a ''yes'' vote on the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in case there was some confusion, we have not alleged that this is a closed rule. This is a rule that is known as a ''structured rule'' that permits, authorizes, some amendments to be debated and made other amendments not in order, in other words, did not authorize other amendments. We heard Mr. KIRK, for example, of Illinois, who had an amendment, proposed an amendment before the Rules Committee, and he explained it in detail. It was a bipartisan amendment. And it was not authorized. It was not made in order for debate today.

What we are pointing out is that on legislation like this, for example, that has passed the House before, that today will likely pass the House again with a bipartisan vote, it really does not seem logical, and Mr. KIRK was quite eloquent in describing it, that ideas brought forth by Members are not allowed to be considered by the House.

And with regard to closed rules, I pointed out that the rules that allow any Member to propose an amendment and have it debated, those are, as you know, Mr. Speaker, called ''open'' rules. And the majority, both in 2006 and 2008, promised an open process in their campaigns. In 2½ years, they have allowed one open rule. So that is a major contrast with the promise. The reality contrasts quite dramatically with the promise.

At this point, I would yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Miami for his management of this rule and his very, very thoughtful remarks and the way in which he addresses every single issue that comes before us. He has spoken very thoughtfully about the problem of shutting down the process and preventing Members who have an idea to come forward. He used the example of our friend from Illinois (Mr. KIRK).

I want to talk, Mr. Speaker, about the overall thrust in which we are headed with this legislation. We had an interesting debate in the Rules Committee last night. And I will say that we all share the goal of ensuring that young people in this country have the best quality education possible, that they have a safe environment and that they have a comfortable environment in which to study. After all, if we are going to, as a Nation, remain competitive in this global economy, the single most important thing that we need to do is ensure that we have well educated young people to proceed with the challenges that exist in a global economy.

But, Mr. Speaker, there is something that we need to remember that was a hallmark of the vision that the Framers of our Constitution put forward. And that is the notion of federalism, the responsibility of things that fall at the Federal level here in Washington, D.C., and the responsibility of things that should remain at the State and local level.

My State of California is going through the toughest economic times that it has ever faced, I believe. We just received a report that the deficit itself is double what had been projected. And we have, I think, really difficult days ahead. But we need to remember, Mr. Speaker, that the number one priority for the number one budget item for our State of California happens to be the issue of education.

□ 1100

There are States across this country that are not faced with the difficulty that we are in California. The best example came forward by our new colleague, Mr. ROE, who was the former mayor of Johnson City, Tennessee. And he was able to outline in his role as mayor the success that they are having with the expenditure of $50 million to not only improve the physical quality of the schools themselves, but their effort to reduce energy costs, which I know is part of the greening goal here. They are saving money by using more efficient ways to heat and cool the schools, so they are actually witnessing a savings there. But this is all being done at the local level. That is the argument that we have here.

As we look at a budget deficit this year that is larger than the entire Federal budget was a mere decade ago, I think we need to analyze what responsibilities under this role of federalism the Federal Government should continue to take. No one is going to stand here and say that they don't want to ensure that the ceilings don't collapse in schools. They will not stand here and say that they should be air-conditioned in the winter and heated in the summer. No one is going to argue in favor of a less than perfect physical structure for students.

But what I believe we need to argue is how do you pay for that. And again, I believe very strongly that we, as a Federal Government, have reached way too far into so many different areas. Right now we are looking at doing this in the area of health care, energy, a wide range of areas. We are looking at dramatically increasing the exercise and scope and reach of the Federal Government. Today we have another example of that.

Now, there will be people who will argue that if you are not supportive of this measure that you somehow want substandard schools in this country. That is just absolute lunacy. We are just saying that the Federal Government can't do absolutely everything.

So in the name of fairness, I urge my colleagues to reject this rule which

does not provide Mr. KIRK and others the chance that they should have to offer amendments. I thank my friend for yielding.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman and rise in strong support of H.R. 2187. This important legislation will fund much-needed repairs to public school buildings, reduce their carbon footprint, and maximize scarce education resources by saving our schools money on energy costs. By investing up front in sustainable renovations to our public school facilities, we can help slash their energy bills by as much as 33 percent in the long term and free up more money to invest in teacher retention, textbooks, after-school activities, and a number of other things that are so important to our children's education.

In my home State of Florida, school construction and renovation projects for school buildings are a desperate situation. Unfortunately, they have been postponed indefinitely time and time again as our schools struggle to fund their most basic needs, such as school supplies, school lunch programs, teacher salaries, and general operating costs. These Federal funds that we are talking about today will help bring these school buildings up to code, all while creating thousands of jobs in the construction industry, an industry hit particularly hard in these tough economic times. We are talking about a great benefit from this bill. It is short term in terms of construction jobs and support for the schools, and long term in terms of better quality school buildings.

I was proud to support, along with my colleague, Congressman BLUMENAUER, to facilitate greater bicycle and pedestrian access to our Nation's schools. When I went to school when I was a kid, I rode my bike to school, I walked, and all of these things today are the kinds of things that we want to encourage in the future. By authorizing funds to facilitate healthy alternative modes of transportation to our schools, we can also reduce the cost of school buses and various other things. We can reduce vehicle congestion on our roads, decrease emissions, and improve the health and well-being of our students.

Mr. Speaker, I would like to thank Congressman CHANDLER for introducing this important legislation, and I urge my colleagues to support the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friends on the other side of the aisle for their participation as well, obviously, as my friends and colleagues from our side of the aisle.

As I stated before, this is legislation that has passed before. It passed with some bipartisanship. There is some legitimate substantive debate on the underlying legislation, but I think more objection, certainly, on our part to the unfortunate nature in which the way the process, the debate in the House has been closed down unnecessarily by the majority. We had an example today, an amendment that was brought before the Rules Committee with bipartisan authorship, and yet it was not allowed for discussion and consideration by the full membership, and that is unnecessary and unfortunate.

Having said that, we will consider without any doubt this legislation even though I think the rule that brings it to the floor should have been an open rule, and the majority would have thus had an opportunity to double its record of open rules. Since they took the majority about 2½ years ago, they have allowed one open rule. That is something I would have never expected. I would have never expected. Certainly it is very different from the promise made to the American people of an open process. It is unfortunate.

But we move forward. Thank you for listening, Mr. Speaker, and for your fairness in guiding this process as always.

Having said that, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, just this last week I had the opportunity in Colorado to visit a number of schools in several school districts across the district that I represent. I visited Adams County, Boulder Valley, Mapleton, and Westminster.

With regard to Boulder Valley School District, having recently passed a $300 million bond initiative, it was very exciting to see some of the renovations that were taking place. I had an opportunity to go on the roof of one of the schools and observe the solar panels that were being installed, as well as a device that focuses sunlight to provide natural light for the classroom. That is called a Sundolier, and what that encompasses is twofold. One, it saves the need for artificial light and saves energy for the school. Two, there are a number of studies that show that natural light can actually serve to improve learning. This was an item that Boulder Valley School District was able to purchase. There are four that are now pilot projects in Colorado. There are studies being done to document the learning impact. This is the type of activity that many school districts cannot afford to consider.

Mapleton School District, just 10 miles down the road, it has been on their ballot twice with bond initiatives, but they have been unable to get them to pass. They have a much lower local tax base and it is very difficult, and many of the constituents are struggling to stay in their homes. For that reason, this Federal money will be particularly welcomed in those districts that serve the most at-risk children, which is why I applaud the efforts of Chairman MILLER and the committee and the sponsors to target this money to districts that serve a high count of low-income students using the title I criteria.

Mapleton School District, which serves just a few thousand kids, will receive $578,000 under this bill; Westminster School District in Colorado will receive $1.8 million; and Adams County 12 District will receive $2.36 million.

Mr. Speaker, a few folks have mentioned, Oh, this shouldn't be the Federal Government's responsibility.

The question I would pose is: Who, then, can repair these schools? Who can ensure that these classrooms are safe? Where can the money come from? Certainly there are many wealthy districts that can afford to do that themselves. But by allowing only wealthy districts to build classrooms for the 21st century, we are not only creating a divide on the operations side of school funding, we are actually making that considerably worse by creating an enormous gap on the capital front, leading to attrition of good teachers from dangerous and poor-quality schools in poor areas, as well as lower student outcomes because of lack of heating, lack of air-conditioning, dangerous conditions, et cetera. This bill will help reduce those disparities. We certainly have a long way to go, but this bill will help do that.

In addition, there are a number of schools that actually are dangerous and represent a danger for the teachers and for the students. For instance, there was an incident last year in Massachusetts where a roof fell in and actually injured a teacher. They had a leaky roof for decades in Billerica, Massachusetts. The district was not able to afford to repair or replace the school. In fact, when it rained, the principal would announce, Heavy rains are expected; clear the counters. The water damage had caused the floor to rot and a teacher actually fell through the floor and injured herself because of that. Some of the rooms are so hazardous they are closed to students and staff.

That is not an unusual phenomenon. In my district, I was at one elementary school where the gym has been closed for several years because pieces of ceiling are falling off the gymnasium and it is a danger for kids, so the school has not had a gym for those kids to use for several years.

In this school in Massachusetts, they have now moved the girls' locker room to the library, and there is so little space available because of the closure of the rooms that are dangerous that special education classes now meet in what was the boys' locker room. They are trying to use every available place that they have because of the unsafe nature of some of those schools.

School districts do a good job with what they have. They try their best. They approach their voters when they can, but there are districts in Colorado and, indeed, nationally that have very little local tax base from which to draw. In Colorado, we had a lawsuit a number of years ago which was ultimately settled by the State with regard to the failing state of our schools

and our capital infrastructure in Colorado school districts that had very little local tax base. The decision stated that the State had in fact not lived up to its responsibility of providing a safe, thorough and uniform education to all of its citizens.

Certainly every child in this country deserves the opportunity to succeed. They deserve a safe learning environment. This bill will go a long way towards doing that, along with the provisions of the American Recovery and Reinvestment Act. The American Recovery and Reinvestment Act provided funding in two main areas for education, both operational. One was IDEA, special education. And my colleagues on the Rules Committee will recall we had some discussion about special ed and IDEA in committee yesterday. I am proud to say that under this Congress, we have gone further than ever as a country in meeting towards reaching that unfunded mandate of making sure that the needs of all students, including special needs students, are met and increasingly funded by the Federal Government. We had a bipartisan consensus in our Rules Committee meeting yesterday, Mr. Speaker, that our Federal Government needs to do more with regard to funding special education. I am very pleased to say that the American Recovery and Reinvestment Act was the first step.

The second area of investment was in title I programs directed to schools that serve low-income families and families that face a lot of challenges that others don't. To help reduce those disparities, the opportunity disparity that exists, Colorado is a State that has a very strong equalization formula for funding schools. We are very fortunate in that regard.

Our poorer districts on the operational side receive roughly the same funding, in fact, sometimes even more funding because of their at-risk criteria than the wealthy districts. That is not the case nationally. There are other States where there are large operational disparities between large and small districts.

However, in Colorado, and indeed nearly every State, there continue to be large disparities on the capital front. That is why what passes for a school in one district would hardly pass for a school in another district. Schools with low tax bases, with voters that are struggling to stay in their own homes and are, therefore, unwilling or unable to pass another bond initiative, are threatening the education of their kids compared to some of the wealthier districts that are able to invest in some of things that I had the opportunity to see just last week in Boulder Valley School District due to their own $300 million bond initiative.

□ 1115

The needs, Mr. Speaker, are great. In fact, I dare say they are greater than this investment that we, if the House passes this bill today, will be making.

The rule, Mr. Speaker, is fair. Of the 34 amendments that have been offered, 14 have been ruled in order, including several from Members on the other side of the aisle, including one from Mr. ROE, who my colleague, Mr. DREIER, mentioned in his remarks. That was ruled in order, as well as an amendment from the ranking member of the Education and Labor Committee.

So this is not a closed rule. This is a structured rule that allows for nearly half of the amendments that have been offered to be considered by the full House and advances in there for that purpose, including several that were also incorporated into the chairman's amendment, who has worked with Members on both sides of the aisle to improve the initial piece of legislation.

Let me focus once more on the safety issue. There is an enormous backlog of capital construction—particularly in poor districts across this country—that puts the health and safety as well as the achievement of our students at risk every day. Students should be free of risk regardless of where in this country they attend school. Students have enough challenges to face. They need to be able to face the economic crisis, their family issues, preparation for college. The last thing students need to worry about are roofs falling in, ceilings collapsing, floors collapsing, or asbestos.

At the same time that we can accomplish this, as my colleague from New York (Mr. HALL) mentioned, we have the great opportunity to make some progress on the front by reducing our carbon emissions and greening our schools. This has, of course, beyond the environmental benefits, which are significant, they also have economic benefits because when you save money by reducing your power needs or producing power locally, you are freeing up more operational money to actually help educate kids, meaning lower class sizes, meaning better teacher training, meaning programs that can be continued or expanded because of the energy. One of the biggest complaints that I heard from districts over the last several years were the rising costs of energy and utilities as part of what they pay as a fixed cost. By investing in the capital side—and again, many districts don't have the capability of doing that themselves—we are able to save operational money for those school districts where truly some of the modernization and green investment can become the gift that keeps on giving.

Mr. Speaker, I am the last speaker for this side. I would like to urge a ''yes'' vote on the previous question and the rule.

Mr. KLINE of Minnesota. Mr. Speaker I rise today to oppose the rule under consideration. By refusing to allow us to debate pertinent amendments that address some of the many challenges facing our public schools, this rule prevents my colleagues and me from improving upon the good intentions of the 21st Century Green High-Performing Public School Facilities Act.

Similar to legislation passed last summer, the bill we are about to consider commits billions of dollars in funding to public schools for modernization, repair, and renovation projects. I agree with Chairman of the Education and Labor Committee GEORGE MILLER who said in support of this bill: ''Especially in this economy, with state budgets dwindling, schools have fewer resources to make classrooms top-notch learning environments for students . . . No student should have to learn in a classroom or school that is literally falling apart.'' I couldn't agree more.

But I wonder whether there might be a better way to address these challenges than to throw even more federal dollars at the problems and add to our rapidly growing federal debt.

Mr. Speaker, I would suggest that by fully funding the Individuals with Disabilities Education Act (IDEA), we would free up desperately needed resources schools across America could use to address their specific needs—whether it is state of the art classrooms, additional teachers, or new textbooks.

In the Education and Labor committee last week, and again before the Rules Committee yesterday, I introduced an amendment that would prohibit the expenditure of federal funds for this bill until Congress fulfills its commitment to provide 40 percent of the national average per pupil expenditure for special education. Unfortunately, partisanship prevailed, and members will not have the opportunity to vote on my amendment.

Mr. Speaker, our nation's schools have been waiting patiently for Congress to fulfill its promise to provide full federal funding IDEA for far too long. It is time for government to live up to its promises and provide our schools the resources they so desperately need.

I urge my colleagues to vote against this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this rule and the underlying bill.

Yesterday the Rules Committee voted along party lines to keep the House of Representatives from considering two amendments I offered that would have helped school districts whose tax bases are significantly reduced by the presence of tax-exempt federal lands.

As some of you may recall, I offered the very same amendments to H.R. 3021 last year, when the interests of these school districts were also ignored by Democrats on the Rules Committee.

The bill before us today drastically expands the Federal Government's role in school construction and maintenance—activities historically funded at the State and local level—BEFORE meeting its existing responsibilities to schools that are impacted by federal land ownership.

As I have noted before, over 33 percent of my district in central Washington is owned by the Federal Government—making 11 school districts eligible for Impact Aid. I know all too well about the consequences of federal land ownership and the impact it has on the ability of schools to make needed improvements.

In Grand Coulee Dam, Washington, students attend classes in buildings more than half a century old that are literally falling apart. While local residents have agreed to pay one of the highest levies in the State of Washington, the school district remains unable to secure a bond to make improvements because the community is surrounded by federal lands and has a limited tax base.

The Federal Government has a responsibility to ensure that no child's education is shortchanged because of federal land ownership. And in my view, it's only fair that the Federal Government take care of federally impacted schools before launching a brand new spending program costing billions of dollars that's aimed at other schools that aren't federally impacted.

I offered two amendments in the Rules Committee yesterday. The first would have required that our commitment to federally impacted schools be met through full funding of the Impact Aid program before funding is spent on the new federal spending program in this bill. My second amendment would have simply given preference to federally impacted schools as the new construction and maintenance funds are distributed.

Unfortunately, Democrat leaders again blocked both of my amendments from being debated or voted on today by the full House.

Mr. Speaker, the federal government is not meeting its current responsibilities to federally impacted schools. As I said last year, we certainly have no business creating a brand new $33 billion spending program for other schools—especially at a time when the federal deficit is at astonishing levels.

Rather than passing this massive expansion of the Federal Government's role in school construction, we should refocus our efforts toward fulfilling existing obligations to schools and children impacted by federal actions.

I urge my colleagues to reject this restrictive rule and the underlying bill.

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

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 427 will be followed by 5-minute votes on the motion to suspend the rules on House Concurrent Resolution 84, if ordered; and the motion to suspend the rules on H.R. 2162, if ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 175, not voting 10, as follows:

[Roll No. 246]

YEAS—248

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

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cardoza
Himes
Johnson (IL)
Myrick
Paul
Pingree (ME)
Sánchez, Linda T.
Schock
Stark
Tanner

□ 1145

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE WINNERS OF THE ANNUAL SHOOT-OUT AT THE PRINCE GEORGE'S COUNTY TRAP AND SKI CLUB

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

Mr. BOREN. Mr. Speaker, something very important occurred yesterday at the Prince George's County Trap and Ski Club. The Congressional Sportsmen's Caucus along with the Congressional Sportsmen's Foundation came together, Democrats and Republicans, to have our annual shoot-out, and the results are as follows:

The top Republican shooter was Adam Putnam with a score of 53; the top Democrat, Mike Thompson, with a score of 59. The top gun member was Colin Peterson with 65. The top skeet shooter was me at 19. The top trap was Representative CARNEY at 21. Top sporting clays was Paul Ryan at 19.

But the most important, ladies and gentlemen, Democrats, 354; Republicans, 325. We have regained the trophy again this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING NATIONAL MILITARY APPRECIATION MONTH

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 84.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 84.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 247]

YEAS—421

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

NOT VOTING—12

Cardoza
Deal (GA)
Himes
Johnson (IL)
Meeks (NY)
Myrick
Paul
Price (GA)
Radanovich
Sánchez, Linda T.
Stark
Tanner

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 247 I was unavoidably detained for constituent matters. Had I been present, I would have voted "yea."

□ 1156

ANNOUNCING THE BIRTH OF JOAQUIN ESTEBAN

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

Ms. ZOE LOFGREN of California. Mr. Speaker, as the Chair of the California Democratic delegation, I yield to our colleague for a happy announcement.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to announce that at 9:13 a.m. this morning I became an aunt. LINDA SÁNCHEZ, one of our colleagues, of course, my sister, and her husband, Jim Sullivan, gave birth to a baby boy, 7 pounds, 14.6 ounces; and his name is Joaquin Esteban.

And I would just add that both mother and child are doing great. I just spoke to my mom, who's in town; so we're pretty excited. Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HERBERT A LITTLETON POSTAL STATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2162.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2162.

The question was taken.

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

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 248]

AYES—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert

Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
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
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Buyer
Himes
Johnson (IL)
Lamborn
McCaul
Myrick
Paul
Radanovich
Sánchez, Linda T.
Schauer
Schwartz
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1204

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

MAY 13, 2009

Rollcall vote 246, on agreeing to the resolution—H. Res. 427, providing for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act—I would have voted "nay."

Rollcall vote 247, on motion to suspend the rules and agree—H. Con. Res. 84, Supporting the goals and objectives of a National Military Appreciation Month—I would have voted "yea."

Rollcall vote 248, on motion to suspend the rules and pass—H.R. 2162, Herbert A Littleton Postal Station—I would have voted "yea."

GENERAL LEAVE

Mr. GEORGE MILLER of California. 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 on H.R. 2187 into the RECORD.

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

There was no objection.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 427 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. 2187.

□ 1205

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. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK), who has been a driving force behind this legislation and one of the original cosponsors of this legislation.

Mr. LOEBSACK. Mr. Chairman, I am very happy to have had the opportunity to work on the 21st Century Green High-Performing School Facilities Act with Mr. CHANDLER, Chairman MILLER and, especially, subcommittee Chairman KILDEE.

Last year, when we considered a similar version of this legislation, I had the great opportunity to include many of the provisions of my Public School Repair and Renovation Act and the GREEN School Improvement Act into the underlying bill, and I am glad that the bill that we introduced this year also contains those provisions.

I am especially proud of this bill's focus on the importance of greening schools. Many schools in my district and across the State and, indeed, across the country have already begun to go green. For example, the Cardinal Community School District has a wind-powered classroom that I visited that saves energy and gives students hands-on experience in an emerging industry.

The Cedar Rapids Community School District is also making large strides towards more energy-efficient facilities. Kennedy High School, Taft Middle School, Harding Middle School, Jefferson High School, and Washington High School are all looking at geothermal systems.

The Elizabeth Tate High School in Iowa City has also taken several important strides towards greening their facilities and have specifically focused on the benefits of natural lighting for their students with disabilities. Other schools in my district that are going green include Evans Middle School, Willowwind School, and Van Allen Elementary School, and I visited almost all of those.

These schools all know that even while they struggle to find funding for their projects, their school modernization efforts will lead to increased

health, learning ability, and productivity.

I truly believe the Federal Government should help provide schools in Iowa and across the country with seed money, and that's what this is, seed money, to leverage local dollars, to modernize, repair, and renovate.

I am proud that this legislation does just that, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield such time as he may consume to the subcommittee ranking member, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank you very much, Mr. MCKEON, for the time.

Mr. Chairman, let me just talk about the positives about this for a moment. We all believe in school construction. We all believe that our children should be able to attend the best school facilities we can possibly provide, and I happen to believe in the green energy aspect as well. I give Mr. LOEBSACK credit. I give Mr. MILLER credit for that.

But there is another factor here that I think we need to consider before we go forward with legislation such as this, and this is where we are financially in this country today. I had an amendment, which was not approved by the Rules Committee. There was another amendment, also not approved by the Rules Committee, and mine would have dealt with funding title I fully. That's to help the lower, the schools with lower-income students in it.

We now fund that at $13.9 billion, I think, and the authorization is $25 billion. This has been underfunded forever under the previous Democratic Congress, under the Republican Congress, and now under the Democratic Congress again. So we simply have not lived up to our promise to these schools to bring in money to help with their education.

The same thing is true of IDEA, the Individuals with Disabilities Education Act. And, yes, we have increased that somewhat. As a percentage, we are supposed to be up to 40 percent. I don't think we have reached quite the halfway point yet with respect to that. And, again, that has crossed a lot of Congresses, a lot of Presidents, and we can point fingers at one another. There are Members on both sides who tried to help with that, many good Democrats and many good Republicans, but the bottom line is we have not funded those programs adequately.

Obviously low-income schools and children with disabilities need all the help they can possibility get, and yet we are starting a new program today, and I believe the authorization is something like $40 billion or something of that nature in this. We won't live up to that. We won't be able to live up to it. So this is good headlining, The Public Government to Help with Schools.

School construction has been the responsibility of local school districts and, of course, the surrounding properties that may pay the taxes for that and the States. I know in my State the State has stepped up and is a big part of school construction. That's vitally important. We try to keep our schools up with local taxpayers' dollars.

The Federal Government has assigned roles dealing with certain things that we already do that we are not really living up to as fully as we should, try as we might. My judgment is, if we start this program, you are going to see an increase in requests for school construction that is going to blow everything out of the water, probably a tripling and a quadrupling in a year, if I had to guess. All kinds of schools that believe they are okay now are going to find, gee, there's Federal dollars to be had. We will put together a green energy program, make an application for it, and you are going to see the demand triple and quadruple in a period of a year or so, in my belief.

So I think we need to consider seriously what we are doing. Again, we are all for this. I can't imagine anyone who would be opposed to it conceptually. But can we afford to add another education program that's going to be underfunded?

And that says nothing about the overall deficit of our country. We have seen reports in the last day or two that this deficit is the highest that we have ever had.

This administration has indicated it's more than willing to spend money, but how are we going to get the revenues to offset that? And now we are going to add a new program that we simply, unfortunately, cannot afford at this time.

So for all these reasons, I would hope that we would think carefully before we would advance this legislation, a good cause but unaffordable at this time for this country.

Mr. GEORGE MILLER of California. At this time, I would like to yield 3 minutes to the subcommittee Chair, Mr. KILDEE, who is the original sponsor of this legislation.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the 21st Century Green High-Performing School Facilities Act.

I was very pleased to join Congressman CHANDLER, the chief sponsor of this bill, my committee chairman, Chairman MILLER, and Congressman LOEBSACK, an effective and creative member of the Education and Labor Committee, to cosponsor this bill.

This legislation will bring critically needed resources to schools around the country, to provide students and teachers with safe, healthy, modern energy-efficient and environmentally friendly learning spaces. And it would help our local, State, and national economies by creating jobs for thousands of workers to build these improvements.

Mr. Chairman, some years ago in Flint, Michigan, my hometown, a judge ordered a jail to be torn down because it was unfit for human occupation, yet many local educators at that time told me that that jail was in better shape than some of the schools in which they work hard every day.

Last Congress, we passed this bill out of the House with strong bipartisan support. I am confident that we will do the same today, and I look forward to working with my colleague to see it become law.

Mr. MCKEON. Mr. Chair, I rise in opposition to H.R. 2187 and yield myself such time as I may consume.

Mr. Chair, there is a trend here that troubles me. Over the past few months, the Federal Government has stepped in to take control of more and more industries in America. So far these have included the banking industry, the auto industry, and the credit industry. And there is talk of the Federal Government becoming even more involved in other areas, too. These include the health care industry and possibly the student loan industry.

Today we are considering H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This is a bill that would get the Federal Government involved in yet one more industry, school construction.

□ 1215

Little by little, the Federal Government is becoming more involved in people's lives than ever before—and that's just the start of this bill's concerns.

First, there's the cost. Based on the Congressional Budget Office estimates, it's predicted that this bill will cost taxpayers $40 billion—and that's just the start. And $40 billion may not seem like much in these days of multibillion-dollar bailouts and trillion-dollar Federal budgets, but all of this new spending pushes our country further and further into debt.

This week, the Obama administration estimated that the United States has a deficit of $1.84 trillion this year alone. When I came to Congress, the whole budget 16 years ago was $1.4 trillion. This year, the deficit alone will exceed that.

The national debt is now about $11 trillion—and growing. We could update it during the course of this debate because it's growing by the minute—and thanks to bills like this one.

We need to get the Federal budget under control. If we don't, the children we're trying to help today will spend the rest of their lives paying off our debts and deficits—instead of paying for their own dreams and destinies.

But this bill has other costs that go far beyond the balance sheet, if passed. This bill could divert important funding from the title I program for disadvantaged students and for those programs under the Individuals with Disabilities Education Act, or IDEA.

This is a serious blow, especially after the Obama administration's budget failed to increase support for these programs. In fact, under the administration's budget, IDEA is flat-funded, keeping the Federal share of excess costs at just 17 percent.

And, worse still, the title I basic grant is actually cut by $1.5 billion. The administration is redirecting those funds elsewhere, leaving 1,038 school districts—those that receive funds only under the basic grant—with less money next year than they have this year.

Republicans think we should meet our existing commitments to these two vital programs and maintain the Federal focus on programs that improve student achievement. States and local communities—not Federal bureaucrats—have the primary responsibility to set public policy over education. Federal law should reflect that.

And here's another cost problem. Like other Federal construction projects, this new program carries the burden of Davis-Bacon wage mandates from the Depression era. Davis-Bacon has been shown to drive up the cost of school construction projects between 22 percent and 26 percent when compared to similar projects completed under market conditions. That's money that could otherwise go toward putting additional teachers in the classrooms.

The Labor Department's own Inspector General has found these wage requirements to be flawed. They shortchange either taxpayers, workers—or both.

That's not all. These wage mandates create regulatory hurdles that make it hard for smaller contractors, many owned by minorities and women, to win Federal contracts.

Mr. Chair, I cannot support this bill. I know that my friend and colleagues across the aisle are sincere in their efforts to improve the schools, as I am. I know there's a need for school construction and renovation. I also know that this must continue to be dealt with at the State and local level, where more than $144 billion has been spent to build, repair, and renovate schools just over the last 7 years.

This bill creates more problems than it solves. It costs too much, it borrows too much, and it controls too much. That troubles me and, I hope, other Members in this Chamber. I urge a ''no'' vote on this bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the original author of this legislation, who has been pushing school construction legislation for a number of years, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman. I am very proud to be here today to urge passage of the 21st Century Green High-Performing Public School Facilities Act, which authorizes $6.4 billion to help renovate and modernize our schools.

This bill, in my view, is a home run. It will give much needed money to our schools' struggle with huge budget deficits and deteriorating facilities while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas.

I'd like to thank Chairman MILLER, subcommittee Chairman KILDEE, Mr. LOEBSACK, and all of our cosponsors and committee members for their work on this legislation.

Mr. Chairman, we have the mightiest military in the world. We enjoy some of the most comprehensive freedoms and we have some of the world's best and brightest students who possess unlimited potential.

But today, many of our children are learning in crowded classrooms with lead and asbestos, falling plaster, broken windows, outdated technology, and crumbling infrastructure.

Where children learn has a large impact on what they learn. The U.S. Department of Education tells us that modern, functional school facilities are critical for effective student learning.

In 1995, the GAO found that schools were in desperate need of repairs totaling $112 billion. Over a decade later, we can be sure that the need is much, much greater.

Each day, we're competing on a global stage with countries like India and China that are pouring billions of dollars into educating their children. Investing in the education of our children at home is the key to staying in the game.

If we want to brighten the future of the next generation, we have to invest in our children. If we want to ensure America's competitiveness on the world stage, we have to invest in our children. If we want to create jobs, if we want to save energy, and if we want to support our most crucial economic resource, we have to invest in our children.

Today, I urge all of my colleagues to vote ''yes'' on this legislation. Our children cannot wait any longer.

Mr. MCKEON. Mr. Chairman, I'm happy at this time to yield 3 minutes to a member of the committee, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today in opposition to the legislation. School construction is being billed as something that can dramatically improve student performance and, while it will have an effect, I would guess it would impact the performance less than parental involvement, less than having a quality teacher, and less than having good textbooks and curricula.

Since arriving in Washington, all I've heard is that programs are dramatically underfunded, so I question why we would add a new program to fund that could divert more resources from these other programs.

I was personally educated in a two-room country school with no running water, no indoor plumbing. I think my parents placing a high value on education had far more to do with my success in the classroom than the condition of my school did.

In our debate yesterday before the Rules Committee, we were discussing the merits of Federal involvement in school construction. The point was made that State and local officials are being forced to cut back on school construction because they're required to balance their budgets, so we at the Federal level should start funding this construction to make up for their shortfalls.

At home, where I was a mayor, I had a very simple philosophy: Spend less than you take in. Here in Washington, we have a different philosophy: Borrow more than we take, then spend it.

At a time of record deficits, I believe the Federal Government should act more like our State and local officials, many of whom are setting priorities and trying to fund programs to get the most bang to their buck.

Some communities, like Johnson City, Tennessee, where I was mayor before coming to Washington, are investing their own resources in school construction. We were just able to fund $50 million worth of improvements because we acted in a fiscally responsible manner balancing budgets—and we now have a surplus. Other communities have chosen to put off these needs while they weather this economic crisis.

I think it speaks volumes when communities collectively decide that other programs are more of a priority to student achievement than school construction, yet we at the Federal level are making just the opposite determination. It seems to me that if we want to do something that will really help students, we'd be better off with funding the IDEA and No Child Left Behind programs, which are proven to boost student achievement.

I appreciate what both sides are doing—and everyone wants to improve the education level. I urge a ''no'' vote on this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the subcommittee Chair of the Education and Labor Committee, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I'd like to thank my friend, the chairman, for yielding. I rise in support of the legislation.

This is really more than just a bill about modernization and repair of schools. It's a bill that helps address a number of the chronic and substantial problems that face our country. One is unemployment.

This bill will create jobs for workers who will go about the process of fixing these schools and repairing them. Second, the bill creates a model for the construction and renovation of facilities that will save energy, that will reduce our carbon footprint, reduce pollution, and make our country greener. Third, this bill will help local education agencies—schools—by freeing up dollars they would otherwise have to spend on repairs, making those dollars available for the programs that educate the young people who attend those schools.

This is a bill that is not simply about the very desirable work of installing insulation or energy efficient windows

or green technology. It's really about addressing in an important way our unemployment problem, our energy problem, and our education indication problem, and we are giving students a better environment in which to learn.

I'm hopeful that this legislation will provide a benchmark against which future efforts can be measured. It makes great sense. It's something that should achieve support on both sides of the aisle.

I would urge a ''yes'' vote.

Mr. MCKEON. Mr. Chairman, I'm happy at this time to yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. MCKEON. I would like to build a new extension on my house, Mr. Chair. I'd like to have a lot of things, but cannot afford it. All of us as individual Americans in our private life and business life live within our means.

As the gentleman from Tennessee said so eloquently, our local and State governments must operate within balanced budget requirements. They must live within their means. They don't build facilities or operate programs that they cannot afford to pay for. And the Federal Government is at a pivotal moment in the history of this Nation.

This new leadership in Congress, the new liberal leadership here in the Congress, our new President has, as Mr. MCKEON said so well, taken over and nationalized huge segments of the banking industry, the automobile industry, the insurance industry, the mortgage industry. And here today, this leadership has presented to the Congress, to the Nation, for the first time, the Federal Government is going to get into the school construction business.

At a time of record debt, at a time when the Nation must focus on its fundamental financial security, we are stepping into an area where the Federal Government has never really gone before.

The bill, section 1, reading from the bill, Mr. Chair, page 5, ''Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need.'' Absolutely noble purpose. But we cannot afford it.

Page 10, section 103, ''Allowable uses of funds. A local education agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities.'' And a long list—repairing, replacing, installing roofs, walls, plumbing systems, et cetera. This is a bottomless pit.

Ross Perot's famous phrase, ''a giant sucking sound.'' We're going to hear a giant sucking sound out of the United States Treasury paying for utterly endless repairs and construction of local school buildings while we could use this $40 billion just in southeast Texas.

In 8 years, Medicare is exhausted. Let that sink in. In 96 months, the trustees of the Social Security and Medicare system just reported yesterday that Medicare is exhausted, Mr. Chair—in 96 months.

This is an urgent, critical emergency. The United States of America needs to follow Dave Ramsey's advice and live on a little beans and rice. Focus on the fundamentals. This stuff isn't complicated.

□ 1230

We are in this magnificent Chamber surrounded by the greatest minds in the history of the civilized world. I look here at a portrait of my hero, Thomas Jefferson, and of George Mason. My hero, Mr. Jefferson, liked to say that if you apply core constitutional principles, the knot will always untie itself.

Here today Congress needs to focus on the fundamentals, keeping America on a path to financial security and solvency. It is not complicated. Let us follow Mr. Jefferson's wisdom, follow the Constitution and the separation of powers, and limit the Federal Government to those functions set out in the Constitution. At a time of critical financial emergency, when literally Medicare payments will stop in 96 months, let's focus on the fundamentals, America. Congress needs to quit spending money; no new taxes, no new debt, no new spending, and save our children from being buried in a mountain of debt that they cannot pay.

This is a noble purpose, but we cannot afford it, anymore than I can afford to build an extension on my house. I cannot borrow money to pay off borrowed money. That is what this bill, what this Congress, what this liberal leadership has been doing since January when we all got sworn in, spent more money in less time than any Congress in history.

I am not playing favorites. I voted against $2.3 trillion of new spending under George Bush. I have already voted against $1.6 trillion of new spending under this bunch. This cannot be sustained. We are living on borrowed money. These Treasury bonds are being bought by foreign investors and foreign national sovereign wealth funds that our kids are going to have to repay.

This isn't complicated. Let's get back to the fundamentals. As Mr. Jefferson said, the knot will always untie itself, if we will only follow the Constitution. There is nowhere in the Constitution that it is authorized for the Federal Government to get into the business of school construction. This will literally become a bottomless pit, Mr. Speaker.

I am, as every Member of Congress, as committed as anyone to making sure our local schools are well built and maintained and our kids have a safe environment that is a good place for them to get an education. But let that be done by the local and State governments who are best suited to do it, who know the needs better than anyone else, and will pay as they go. And let us in Congress follow Dave Ramsey's advice and live on a little beans and rice and don't spend money we don't have, Mr. Speaker; and let's just stick with the fundamentals that these great men and women left for us, this great Nation, this great treasure, this great trust we all have.

Let's not destroy the financial solvency of this Nation by continuing to expand the power and scope of the Federal Government into areas it was never intended at a time of critical financial emergency, when a mere 96 months from now Medicare payments run out. We can do something about it, but it takes action today. It is something we can all do together as Americans to make sure our kids do not inherit a debt they cannot afford to repay.

I am proud to join my colleague Mr. MCKEON and the Republican—excuse me, conservative members of the minority. I am going to try to avoid saying party labels. I think it is too important at a time of national emergency. We need to focus on no new debt, no new taxes, no new spending. I am going to quit saying Republican or Democrat. It is being fiscally conservative and responsible. I am proud to join the fiscally conservative and responsible members of the minority who are ready to lead this Nation back into solvency in opposing this utterly irresponsible liberal piece of legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL), a great supporter of this legislation.

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

My friend from Texas, I think he is still my friend, my friend from Texas would have to admit that we already have a sucking sound and that is we have been sucked into waste after waste after waste, which is costing us a tremendous amount of money, and this is preventible in the 21st century. I want to thank Congressman CHANDLER for sponsoring this critical legislation, and Chairman MILLER, of course, for his leadership on the entire issue.

Most of the students in this country attend a school that was built over half a century ago; in my district it is even worse than that, complete with leaky roofs and faulty electric. You can't just shove this off to the side saying it is trivial and unimportant. This is outdated technology which is costing us millions, in fact billions, of dollars.

This legislation would provide the dollars and grants for fiscal year 2010 to local school districts so that they can make the repairs, provide the modernization, and green their facilities so that our kids can learn in safe, modern, well-equipped and environmentally friendly school facilities. Many of these schools are not safe, and the States don't have the money, local communities don't have the money to make them safe. This is not acceptable to anybody, regardless of which side of the aisle you are on.

The legislation builds on the principles of the American Recovery and Reinvestment Act. It will create 100,000 new jobs in making these places safer, in making them more cost efficient.

Joe Zarra, the superintendent of the Nutley School System in my district, has launched an ambitious plan to green the town's elementary schools. He already started a couple of years ago, using cutting-edge technology to reduce both greenhouse gas emissions and the school district's utility bills. That is critical.

I agree with my friend from Texas that the health issue is a critical issue. The patient is in the emergency room, particularly with the numbers out today on Medicare and Medicaid. But this too is a very important issue.

H.R. 2187 will help school districts across the country undertake similar projects and ensure that our children learn in modern environments where they can truly reach their potential.

Mr. MCKEON. Mr. Chairman, may I inquire as to how much time we have left.

The CHAIR. The gentleman has 12 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 20½ minutes remaining.

Mr. MCKEON. Maybe he could use up a little more of his time. I will reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 2187 and the underlying legislation. I thank Representatives CHANDLER and LOEBSACK for introducing this bill. I especially appreciate Chairman MILLER working with me to add seismic retrofitting, more efficient storm water runoff systems and additional clean energy sources to the allowable uses of funds in this bill.

So many of our Nation's schools are in urgent need of upgrading. The funds in this bill will do more than help create safe schools. It will help our schools actually return money to our communities by saving energy and creating jobs.

I have firsthand knowledge of how creating safe and green schools can improve learning environments and student outcomes while saving money for taxpayers. In McMinnville, Oregon, the newly built Sue Buel Elementary School, which I had the pleasure of visiting in February, a building built in 1929, was replaced by a new school which was the first school in the State of Oregon to earn a gold LEED certification. The school was built with low-chemical-emitting materials, an energy-efficient heating and ventilating system, and 96 rooftop solar panels that return over 19,000 watts of power back to the local electricity grid.

Perhaps the most exciting thing about visiting Buel Elementary was seeing how engaged the students, many of whom are on free and reduced lunch, how engaged those students are in their school and in learning about their environment. The school itself creates a sense of pride in the students and keeps them excited about learning.

This bill will help ensure that our children have a safe and healthy learning environment, with the added benefit of creating jobs during these difficult economic times.

Mr. GEORGE MILLER of California. Mr. Chairman, I now yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the committee.

Mr. TONKO. Mr. Chairman, I rise today in support of H.R. 2187, which would provide school districts that serve low-income communities with much-needed money for green school modernization, renovation and repair projects. I particularly want to thank Chairman MILLER, Subcommittee Chair KILDEE, and our sponsors that have introduced the legislation, both Mr. CHANDLER and Mr. LOEBSACK, for their outstanding support here on behalf of our students across the country.

These new funds will allow schools to make badly needed repairs to their buildings at a time when State governments are cutting back on education aid. This will help schools to not only become more energy efficient, but also, importantly, more healthy.

Thirty-two million children in our country attend schools which are reportedly having environment problems with their facilities that affect students' health and their learning. These funds will allow our schools to make their buildings healthier by allowing them to reduce greenhouse gas pollution, to mitigate indoor air quality problems, address mold infestations, replace old furnaces and pollution-emitting equipment, and deal with water contamination problems, amongst a host of other things.

Healthy and high-performance schools reduce indoor environmental hazards and are indeed energy efficient. I was proud to have worked with the New York State Energy Research and Development Authority to develop New York State's high-performance school guidelines, some of the best in the country; and I am pleased that this bill now will provide States with funds to develop similar measures.

Every child deserves a safe, clean and healthy environment in which to learn, and this bill is a major step in achieving that goal.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the chairman of the committee for his leadership on this issue.

As we all know, schools are hampered in carrying out the mission that they have because of constrained operating budgets and aging infrastructure and ever-increasing energy bills.

In 2005, I introduced the School Building Enhancement Act after learning that energy bills were the second highest expenditure of schools after personnel costs, and I am pleased to say that that legislation has been incorporated in this bill before us today.

The bill will provide $6.4 billion for school construction. For New Jersey that means an estimated $125 million to build and modernize local schools. Most importantly, of course, it will allow States to provide the technical assistance to local educational agencies, local schools, to develop energy-efficiency plans and look at their carbon footprint.

So I want to thank Chairman MILLER and Representative LOEBSACK for carrying this bill forward. There is no question that the economic downturn has put added pressure on our schools from a year ago when we considered similar legislation.

I am also pleased that the chairman has included my language to allow veteran-owned businesses to have contracting preference, along with small, minority and women-owned businesses.

This is a good bill. I encourage my colleagues to support the bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public Schools Facility Act and commend Representative CHANDLER as well as the Chair of the full committee, Mr. MILLER, and Subcommittee Chair KILDEE, for their wonderful work on this measure in ensuring that our students have the most healthy and environmentally friendly schools possible.

Particularly I am most pleased that language is included in this measure that requires the use of American-made iron, steel and manufactured goods. Last year, similar language was included in the legislation as well.

Last year in April the Congressional Steel Caucus held hearings on imported steel and their substandard nature in many instances relative to safety. If we are going to be using steel-related products for schools, we ought to ensure that those schools are safe. This measure does that.

In addition to ensuring American-quality steel is used to make sure that those students have a safe and healthy environment, it provides a second critical stimulus, and that is to help maintain and create jobs in the domestic steel industry that is losing them at an alarming rate. Last week, steel production across this country was at 42 percent, compared to 91 percent just a year ago.

If school construction projects provided under this act are to be truly safe for our children, the steel used should be made in America. If it is to be beneficial to the American economy to create jobs, the steel we use in this bill should be made in America. Again, I particularly thank the Chair and Chair of the subcommittee for their endeavor

to make sure this provision was included.

□ 1245

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy and leadership of Chairman MILLER and the committee, following up on the good work you did earlier, to make sure that we do have schools of the future.

The schools are the foundation, the building block of a livable community, and green schools are the schools of the future. It is where America and the world is going in terms of being sustainable, efficient, and healthier.

But green schools are also the schools of today. This is an opportunity under this legislation, the 21st Century Green High-Performing Public School Facilities Act, to be able to illustrate our environmental values, that young people who are in school will be able to see through the operation of this legislation that we are going to walk the talk, we are going to implement our values.

The provisions of this legislation will save money almost immediately because there is lots of low-hanging fruit. Indeed, in schools across the country in terms of green sustainable practices, it is not low-hanging fruit; it is picking the fruit up off the ground that will save energy, that will save water, that will be gentler on the land. It will put people to work. This is activity that is amazingly labor intensive. There are few investments that we can make greening our schools that will make more of a difference for people of all skill levels, whether they are casual laborers, they are skilled efforts, they are professional positions, to be able to make a difference.

In the State of Oregon alone, it is 62 badly needed million dollars that is not only going to circulate through the economy, but it is going to do things that school districts need and it is going to save them money for years to come.

I appreciate the fact that the bill includes how young people get to school as part of energy efficiency. A generation ago in virtually every school district in America, more than 50 percent of our children got to school on their own, walking or riding a bike. Today the national average is 15 percent. I work in some communities where it is far less than that.

By investing in ways to make young people be able to get to school safely on a bike or walking, we are going to reduce the carbon footprint while we make their footprint a little lighter. We are dealing with an epidemic of childhood obesity, and these provisions cycle back to make young people healthier.

This legislation will make the schools of today the schools of the future, and it will do it in the very near future. I am pleased to support it. I thank the committee for its work. The implementation of this legislation is going to make our community schools truly the building block of livable communities and make our families safer, healthier, and more economically secure.

Mr. GEORGE MILLER of California. I yield 2 minutes to Mr. AL GREEN of Texas.

Mr. Al GREEN of Texas. Mr. Chairman, I thank Chairman MILLER for his outstanding work in Congress and thank Mr. CHANDLER for sponsoring this piece of legislation.

Mr. Chairman, the cost of energy is increasing. This bill will help us by saving energy. It will help us in the years to come by reducing the amount of energy that we will use. Unemployment is at 8.9 percent. This bill will put people to work in a crucial and critical area, the area of construction, because the bill is all about construction and reconstruction of some of our facilities, and more, of course.

This bill is one that we all agree is needed. The need for it is undeniable. The question becomes, then, are we going to make our children a priority. That is really the question that I ask Members to consider. Will we make our children a priority?

Yes, there are times when we cannot afford to do things, but there are also times when we cannot afford not to do things. This is one of those things that we cannot afford not to do. And there are times when you have done everything that you can, you have not done enough. When you have done all that you can do, you have not done enough. On occasions when you have done all that you can do and you haven't done enough, you have a duty to do all that you can. This bill does all that we can do at this time to help this generation compete in the global economy.

I beg, I besiege, and I implore my colleagues to make our children a priority and support this bill.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I have been listening to all of the comments that have been made, and there are good, sound arguments on both sides of this issue. Nobody, I think, says that we shouldn't have the very, very best schools that we can send our children to. I think we talk about priorities and how we decide where the money comes from and how it should be done.

I have been here in Congress a little over 16 years, and I remember back in my first term a bill was proposed that was also very good. It was to put more cops on the street. I remember the mayor of Los Angeles calling me at the time and he said, If you'll vote for this and support it, just get it started, we'll carry it from then on.

I didn't vote for it. I didn't think that they would be able to carry it on, and that is what has happened. That bill was passed. It did good things, put more cops on the street, but the final where we are now is we have put more and more money into that each year. The Federal Government has become more and more involved in local law enforcement, and now we are to the point where we have even eliminated the local match. We have totally taken over the cops on the street, and the Federal Government now has increased year by year, and I can see this program doing the same thing.

I served for 9 years on a local school board and we always were looking for ways to get more money to cover our needs. There were always more needs than money available. I know we had problems with our long-term maintenance and we had to make some sacrifices. We had to make some adjustments so we could spend money for some long-term investment to build up our roofs on the schools so we wouldn't have them collapsing or the rain wouldn't be coming through.

And I know how people think. I know how human nature is, and I know, if I were still on that school board and this bill were passed and it became law, that I would be, you know, probably looking to the Federal Government to meet those needs and then using the local moneys for other things and turning more and more over to the Federal Government. That's just human nature. As I said, there were always more needs than money.

And so I see this program starting out at $40 billion and, as it grows over the years, ultimately taking that total responsibility off of the local school boards and looking to the Federal Government for all school construction, all school improvements. And even though it is a good thing, I think, by virtue of the Constitution and tradition, that is a local problem, not a Federal responsibility.

And the money all comes from the taxpayers. When it comes to the Federal Government, it seems like, at least in California, we send about 12 percent of the money here and 10 percent finds its way back. It would be better if we tried to keep our expenses down here, tried to cut spending, tried to get back within our means of how we live.

Some things have been said about how we really should be building better schools. I agree with that, but I don't think it is totally necessary when we think of Mr. ROE, Dr. ROE, who said he went to a two-room schoolhouse and seemed to get a good education. He is a physician. I think back to President Lincoln, who was taught by candlelight with a Bible how to read by his mother and had just a couple of years of formal education. I think we would all agree that Mr. Lincoln turned out all right.

So I think when we say that there is no way to educate our children unless we pump $40 billion more from the Federal Government into this program, that is the way to make it happen.

I have to say, as I said earlier, this bill costs too much, borrows too much, and controls too much. I urge my colleagues to oppose this bill.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and Members of the House, the 21st Century Green High-Performing Public School Facilities Act is exactly what the Federal Government should be doing.

We have seen now over the last year, and in some cases a little longer, and for the foreseeable future, that the tax resources of local school districts, cities, and counties have plummeted because of the foreclosure crisis that confronts this Nation and because of the financial scandals and the financial collapse of our institutions across this Nation. We have seen that credit is not available. The school districts that have voted for bonds have had difficulty in getting those bonds to market so that they can engage in the construction. And we see, in fact, the backlog of repairs to schools, renovations, modernizations of schools and school facilities is starting to lag.

We also know and we understand that for the foreseeable future, unemployment will continue to go up in this country, at a diminished rate, but we still know half a million people a month are losing their jobs. Auto sales are down because American families are trying to save more because of the recession, the depression we are in. They are trying to take care of their needs, so school districts are denied those resources as are States.

So what the Federal Government is doing in this time of emergency is trying to say that we will join with you in a partnership based upon the priorities of locally elected school boards, of superintendents of schools, for the repair and restoration of schools that are so necessary in so many areas of this country. If a school board or if a school district doesn't need the money, they need not take it. We hope that they wouldn't because maybe it can go to another school district that might need it more. But the fact of the matter is, these repairs and restorations, and if we use green technology and use the guidelines of the green standards, not only can repair and restore these schools, they can make them much more efficient in the use of energy and the use of water and the use of natural daylight so students will have a better learning environment and better opportunities at learning.

Yes, the data is pretty darn clear that in those kinds of facilities students do have a better opportunity in learning the material that is presented to them in that environment than they do in an old and run-down facility that is crumbling and bathrooms that are not safe and can't be used and windows that are not replaced.

Yes, that may not sound like the local school district that some of you represent, but it sounds like a lot of the local school districts that a lot of us represent, and those school districts are doing all that they can. People are voting for bond issues and paying higher taxes, but the fact of the matter is they don't have sufficient resources to do that. That does not mean that we should just sentence those kids to a second-class education, to deny them educational opportunities, because when we do that, we then spill over into the national interest of this country, and that is to make sure that every child receives a first-class education, that every child at the end of 12 years has the opportunity to choose a career or schools or schools and a career in whatever combination, but they are prepared to do that.

And we know from all of the surveys that it is far more difficult for young children to learn in dilapidated, ill-repaired, badly restored schools when they are trying to get down the basics of their education.

So this is a Federal partnership. In some cases, local government joins with private sector money to repair and restore schools and provide new technologies. We want to join in part of that. You can say this is the Federal taking over the role. It is not taking over any role. This is insignificant compared to the efforts being made by local governments. We are simply saying we think this can be catalytic in terms of getting some of these projects done at this particular time and for the foreseeable future so that we can ensure our students have an opportunity to do that.

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I want to thank the foresight of Mr. KILDEE, not only the subcommittee Chair, but the author of this legislation, Mr. CHANDLER, Mr. LOEBSACK, who worked with local districts, who worked with local schools, who looked at examples of what had been done to make a more efficient use of those local dollars, of Federal dollars, of education dollars, to bring that together and try to build high-performing schools.

We want to make the same decisions for these schools that so many in the private sector are making about their renovation, the renewal, the repair of commercial facilities, of facilities throughout our communities where the real estate industry is saving billions of dollars by greening those buildings, where we're saving energy, where we're saving water—in States like California, those two things are very important—and providing a safe environment for children. That's why we should pass this legislation.

H.R. 2187 requires local educational agencies to ensure a full and open competition for qualified bidders. We expect that process to maximize the number of qualified bidders to include local, small, minority-owned, women-owned, and veteran-owned contractors, and to do so without diminishing or precluding the local educational agencies' ability to seek out responsible contractors by, for example, requiring contractors to participate in bona fide apprenticeship training programs and to demonstrate other legitimate responsibility and qualification standards. Such requirements can be used to ensure high-quality work and successful project delivery as well as foster good training and employment opportunities in local communities.

I would like to yield such time as she may consume to the gentlewoman from Nevada, a member of the committee and a strong supporter of this legislation (Ms. TITUS).

Ms. TITUS. Thank you very much, Chairman MILLER, for your hard work on this legislation. I certainly am supportive of it. I want to add some provisions to it that will be brought forward in an amendment later.

As an educator myself, I believe that it is important that we have safe and healthy schools because only in those environments can children learn better, and certainly that is all our goal.

I am pleased to be supportive of this.

Mr. MATHESON. Mr. Chairman, I rise in support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, which will help modernize many of our nation's schools.

I would like to thank my colleague from Kentucky—BEN CHANDLER—for his sponsorship of this legislation. I believe it will help to ensure that our children can learn in healthier, more cost effective, and more energy-efficient schools.

An investment in education and educational facilities is critical. As the father of two young boys, I want to know that they will receive a quality education in a safe school building. Too many of our nation's schools are outdated, and some are even unsafe.

I would also like to thank Chairman MILLER for including my amendment to this bill in the manager's amendment. My amendment will allow schools to prioritize projects that eliminate asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or other known carcinogens.

Extensive research has shown that children and teachers perform better in "green" schools. Our children already encounter many challenges, and we should do everything we can to provide a safe and healthy learning environment for them.

Mr. AL GREEN of Texas. Mr. Chair, I spoke on the floor earlier today in support of H.R. 2187: The 21st Century Green High-Performing Public School Facilities Act and the amendment that I cosponsored with Mr. BRIGHT (AL), Ms. KOSMAS (FL) and Mr. CUELLAR (TX).

Because my time on the floor was limited, I was unable to explain my reasons for supporting this legislation in detail. Since this legislation will have a profound and positive impact on school districts and school children in my district, I would like to take this opportunity to cover the details regarding its merits.

Our schools should be safe and healthy learning environments for our children. H.R. 2187 gives us a chance to upgrade our school buildings and boost student achievement while creating good local jobs in new, clean energy industries.

In particular, this bill provides $6.4 billion in Federal funds for school modernization projects that will make schools safer, more energy-efficient, and up-to-date technologically. According to estimates from the House Education and Labor Committee, Texas schools

will receive approximately $605 million and school districts in my congressional district, TX–09, would receive approximately $66 million in total. Houston Independent School District (HISD) is estimated to receive $54,109,000; Alief ISD will receive $8,482,000; Fort Bend ISD will receive $3,262,000; and Stafford MSD will receive $155,000. Title II of this bill also authorizes separate funds—$600 million over 6 years—for schools that were damaged or destroyed by Hurricanes Katrina and Rita in 2005. Schools in Louisiana, Mississippi, and Alabama trying to recover from the devastation caused by these two hurricanes would be eligible to apply for funding under this section.

In addition, since this funding does not extend to schools impacted by Hurricane Ike in 2008, I am cosponsoring an amendment along with Representatives BOBBY BRIGHT, SUZANNE KOSMAS and HENRY CUELLAR that will set aside 5 percent of the $6.4 billion (or about $320 million) for schools impacted by, natural disasters other than Katrina and Rita and for schools experiencing significant economic distress. This amendment will allow schools in my district that were devastated or destroyed by Hurricane Ike in 2008 to be eligible to receive funding for new construction, modernization and repairs. For example, Houston Independent School District (HISD) had damages that cost $30–$60 million. In fact, while 14 of HISD's schools are designated as "shelters of last resort" by the City of Houston, none of HISD's facilities are designed to sustain winds in a storm above Category 2. To ensure safety in future natural disasters, facility upgrades are needed to shore up roofs and replace windows that can withstand Category 3+ winds. Generators are needed, as well, in the event of power outages. Federal funding is especially needed in light of the fact that 80 percent of students in HISD schools are economically disadvantaged. Additional reports indicate that over 40 buildings within the Alief Independent School District (Alief ISD) experienced some level of damage from Hurricane Ike and eight facilities endured significant damage totaling $5.8 million in costs.

All told, schools in my district and in districts across the Nation that have experienced natural disasters and significant economic distress will benefit from our amendment to this legislation. More importantly, it is the children and teachers in these adversely affected communities that will benefit the most once funding from this amendment is used to fix their schools.

Mr. Chairman, I urge all my colleagues to support this much-needed legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, 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. 2187

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 "21st Century Green High-Performing Public School Facilities Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

Sec. 101. Purpose.
Sec. 102. Allocation of funds.
Sec. 103. Allowable uses of funds.

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 201. Purpose.
Sec. 202. Allocation to local educational agencies.
Sec. 203. Allowable uses of funds.

TITLE III—GENERAL PROVISIONS

Sec. 301. Impermissible uses of funds.
Sec. 302. Supplement, not supplant.
Sec. 303. Prohibition regarding State aid.
Sec. 304. Maintenance of effort.
Sec. 305. Special rule on contracting.
Sec. 306. Use of American iron, steel, and manufactured goods.
Sec. 307. Labor standards.
Sec. 308. Charter schools.
Sec. 309. Green schools.
Sec. 310. Reporting.
Sec. 311. Authorization of appropriations.
Sec. 312. Special rules.
Sec. 313. YouthBuild programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Bureau-funded school" has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term "charter school" has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221).

(3) The term "CHPS Criteria" means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term "Energy Star" means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term "Green Globes" means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term "LEED Green Building Rating System" means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term "local educational agency"—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(8) The term "outlying area"—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) The term "public school facilities" means an existing public school facility, including a public charter school facility, or another existing facility planned for adaptive reuse as such a school facility.

(10) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATION.—

(1) IN GENERAL.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each, its design, condition, modernization, renovation and repair needs, usage, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation (location near public transit and easy access for pedestrians and bicycles).

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality, acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under

part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under title I of that Act for such fiscal year shall receive a grant of less than $5,000 in any fiscal year under this title.

(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For purposes of subparagraph (A), the term ''eligible local educational agency'' means a local educational agency that—

(i) meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(ii) conducts an independent audit by a third-party entity, and is certified by the State, substantiating the overall condition of the public school facilities and the need for modernization, renovation, or repair.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

SEC. 103. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities, including, where applicable, early learning facilities—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, storm water runoff systems, lighting systems, or components of such systems, windows, ceilings, flooring, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, seismic, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(5) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(6) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(7) modernizations, renovations, or repairs necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, woody biomass, waste-to-energy, and solar-thermal systems or components of such systems, and energy audits;

(11) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(12) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) DISTRIBUTION BY SECRETARY.—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 60 days after an appropriation of funds for this title is made.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for one or more of the activities described in section 103, except that an agency receiving a grant under this title also may use the grant for the construction of new public school facilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 303. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 304. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 305. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 306. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for a project for the modernization, renovation, repair or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

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

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

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

(c) PUBLICATION OF JUSTIFICATION.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) CONSTRUCTION.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 307. LABOR STANDARDS.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 308. CHARTER SCHOOLS.

A local educational agency receiving an allocation under this Act shall distribute an amount of that allocation to charter schools within its jurisdiction. The total amount to be distributed under the preceding sentence shall be determined based on the percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who are enrolled in charter schools. Of such total, individual charter schools shall receive a share

based on the needs of the schools, as determined by the agency in consultation with the charter school community. Funds shall be used only for allowable activities in accordance with this Act.

SEC. 309. GREEN SCHOOLS.

(a) IN GENERAL.—In a given fiscal year, a local educational agency shall use not less than the applicable percentage (described in subsection (b)) of funds received under this Act for public school modernization, renovation, repairs, or construction that are certified, verified, or consistent with any applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency, which shall include a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGES.—The applicable percentage described in subsection (a) is—

(1) in fiscal year 2010, 50 percent;

(2) in fiscal year 2011, 60 percent;

(3) in fiscal year 2012, 70 percent;

(4) in fiscal year 2013, 80 percent;

(5) in fiscal year 2014, 90 percent; and

(6) in fiscal year 2015, 100 percent.

(c) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

SEC. 310. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency, including the number of charter schools, and for each, in the aggregate, the number of students from low-income families;

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

(3) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(4) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(5) for each project—

(A) the cost;

(B) the standard described in section 309(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 309(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner;

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

(D) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, improved climate for teaching and learning, etc.); and

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, repair, and construction funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—To carry out title I, there are authorized to be appropriated $6,400,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.

(b) TITLE II.—To carry out title II, there are authorized to be appropriated $100,000,000 for each of fiscal years 2010 through 2015.

SEC. 312. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

SEC. 313. YOUTHBUILD PROGRAMS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–106. 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. GEORGE MILLER OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–106.

Mr. GEORGE MILLER of California. 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. GEORGE MILLER of California:

In the table of contents in section 1(b) of the bill, after the item relating to section 103, insert the following:

Sec. 104. Priority projects.

In section 102(a)(1), strike ''1 percent'' and insert ''2 percent''.

In section 103, in the matter preceding paragraph (1), strike ''facilities—'' and insert ''facilities, including—''.

In section 103(1), insert ''water supply and'' after ''wiring,''.

In section 103(1), insert ''building envelope,'' after ''such systems,''.

After section 103, insert the following:

SEC. 104. PRIORITY PROJECTS.

In selecting a project under section 103, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

Strike section 308 and insert the following:

SEC. 308. CHARTER SCHOOLS.

(a) IN GENERAL.—A local educational agency receiving an allocation under this Act shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) DETERMINATION OF RESERVED AMOUNT.—The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who—

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) SCHOOL SHARE.—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) EXCESS FUNDS.—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this Act and is not required to carry over such funds to the following fiscal year for use for charter schools.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, as has been stated earlier in this debate, this is a very important piece of legislation that is geared to improve the condition of school buildings all across the country, and it does so while promoting energy efficiency through green buildings and creating jobs to help stimulate our economy.

I have a manager's amendment which I believe further improves the bill by providing equitable treatment of charter schools while ensuring that the school district can put all of its funds to good use; by allowing schools to give priority to projects designed to remove hazardous material like asbestos and carcinogens; by setting aside more funds for tribal and outlying areas; and finally, allowing funds to be used for water supply and building envelopes. I think these are valuable changes. I want to thank Representatives POLIS, MATHESON, KIRKPATRICK and PINGREE for their insights and leadership on these changes.

Mr. Chairman, critics of this legislation have argued that it intrudes on the traditional role and responsibility of the States. But this is not about Federal versus State and local control of school construction and repair. It is about meeting the urgent needs that will help revamp this Nation's schools, improve student learning and global competitiveness, lower the costs for schools and taxpayers, and help us create jobs. I urge support of the manager's amendment.

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

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to this amendment, and I yield myself such time as I may consume.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I object to this amendment for several reasons. It adds additional uses of funds, project priorities, and funding allocations.

While none of these on its own is particularly objectionable, on the whole we are making the bill more complex and deviating even further from what the Federal Government ought to be doing in education, and that's focusing on academics. But the most troubling element of this amendment is its unfair treatment of charter schools.

During our committee's markup of this bill, we endorsed, on a fully bipartisan basis, an amendment from the gentleman from Colorado, Representative POLIS. His amendment ensured fair treatment for charter schools under this program. After all, if we are providing facilities funding for public schools, we ought to be providing it equitably for all public schools, and that includes charter schools.

Charter schools are public schools created by teachers, parents, and other members of the community to educate students and stimulate reform in the public school system. As public schools, they must serve students from all backgrounds and educational abilities. Unfortunately, the amendment we are debating weakens the equal protections for charter schools that were inserted on a bipartisan basis during our committee's vote.

The amendment empowers local school districts—some of them notoriously hostile towards charter schools—to determine what their charter schools' facilities needs are. If the district determines that a charter has no facilities needs, the money specifically set aside for charter schools reverts back to the local district.

We know that charter schools are desperately in need of facilities funding. On average, public charter school funding falls short of traditional public school funding by 22 percent. A primary cause of this inequity is that charter schools lack access to local and capital funding primarily due to the fact that charter schools cannot issue bonds to pay for school construction.

Charter schools drive innovation and reform. They have been championed by President Obama and Education Secretary Duncan. They were protected in this legislation by an amendment offered by a Member of the majority. This amendment undermines the bipartisan support for charter schools by putting their fair access to funds under this program in jeopardy.

I strongly urge my colleagues to oppose this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, the manager's amendment I would hope would pass. The discussion about what was the Polis amendment in the committee to make sure that charter schools got a fair share of this money in fact remains intact. The problem with that amendment in the committee was that new charter schools would have in fact been precluded from having access to that money since they weren't in existence and the amendment originally spoke to those charter schools in existence.

As with the original amendment, this will be done in consultation with the school board. If there isn't a demonstrated need among the charter schools, the money goes back into the pot for the use of the schools. That's, in fact, how it was done in the original amendment. Mr. POLIS, as the author of that amendment, has agreed to this change to make sure that we include all charter schools at that time. I urge passage of the amendment.

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

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

This amendment will make it more difficult for charter schools, which, remember, are public schools held to higher standards for student academic achievement, to receive facilities funding under this bill. If taxpayers are being asked to renovate and repair public schools, at a minimum, we need to ensure fair treatment for all public schools.

I urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time and I ask for an ''aye'' vote.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCKEON

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–106.

Mr. MCKEON. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCKEON:

Amend section 102(b)(3)(B)(i) to read as follows:

(i) meets the requirements for—

(I) a local educational agency plan under section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(a));

(II) public school choice under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E));

(III) transportation funding for public school choice under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9));

(IV) supplemental educational services funding under section 1116(b)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(10));

(V) supplemental educational services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e));

(VI) private school participation under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881); and

(VII) armed forces recruiter access under section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908); and

The CHAIR. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

There is a lot of talk about accountability in education, but what does that word really mean? At the Federal level, I think it means accountability to taxpayers to get what they're paying for.

We give tens of billions of dollars to States and school districts each year; with this bill, we are going to give them $40 billion more. But what are we getting in return? Federal elementary and secondary education policy places a few simple, but critical, requirements on schools in exchange for billions in taxpayer dollars. Schools have to assess student achievement and report to parents on how they're performing. In schools where children are being left behind, we require that they be given access to free tutoring or the right to transfer to a better performing public school.

We require equitable participation for private schools, recognizing that programs like title I, IDEA, and others were meant to benefit all students and teachers, not just those in the public school system.

In high school, we require schools to give military recruiters the same access given to colleges and career recruiters. And we call on schools to provide our Armed Forces with basic contact information for students, with the option for parents to opt out, so that students have a chance to learn about all options available for their future.

In exchange for billions in taxpayer dollars, I don't think it's too much to ask for schools to comply with these requirements. A bipartisan majority of Congress agreed when we reauthorized the elementary and secondary education programs in 2001 with the No Child Left Behind Act.

My amendment simply repeats the requirements already in place under the law if schools wish to tap into the additional $40 billion to renovate or build new facilities. It's about accountability to taxpayers.

I hope the majority will accept this amendment; and they may by arguing that every State and every school is already complying with the law. I wish that were true, but it's not. For example, according to data from the U.S. Department of Education, within the last year we have seen violations in the State of Illinois—from Chicago to Cicero to Aurora East—where districts are not offering the public school choice or free tutoring required under the law. We have seen similar violations in Mississippi, Oregon, New Mexico, and Colorado.

We also know there are school districts that openly flaunt their refusal to provide basic information and equal access to America's military, even though it is a requirement under the law. Representative DUNCAN HUNTER recognized this problem, and he has introduced legislation to tighten the requirements under NCLB to ensure fair treatment of our military and fair access to information by students. But in the meantime, Congress needs to send a signal to schools that we're serious about accountability, we're serious about ensuring they comply with these basic requests—free tutoring, public school transfers, fair treatment of private schools, and access for military recruiters—in exchange for the billions we funnel their way each year.

I urge my colleagues to join me in supporting this amendment. It protects taxpayers, and even more importantly, it protects students.

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

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, I rise to support this amendment.

We accept this amendment. It is really saying that if you take money under this program, you have to follow the standards that Congress has already adopted for ESEA. It is a logical amendment. We have debated these things before. We decided that these things were valid under ESEA and, therefore, to accept money under this program, you would have to abide by those same standards under ESEA. Therefore, I would urge my colleagues to accept this amendment.

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

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentleman, Mr. KILDEE, for his support of the amendment. I think it makes the bill better. And I also ask all of our colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

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Mr. KILDEE. I will yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I rise today in support of both this amendment as well as Chairman MILLER's amendment to the 21st Century Green High-Performing Public School Facilities Act.

I would like to thank Chairman MILLER and Congressman KILDEE and their staff for crafting Mr. MILLER's amendment that will ensure that all public schools, regardless of their governance structure, including public charter schools, get their fair share of the funding available under this act to modernize and green our schools.

Unfortunately sometimes districts have complex and difficult relationships with some of the different public charter schools or other jurisdictional entities under their mandate.

I've experienced such problems firsthand and know how necessary it is to address this challenge.

This amendment requires school districts to reserve funding for the public charter schools under their jurisdiction. It's equal to those schools' aggregate share of the district's student population for low-income families.

This commonsense amendment clarifies the rules for the fair treatment of public charter schools and will go a long way towards avoiding litigation and in-fighting and promoting cooperation between all public schools to serve all children.

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

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–106.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. TITUS:

After section 313, insert the following:

SEC. 314. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING SCHOOLS.

(a) ESTABLISHMENT OF ADVISORY COUNCIL.—The Secretary shall establish an advisory council to be known as the ''Advisory Council on Green, High-Performing Schools'' (in this section referred to as the ''Advisory Council'') which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

(b) DUTIES OF ADVISORY COUNCIL.—

(1) ADVISORY DUTIES.—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;

(B) health;

(C) energy costs;

(D) environmental impact; and

(E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) OTHER DUTIES.—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make schools green and high-performing;

(C) providing technical assistance and outreach to States and local educational agencies under section 309(c) ; and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) CONSULTATION.—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Advisory Council on Green, High-Performing Schools.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment, which I am offering with my friend and colleague from Colorado (Ms. MARKEY), will establish an advisory council to the Secretary of Education on green high-performing schools. The council will advise the Secretary on the impact of green high-performing schools on several outcomes, including teaching and learning, health effects, energy costs, and environmental impacts. The council will also work with the Secretary to identify Federal policies that are barriers to helping States to make schools green and high performing, and it will recommend Federal policies to increase the number of such schools. Additionally, the council will provide technical

assistance to States and school districts.

The 21st Century High-Performing Public School Facilities Act is an important bill that will provide our students with a healthy, safe learning environment, will create jobs, and will provide environmental responsibility. At the same time, it is moving us closer to the clean energy economy of the future.

Our amendment will provide the Secretary with the tools he needs to ensure the opportunities outlined in this important bill are available to as many schools as possible. It will also ensure that the upgrades made to school facilities meet the highest standards of quality and that the Secretary is always getting feedback about how to improve the program.

I'd like to thank Chairman MILLER and Messrs. CHANDLER, KILDEE and LOEBSACK for their hard work on this bill.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chair, I rise to claim time in opposition to this amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield myself as much time as I may consume.

Mr. Chair, creating an advisory council to the Secretary of Education on green high-performing schools makes the government even bigger than it already is. Such a council would expand the Federal Government's role in school construction to unprecedented levels.

The Federal Government is big enough, thank you very much. Creating a new council dedicated to this purpose will only serve to expand and cement Federal interference in how school facilities are maintained.

The council also would help determine a key concept in successful education policy. The States and the local districts take the lead. The Federal Government offers limited but helpful support.

For these reasons, I oppose this amendment and urge my colleagues to vote ''no.''

I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, I would yield 2 minutes to the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in strong support of H.R. 2187 and to speak on behalf of my amendment with my colleague Ms. TITUS of Nevada.

The 21st Century Green High-Performing Public School Facilities Act is important and necessary legislation that will improve the learning environment for our children, reduce energy costs and create new jobs across the country.

Green schools not only save school districts money but also teach the importance of sustainable living to children at a young age.

I know that schools in my own district of Colorado have been forced to make tough decisions in today's economy.

The Poudre school district in my hometown of Fort Collins, Colorado, has seen firsthand the benefits of green schools. In 2007 the district received 19 ENERGY STAR awards from EPA and Department of Energy. I am proud to say that Kinard Junior High is the most energy-efficient school in Colorado.

Over the past 15 years, the school district has saved nearly $2 million through its energy conservation efforts and has seen improved performance and attendance for students who attend these healthier schools.

This amendment would create an advisory council for the Secretary of Education to evaluate the benefits of these greener schools and identify the roadblocks schools face in achieving these benefits.

On the eastern plains of Colorado, we also have several schools that have incorporated wind power into their energy systems and educational curriculum. These schools have installed wind turbines to minimize their energy costs and to teach students about renewable energy firsthand.

One of the biggest hurdles the district faces is the lack of technical assistance in becoming more energy efficient.

I am pleased that the bill and this amendment specifically provide technical assistance to school districts, and I look forward to modernizing Colorado schools with the help of this legislation.

I thank Chairman MILLER and Congressman CHANDLER for their leadership on this bill and Congresswoman TITUS for her efforts on this amendment.

I urge my colleagues to vote yes on the bill and the amendment.

Mr. MCKEON. Mr. Chair, I yield myself the balance of the time.

You know, as I listen to some of this debate, it's like by the Federal Government providing money for the local government, it's free to the local people.

The Federal Government only gets the money from two places, taxing and borrowing, and it all comes eventually from the same people across the country.

I think that the Federal Government has been steadily consuming more taxpayer dollars and slowly taking control—actually not slowly, it's been quite rapidly in the last few months—over what used to be State or local decisions. Adding an advisory council for green schools does not help. In fact, it makes the problems worse.

Once again, I urge a no vote to help keep Federal growth under control.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, I would urge just urge my colleagues to vote in favor of this because we see this council as a facilitator that will help with coordination, efficiency, best practices and accountability.

I again thank Chairman MILLER, Mr. KILDEE, Mr. CHANDLER and Mr. LOEBSACK.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–106.

Mr. ROE of Tennessee. 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. 4 offered by Mr. ROE of Tennessee:

After section 313, insert the following:

SEC. 314. EVALUATION.

(a) EVALUATION.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Educational Sciences of the Department of Education to evaluate the impact of projects funded under this Act on student academic achievement, including a comparison of students attending public schools receiving funding under this Act with students attending public schools that are not receiving such funding.

(2) RESEARCH DESIGN; DISSEMINATION.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation described in paragraph (1) is conducted using the strongest possible research design for determining the effectiveness of the projects funded under this Act; and

(B) disseminate information on the impact of the projects in increasing the academic achievement of students.

(b) REPORT.—Not later than 1 year after the final year for which a grant is made under this Act, the Secretary shall submit to the Committee on Appropriations, and the Committee on Education and Labor, of the House of Representatives, and the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions, of the Senate, a report on the results of the evaluation described in subsection (a).

(c) PUBLIC AVAILABILITY.—Following the submission of the report under subsection (b), all reports and underlying data gathered pursuant to this section shall be made available, in a timely manner, to the public upon request.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the disclosure of any personally identifiable information regarding a student, except to the parents of the student.

(e) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for a fiscal year shall not exceed 0.5 percent of the total amount appropriated to carry out this Act for such fiscal year.

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Evaluation.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Chairman, the amendment is simple, straightforward and hopefully noncontroversial. It adds a bit of accountability to this legislation by requiring the Institute of Education Sciences within the Department of Education to study the impact the Federal school construction dollars have on the institutions that are receiving the funds.

I know proponents of this legislation will say that school construction does impact performance, and they may be correct. I am skeptical of the claim. So I am asking for the opportunity to study the effects of school construction on student performance.

This amendment would require the institute to issue a report a year after the schools have issued construction funding and report the impact the funding has. I am hopeful that such a report could provide valuable insights into the best use of taxpayer dollars.

I know Mr. CUELLAR wanted to be here today to speak in favor. It's nice to have bipartisan support for accountability.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, this amendment calls for the Department of Education's Institute of Education Sciences to study the impact of projects funded by this bill on student achievement.

Student achievement is one of the benefits of this bill. It will also bring health, economic, energy and environmental benefits. I believe it is clear that students learn better when they are in better facilities, but I certainly have no objection to a regular study of the issue.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I urge adoption of my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KILDEE. 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 Tennessee will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. 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. 5 offered by Mr. ELLSWORTH:

In section 309, redesignate subsection (c) as subsection (d).

In section 309, insert after subsection (b) the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

In section 310(a)(5)(C)(ii), insert ''and renewable'' after ''sustainable''.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chairman, I yield myself as much time as I may consume.

I would like to thank the bill's sponsors, Congressman CHANDLER, Chairman MILLER and the members of the Education and Labor Committee for their hard work to help provide students with modern facilities that will help them succeed.

My amendment seeks to clarify that nothing in the underlying bill shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber for public school modernization, renovation, repairs or construction.

Our Nation's hardwood lumber producers are careful stewards of a valuable resource, and their efforts make domestic hardwood lumber abundant and sustainable.

These producers are small family landowners and business, and their small size has made it difficult to be certified by green building programs.

Because of this, domestic hardwood lumber is not currently listed as a preferred material by programs such as LEED or Green Globes, although hardwood producers are working to correct the situation.

H.R. 2187 wisely offers educational agencies with some flexibility in choosing a green building certification program. And as these programs adopt new provisions and account for new advances in environmentally friendly building, my amendment clarifies for local education officials that domestic hardwood lumber is not prohibited for use in this construction.

It is my hope that green building certification programs will soon recognize the environmental value of sustainable use of domestic hardwood lumber.

In the meantime, I urge my colleagues to make sure this resource remains available to our school facilities.

Again, I'd like to thank Congressman CHANDLER, Chairman MILLER and of all my colleagues for their hard work on this bill.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim time in opposition, although I do not oppose the amendment.

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

There was no objection.

Mr. MCKEON. I yield myself as much time as I may consume.

Mr. Chairman, this amendment would allow school districts to use sustainable domestic hardwood for projects approved under this program and would require districts to report when they have used renewable resources.

Schools should be able to use the products that work best for their projects, and domestic hardwood should be no exception.

While I am supporting the amendment, I do not believe an additional reporting requirement is necessary. The underlying bill already has several reporting requirements, and we're debating an amendment for an additional GAO report later today as well.

Each report adds costs to the district and the government, which means that is less money for the actual project.

I support knowing what our Federal dollars are being used for, but I do not think we need a mandate to report for every step in the process.

I yield back the balance of my time.

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

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ELLSWORTH. 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 Indiana will be postponed.

□ 1330

AMENDMENT NO. 6 OFFERED BY MR. MCKEON

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–106.

Mr. MCKEON. As the designee of Mr. FLAKE, 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. 6 offered by Mr. MCKEON:

In section 311, add at the end the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, this amendment will prevent any funds appropriated under this act from being targeted to congressional earmarks.

This is a commonsense amendment that surely we can all agree on. Members should not see this program as a new pot of money for earmark projects in their district.

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

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. We have no objection to this amendment on this bill, Mr. Chairman, and I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, this is a commonsense amendment that ensures our Federal dollars are not authorizing pet projects for our colleagues. I appreciate the gentleman from Arizona's offering it, and I urge its support.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. GIFFORDS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–106.

Ms. GIFFORDS. Mr. Chair, 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 Ms. GIFFORDS:

In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Education regarding projects.

At the end of the bill, add the following:

SEC. 314. EDUCATION REGARDING PROJECTS.

A local educational agency receiving funds under this Act may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Mr. Chair, I yield myself 2½ minutes.

First I would like to thank Chairman MILLER for his work to bring this important legislation back to the floor of this Congress. I appreciate his willingness to work with me and my cosponsor, Representative CLEAVER, on this amendment.

Second, I would like to extend a special thank you to my colleague STEVE ISRAEL from New York. Representative ISRAEL has done a lot of excellent work on green schools and green education, and he has contributed substantially to the quality of this amendment. I am indebted and grateful to him for his work.

Greening our society represents both a tremendous opportunity and an urgent imperative. For the sake of our economy, our national security, the environment, our public health, we must make the transition to greener technologies without delay.

The bill before us recognizes the importance of making this transition in our Nation's schools. This legislation will facilitate the adoption of green technologies in the buildings where our children spend their days learning. This will reduce the environmental footprint and improve the learning environment of schools across the Nation.

But more than that, green projects represent a significant opportunity to enhance our students' education. The purpose of this amendment is to capitalize on this opportunity. The amendment would encourage schools receiving funds to educate their students about the projects that they have undertaken. This includes both how the projects function as well as the environmental, energy, and sustainability benefits. Adding an educational component to these projects will serve two important goals:

First, it will provide an opportunity to teach students about how to use our natural resources in terms of the way it affects the world around us economically, environmentally, and even geopolitically. Second, it will expose students to new technologies and show them how they can solve problems through creativity and innovation. We live in an increasingly technological world; we must take every opportunity to inspire our kids and equip them with the skills that they're going to need for 21st-century problems.

I know firsthand from the experience of schools in my own district the value of green technologies and school building and curriculum. Schools like Civano Elementary and Empire High are reaping the benefits of exposing their students to solar power and other green technologies. This amendment would encourage others to follow their lead.

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

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I am not opposed to the amendment.

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

There was no objection.

Mr. MCKEON. Mr. Chairman, while there's debate on whether funding school construction is a proper role of the Federal Government, it's difficult to argue that any such program should not contain an educational component. I commend the gentlewoman for her amendment, and I would support that amendment and ask my colleagues to support that amendment.

Mr. Chairman, we are moving along a little quicker than we thought, and that's why Mr. FLAKE wasn't able to get here for his amendment, but he has arrived, and at this time I yield him such time as he may consume.

Mr. FLAKE. I appreciate the gentleman for yielding. I appreciate that he offered the amendment on my behalf and that it was accepted.

The prior amendment is simply to ensure that the programs done here are not earmarked later. Now, we've had that problem in prior bills. People say, well, this isn't set up for earmarks. This is going to be distributed, this money, in a merit-based way. But then a few years later, that account from which the money is drawn is completely earmarked, and those schools, in this case, or other groups who apply for the money can no longer get access to it because it's completely earmarked. So I think that this is an important amendment, and I appreciate the ranking minority member offering it on my behalf and the majority for accepting it.

Mr. MCKEON. Mr. Chairman, I urge support of the gentlewoman's amendment, and I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, I yield 2 minutes to my colleague from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, there is perhaps no need for me to use the 2 minutes since there's no opposition. I would like to commend my colleague from Arizona for the vision of submitting this amendment.

Mr. Chairman, the truth of the matter is that 20 percent, 20 percent, of Americans go to school each day, not unlike the pages who are here in Washington, who go to school every single day. And when you consider that 20 percent of the population is in school, if we take advantage of the fact that they are in school to teach them why and how we are greening America by beginning to green their schools, it cannot help but build an America, our Nation, in a manner that will utilize to the best of the ability of its people the resources we have.

So I commend the gentlewoman from Arizona. I also appreciate the support for this amendment from the other side.

Ms. GIFFORDS. Mr. Chairman, I yield myself the balance of my time.

The 21st Century Green High-Performing Public School Facilities Act addresses critical infrastructure needs in our Nation's schools. Let us ensure that it addresses critical educational needs as well.

I urge my colleagues to adopt this amendment and once again thank Chairman MILLER for his leadership on this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. GIFFORDS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–106.

Mr. REICHERT. 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 Mr. REICHERT:

In section 103(3), before the semicolon at the end, insert the following: ''and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters''.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, today we are considering legislation to improve the condition of our elementary and secondary schools. I can think of nothing more fundamental to creating an optimal learning environment for our children than ensuring that our schools are safe, secure places for them to learn and grow. Safety is an integral part to fostering a positive learning environment. Students can learn best and teachers can teach best when they don't feel endangered or threatened. Parents also deserve the peace of mind knowing that their children will be safe when they drop them off at school in the mornings.

The rise in school violence in recent years highlights the need for improvements in school safety measures. While the bill provides funds for bringing schools into compliance with fire and health safety codes, the bill does not currently provide funding to help ensure that schools are prepared for other emergencies like, unfortunately, school shootings.

My amendment is simple. It permits funds to be used for upgrading or installing technology to ensure schools are prepared and able to respond to emergencies like campus violence, acts of terrorism, and natural disasters. It is essential that we equip our schools with the tools needed to protect our teachers, our students, and school administrators during times of crisis and violence.

You know, it's sad that we come to understand the need for these funds to be spent on these heartbreaking tragedies like those at Virginia Tech and Columbine, where so many innocent lives were lost and families were torn apart by the loss of a son or daughter, husband or wife. And as a former cop of 33 years, I can stand here today and tell you that communication during emergencies is so critical. They're needed to bring everybody together to communicate to make sure that everyone involved in a tragedy, in an emergency, is safe.

For example, during the Columbine tragedy, first responders knew that students were trapped in the library with the shooters. However, they didn't know where the library was located; so they didn't know where to go. Twelve students and one teacher lost their lives that day while 21 more students were injured.

Incident planning and mapping systems, ''school mapping,'' as it's more commonly known, and notification and alert systems are essential. Cameras and other Web-based emergency preparedness and crisis management systems exist today to improve school security and prevent future tragedies from occurring by enabling schools to prepare for the unthinkable. My amendment would provide the funds so that schools are able to provide the highest level of protection to their students and their teachers.

In my home State of Washington, a tragedy was successfully avoided at Lewis and Clark High School in Spokane, Washington, using these types of safety measures. In September of 2003, a school shooting at Lewis and Clark High School was successfully resolved without loss of life. A student fired a gun in a classroom, and thanks to the system that they put in place at that school, they were able to respond quickly, know where the rooms were, know where the shooter was, know where the incident was taking place, and evacuate students, 2,000 students, by the way, and resolve this crisis with no injuries and no deaths.

Emergencies come in many forms. We have a responsibility to ensure that our schools are equipped with all the tools necessary to prevent and effectively respond to all emergencies. In addition to building modern schools with minimal environmental impact, we should build schools for the 21st century with technology and modern equipment that create safe environments for teaching and encouraging learning.

Mr. Chairman, this amendment is simple, it's straightforward, and it will ultimately improve school safety and protect our children. It's been endorsed by the National Sheriffs Association, and I urge my colleagues to support this commonsense amendment.

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

Mr. KILDEE. Mr. Chairman, I rise to claim time in opposition to the amendment, although I will not oppose it.

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

There was no objection.

Mr. KILDEE. Mr. REICHERT and I have done this similarly before.

I think a few months ago, I accepted one of your amendments.

I believe this is a good amendment that will contribute to our children's and their teachers' safety, and I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I wish to thank the chairman for his support of this amendment and also the previous amendment I presented last Congress, which goes to reduce class size. So I appreciate the support on both amendments.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

□ 1345

AMENDMENT NO. 9 OFFERED BY MR. MAFFEI

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–106.

Mr. MAFFEI. 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. 9 offered by Mr. MAFFEI:

In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Job Corps.

Sec. 315. Junior and community college students.

At the end of the bill, add the following:

SEC. 314. JOB CORPS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

SEC. 315. JUNIOR AND COMMUNITY COLLEGE STUDENTS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 309(a) to gain employment experience working on such projects funded under this Act.

The CHAIR. Pursuant to House Resolution 427, the gentleman from New York (Mr. MAFFEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MAFFEI. Mr. Chairman, I yield myself as much time as I would consume.

Mr. Chairman, this is a very simple amendment that would require the Secretary of Education, in consultation with the Secretary of Labor, to work with funding recipients to promote opportunities for individuals enrolled in Job Corps to gain employment experience on modernization, repair, and construction projects funded under this act.

The amendment would also require the Secretary of Education, in consultation with the Secretary of Labor, to work with recipients of funds to promote appropriate opportunities for individuals enrolled in a junior or community college. This is, I think, a pretty noncontroversial amendment that just allows additional help in getting people to work, young people to work, and giving them needed skills.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

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

There was no objection.

Mr. MCKEON. I ask that our colleagues support this amendment. While I do not support the underlying bill, I think this amendment makes the bill stronger. I appreciate the gentleman offering it, and I urge all our colleagues to support it.

I yield back the balance of my time.

Mr. MAFFEI. Mr. Chairman, I urge my colleagues to support my amendment.

I rise to offer an amendment that enables job opportunities provided under the 21st Century Green High-Performing Schools Act to be accessible to students enrolled in Job Corps and community colleges.

The Maffei/Schwartz amendment adds to the existing requirements of the bill which requires the Secretary of Education, in consultation with the Secretary of Labor, to work with grant recipients under this Act to promote opportunities for participants in Youthbuild programs to gain experience on projects funded by the bill.

In the state of New York and through a nationwide campus network, Job Corps provides a complete range of career development services to at-risk young women and men, ages 16 to 24, to prepare them for successful careers. Job Corps differs from Youthbuild in that it targets at-risk youth and operates programs at residential facilities.

Job Corps is a critical program that reaches young adults who need opportunities by providing them with academic training and vocational opportunity.

My district is in Upstate New York and includes Syracuse, where each year we place approximately 400 at-risk youth into the Job Corps program. There are real success stories from this program, and by allowing funds from the Green Schools Act to be utilized for the Job Corps program, we will bring opportunity and hope to more vulnerable youth in my area and across the country.

Community Colleges are an important generator of trained, skilled students who can enter the workforce in critical fields. In my district, Onondaga Community College has created the Sustainability Institute. The institute will train students in installation of geothermal and wind systems, which are both expanding fields but severely lack adequately trained workers in Central New York. The Sustainability Institute has been endorsed by the New York US Green Buildings Council because a green workforce is our future, but we are woefully under-trained and -prepared to embrace this new economic engine.

Renovating, modernizing, and constructing green schools offers hands-on learning opportunities for students, ensuring that they are provided opportunities to learn new techniques, new trades, in a new green economy. This amendment will help to further ensure that our nation's young people are prepared for the jobs of the future.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MAFFEI).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–106.

Mr. BRIGHT. 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. 10 offered by Mr. BRIGHT:

In section 102(a), add at the end the following:

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 101 and the allowable uses of funds described in section 103; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 201 and the allowable uses of funds described in section 203.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

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

Mr. Chairman, I rise today in support of my amendment to H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This amendment allows the Secretary of Education to reserve 5 percent of section 102 grant funds for local educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster.

In its current form, the bill sets aside money for schools damaged in Hurricanes Katrina and Rita. Indeed, those two storms caused unprecedented damage to the gulf coast, including my home State of Alabama.

However, Congress would be shortsighted if we don't recognize that natural disasters happen across the country. Whether it's wildfires in the West, floods in the Midwest, ice storms in the North, hurricanes in the South and the gulf, or tornados across the country, our schools are damaged when Mother Nature strikes.

The specific need for this amendment came to my attention because of the ongoing struggles that a community in my district has experienced. In March of 2007, a tornado destroyed Enterprise High School in Enterprise, Alabama, killing eight school-aged children. Two years later, Enterprise High School is still in the process of rebuilding and has exhausted all avenues for the additional needed funds to complete the school.

I cite the example in Enterprise because other school districts across the country will have similar issues as they recover from natural disasters. Over the past 2 months, my district alone has seen flooding, storms, and tornados that have led to at least one Federal disaster declaration, and another is being considered. Small towns across America are simply not equipped to rebuild a mainstay in their community, such as a school, when they are severely damaged or destroyed.

This is a way for the Federal Government to lend a helping hand when local school districts need their help. Moreover, I am a believer in the old adage that if you are going to do something, do it right. Rebuilding and repairing these schools to 21st century and environmentally efficient standards will help create a positive and healthy learning experience for our children. The families and students who utilize these schools will be able to take pride in them for years to come.

This is a simple but important amendment. I urge its passage.

I reserve the balance of my time

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I don't oppose the amendment.

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

There was no objection.

Mr. MCKEON. Although I oppose the underlying bill because it spends too much, borrows too much, and takes too much control for the Federal Government, in fairness, if it's going to be done, this is a good amendment.

From brush fires in California to flooding in Iowa to tornados in Kansas, natural disasters like this take place all over the country, and this would be a good thing to help those local districts if, in fact, the money is going to be spent. For that purpose, I support the amendment.

I yield back the balance of my time.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. On behalf of the committee, we want to commend the gentleman for offering this amendment.

Mr. Chairman, there are some misconceptions about Hurricanes Katrina and Rita. One of the misconceptions is that the devastation people felt in New Orleans was pretty much the sole extent of that.

The gentleman, I think, has done the institution a great service by pointing out that the disaster was very widespread. There is still an urgent need in

his area and other areas throughout the region, and as we invest funds in renovation and improvement of schools, I would think that a very high priority should go to the types of communities that are covered by this amendment.

So the committee believes that this amendment is very well considered, it will do a great service, it's an accurate reflection of priorities, and we wish to commend the gentleman for offering the amendment. As a new Member, I think he has come up with a creative solution. We enthusiastically support the amendment.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of this important amendment to help school districts hit by the economic downturn or by natural disasters so they can recover faster.

To paraphrase the gentleman from California, Chairman MILLER, school construction is the economic stimulus for struggling communities. It achieves two key objectives: creating jobs and laying out the educational foundation for future prosperity.

As the chairman of the Emergency Communications, Preparedness, and Response Subcommittee of Homeland Security, I have seen firsthand how challenging it is to rebuild a school after a disaster, a problem that is only magnified in those difficult economic times. As communities pick up the pieces after a disaster, many students are left with damaged schools or no place to learn, leading them to fall farther and farther behind.

We cannot erase the pain and suffering, but one of the things we can do with this particular amendment that we are all cosponsoring is that we provide American students a decent place to learn.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 30 seconds of my time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the chairman for yielding. This is a great piece of legislation that you have allowed me to cosponsor with you.

This is going to help the schools in my district. Many of them have suffered enormous damage.

This Member has done us a service. I salute him for what he has done. I also thank the ranking member, Mr. MCKEON, for agreeing to the amendment.

The CHAIR. The gentleman's time has expired.

Mr. BRIGHT. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side.

The CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BRIGHT. Mr. Chairman, I yield my remaining time to the gentlelady from Florida (Ms. KOSMAS).

Ms. KOSMAS. Thank you, Congressman BRIGHT.

I rise today in support of the Bright-Kosmas-Cuellar-Green amendment. I am proud to be a cosponsor of this important amendment that will set aside funds for the schools that need it most.

The bill we are considering will provide critical funds to modernize our schools and to turn them into green buildings, which will help our environment, reduce energy consumption and costs for school districts, and create jobs in the process. However, we must take into account that many school districts across the country are suffering greatly from the economic downturn or have been affected by recent natural disasters.

Central Florida, where I reside, has been hit very hard by two devastating forces, both the recession and natural disasters. As a result, our education system is experiencing a budget crisis that has only been temporarily relieved through the American Recovery and Reinvestment Act.

Many of our schools still do not have the money in their budgets to complete basic repairs, let alone repairs needed following hurricanes in recent years.

This funding will ensure that schools will not only be able to make those repairs, but also to make them green, bring them up to safety codes, and create overall healthier learning environments.

This is not only a problem in central Florida. Numerous regions throughout the country are experiencing similar problems.

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

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ANDREWS. 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 Alabama will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. GRIFFITH

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–106.

Mr. GRIFFITH. 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. 11 offered by Mr. GRIFFITH:

In section 102(b)(2)(C)(v) of the bill, strike ''air quality,'' and insert ''air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses),''.

In section 103(12), strike ''through (11)'' and insert ''through (12)''.

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

In section 310(a)(5)(D) of the bill, after ''quality,'' insert ''student and staff health (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses),''.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. GRIFFITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. GRIFFITH. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this amendment would instruct State educational agencies on how improvements in indoor environmental quality can help reduce asthma and other respiratory illnesses in the classroom and in our children.

Asthma has reached an epidemic proportion in our country, affecting 20 million of all ages, but children in particular.

I have two good friends who lost children due to asthma-related attacks at school. We must do everything we can to help improve air quality for our students so no one else ever has to suffer this tragic loss.

□ 1400

Almost 1 in 13 children the age of 18 has asthma, and the percentage of children with this illness is rising more rapidly with our preschoolers than in any other age group.

Asthma is the leading cause of missed school days due to chronic illnesses, causing our kids to miss more than 14 million days of school. When our children are absent, they are no longer able to keep up; falling behind. And American can no longer afford this. Our children also get left behind when their teachers and school staff are sick.

We cannot sit on the sidelines and handicap our schools by failing to address the detrimental effect of poor indoor air quality on our students' concentration, attendance, and performance in school.

This is an easily fixable situation. The adoption of this amendment would help improve indoor air quality and better the lives of 56 million Americans who spend their days in elementary and secondary schools.

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

Mr. MCKEON. Mr. Chairman, I claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR (Mr. PASTOR of Arizona). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I support this amendment, I encourage our colleagues to support the amendment, and I reserve the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleague. I am happy to yield 2 minutes to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise in support of the Griffith-Teague amendment to H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. I'd like to thank Chairman MILLER and Chairwoman SLAUGHTER for their help in this bill and on this amendment.

This amendment is about protecting the health of our children. In my district, schools are oftentimes surrounded by sand and dust. When the wind comes, which is almost every day in New Mexico, this sand and dust is picked up and becomes a part of the air our children breathe. These particles can cause asthma attacks and can give them other health problems.

Under our amendment, schools would be able to work on facilities to mitigate the amount of dust and particles in the air.

Our schools must be places where the health of our children is protected. Our kids should not be subjected to dust and other particles constantly being blown in their faces. The air they breathe should be clean and free of contaminants.

I think it is important that this bill provides schools with the resources they need to help lessen this problem and protect the health of children. That is exactly what this amendment does. I urge my colleagues to support this amendment to H.R. 2187, and the underlying bill.

Mr. MCKEON. I continue to urge our colleagues to support this amendment. I appreciate the gentleman offering it, and I yield back the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleagues from California, and would yield 1 minute of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author of the amendment for yielding. Mr. Chairman, on behalf of the committee, we would urge support of the amendment. Not only does this amendment do a lot of good for children and teachers, it does a lot of good for the health care system.

Seventy-five percent of health care expenditures in this country, as I'm sure the gentleman knows, are attributable to chronic illness. Four chronic illnesses are accountable for 80 percent of that 75 percent. Among them is asthma.

So by this very well-crafted amendment, not only is the gentleman improving conditions within schools, but he is making a good first start toward dealing with the problem of the health care cost explosion here in our country. We commend a ''yes'' vote.

Mr. GRIFFITH. I thank my colleague from New Jersey. Mr. Chairman, I ask that my colleagues support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. GRIFFITH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GRIFFITH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–106.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HEINRICH:

In section 103(12), strike ''through (11)'' and insert ''through (12)''.

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) upgrading or installing recreational structures, including physical education facilities for students, made from post consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume. Thank you to Chairman MILLER and Representative CHANDLER for championing this legislation.

Mr. Chair, this amendment that I offer today provides a downpayment on our children's health and education. The bill itself is a forward-thinking investment in our children that will create clean energy jobs and turn our schools into high-performing, energy-efficient learning environments.

My amendment would strengthen this long-term investment by including the installation of environmentally friendly physical education facilities, recreational structures, and equipment for our children. Modernized schools using the most state-of-the-art, environmentally friendly building methods and materials will put our children in the best position to compete in a 21st century economy.

Research shows that recreational structures are critical to our children's educational environment. Many studies show that a child's ability to spend time in physical activity contributes significantly to their development, creativity and, most importantly, their ability to focus on academics when back in the classroom.

By exerting energy outside the classroom, students have better attention spans inside the classroom. Physical activity is an increasingly important issue in my home State of New Mexico, where 22 percent of New Mexico children between the ages of 2 and 5 and 23 percent of high school students are overweight.

Parent and teacher organizations across the country recognize the link between recreational opportunities, education, and their students' health. But often, due to budget constraints, parents find themselves having to fundraise for this kind of permanent physical education and recreation equipment and facilities on their own.

How many of my colleagues here today have had to bake rice crispy treats for a bake sale or even pass the hat at a PTA meeting to raise the money for fitness activities for their own kids?

Why do we do this? Because we want our kids to play soccer and basketball; we want them to play on swings and run on the track; and we want our kids to learn how to play fair and how to win and lose with grace and dignity. We do this because we want our kids to be healthy and happy and successful. With my amendment today, this will be easier to achieve for our children.

We also know the impact that recreational opportunities have on reducing classroom discipline problems, increasing teacher job satisfaction, and increasing students' engagement in learning.

Permanent physical educational and recreational structures not only add to children's education, but also contribute greatly to their surrounding communities. For many neighborhoods, school playgrounds are the only nearby recreational areas where children are able to engage in physical activity.

My amendment would allow this grant money to fund the installation of permanent recreational structures for schools and physical educational programs that are made from post-consumer waste materials. This funding would be utilized to upgrade and install recreational equipment, such as surfaces used for track, basketball, tennis, soccer, and general physical educational activities.

Many American companies have achieved the creation of permanent recreational equipment using recycled plastics and rubber rather than wood and metal. In New Mexico, companies install structures today that transform tens of thousands of recycled milk containers into highly durable plastic lumber. This is just one example of the kind of clean energy jobs that would result from this amendment.

Mr. Chair, I strongly believe that this amendment is good for our schools and good for our economy and, most importantly, good for our children. I ask my colleagues to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, again, Federal dollars are not free. They don't appear out of nowhere. They come from either taxing or borrowing. While, in all due respect, I understand what the gentleman is saying, but it probably is cheaper for his constituents to pass the hat or to have bake sales to raise the money than to pay for it out of their Federal tax dollars that get siphoned through Washington to get back to New Mexico.

Mr. Chair, we do not need to spend Federal dollars on upgrading swimming pools when this Nation is drowning in debt. Our deficit is soaring higher every day. Proposals like this send it even higher.

Recreational structures and physical education facilities are worthy tools that can promote good health among our children, but are they worthy of taxpayer dollars intended to improve academic achievement?

I urge a ''no'' vote on this amendment.

I reserve the balance of my time.

Mr. HEINRICH. I would yield 1 minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank the author of the amendment for yielding. On behalf of the committee, I rise in support of the amendment.

Mr. Chairman, my friend from California suggested that these funds should go to academic improvement. I think he implied that these do not. The research is rather ample. The children who are fit and healthy, do better in the classroom than those who do not. There's a connection between academic performance and fitness.

The second point that I would make mirrors the one we made with reference to the previous amendment. Of the four chronic illnesses that drive the explosion of health care costs in this country, in addition to asthma, another is diabetes and the obesity that often comes with it, childhood obesity in particular.

So in addition to the academic dividends that I think the gentleman's amendment produces, it also produces the dividend of yet another down payment on control of the health care cost explosion.

We believe that the amendment is entirely suitable. It will be used in an innovative way that will provide national models for school districts around the country. We'd urge a ''yes'' vote in favor of the amendment.

Mr. MCKEON. I yield myself the balance of my time. I ask my colleagues to vote ''no'' on this amendment. Federal interference in school facility maintenance is troubling enough, but at least there is some semblance of an academic focus in the underlying bill. But I cannot justify expanding that spending to recreation and physical education. I urge a ''no'' vote.

I yield back the balance of my time.

Mr. HEINRICH. I would close by saying that in New Mexico and across this country we have an enormous problem with obesity. I urge an ''aye'' vote.

The Acting CHAIR. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. SCHWARTZ

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–106.

Ms. SCHWARTZ. As the designee of Mr. LUJÁN of New Mexico, 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. 13 offered by Ms. SCHWARTZ:

In section 103(12), strike ''through (11)'' and insert ''through (12)''.

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

The Acting CHAIR. Pursuant to House Resolution 427, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. I yield myself such time as I may consume. Good schools take learning beyond classroom walls, and good planners go beyond buildings to look for energy savings opportunities. This is the point of my amendment with Congressman LUJÁN. I'm very pleased to be able to be offering it.

The amendment is simple. It adds, ''greenhouses, gardens (including trees), and other facilities for environmental, scientific, and other educational purposes or to produce energy cost savings'' to the list of allowable uses of these funds.

To improve our school buildings, this amendment helps fund additional savings from the natural environment. If we're going to build ''green'' schools, then there's nothing better than planting trees, gardens, and greenhouses on school property.

These uses would enable our schools to save energy and it would improve school appearance and it would create more learning opportunities for our students.

According to the U.S. Department of Energy, carefully positioned trees save up to 25 percent of a household's energy consumption for heating and cooling. It can certainly do the same—or at least much of it—for our school buildings as well. We also know that planting and gardening does create contact with nature and creates a good supportive learning environment for our children.

This is a good amendment. It enhances the bill. It does not add extra funding.

I would like to yield 1 minute to my colleague who wrote this amendment with me, and also to speak in support of this bill, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise today to offer an amendment to the 21st Century Green High-Performing Public School Facilities Act. The legislation will renew the foundation of our Nation's public school system by rebuilding our critical educational infrastructure. By providing assistance to our school districts for the construction of modern school facilities, we're creating a healthier, safer, and more energy-efficient learning environment for the next generation of Americans.

I strongly commend Chairman MILLER for his work in bringing this important measure to the floor. This amendment, which I have developed in cooperation with Congresswoman SCHWARTZ, would allow these funds to be used for the construction of greenhouses and gardens as well as planting trees and greenery. Our schools will benefit from an improved environment, additional energy efficiency, and valuable educational experiences for children.

By expanding the classroom for our children and putting them into a greenhouse and garden, we will impart upon them the value of water, biodiversity, and respect for the environment. We will be creating better futures for our children and all of us.

Mr. Chairman, this commonsense amendment would allow for energy efficiency and environmental improvements on our Nation's school and campuses. This amendment will add no additional cost to the bill, but will greatly benefit the education of our Nation's students.

I strongly urge my colleagues to support this amendment.

Mr. MCKEON. Mr. Chair, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, let me remind the Chamber of a few numbers. A million seconds is 12 days. A billion seconds is 36 years. And a trillion seconds is over 36,000 years.

While we have been talking on this bill, our national debt has gone up $300 million.

A few other numbers. Forty billion dollars; $1.84 trillion; $11 trillion. That's the cost of this bill—the $40 billion; this year's deficit currently—$1.84 trillion; and our national debt—$11 trillion.

Every time we debate a new use of funds, we should think about these numbers.

Now I'm sure that many schools would enjoy a greenhouse or a nice garden or some new landscaping on their grounds. But when it comes to education, the job of the Federal Government is to help educate.

If there's an educational purpose for a greenhouse on school grounds, this bill already allows one to be built. But if these greenhouses and gardens are not academically needed, I do not believe the Federal Government ought to be building them—especially not with deficit spending.

I'm not asking my grandchildren to finance a greenhouse with no academic purpose, and I hope none of you will either.

I reserve the balance of my time.

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Ms. SCHWARTZ. Just to speak to this amendment, let's be really clear here. The purpose of our amendment, of course, is to actually enhance this bill by creating more opportunities for energy savings. Every time we save dollars for a school, we save dollars for our school district, we save dollars for our taxpayers.

This bill is smart. It is to make energy efficiency investments that will save taxpayers dollars. In addition, it will help to educate our young people in the positive aspects of greening. It is extremely important to understand the purpose of planting a tree is not only because it looks good, but it in fact can save on energy costs. Planting vegetables is done not only because it is a fun thing to do, but it actually can put food on the table that is healthy and nutritious.

All of this is part of what we are trying to do in this bill, create energy savings for our children, for our school districts and for our taxpayers. I encourage support of this amendment and the underlying bill.

I yield 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. The committee supports this bill. The bill requires the money be spent for academic purposes. I don't know really how you teach biology effectively without giving children the chance to interact with plant life. I think it just makes an awful lot of sense to have that kind of lab.

We support the bill and urge a ''yes'' vote.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

If there is a serious academic purpose for gardens and greenhouses, they can already be built under the far-reaching legislation in the underlying bill. Let's not dilute the Federal investment in education further by getting into the landscaping business. I urge a ''no'' vote on this amendment.

I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Speaker, I yield 30 seconds to my colleague, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would encourage and hope that my colleague would support an opportunity to be able to teach our kids about the importance of food, of growing it, and even the business aspect of this, Mr. Chairman.

It is not just about growing food, fruits and vegetables. This is about teaching them how to be responsible and how to make sure we can get these into the schools to keep our kids healthy and nourished, as well as business opportunities, Mr. Chairman. This is a learning opportunity that we could take advantage of across the country. I strongly urge my colleagues to vote ''yes'' on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–106.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SCHRADER:

In the table of contents of the bill, add at the end the following:

Sec. 314. GAO study.

At the end of the bill, add the following:

SEC. 314. GAO STUDY.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine, and report to the Congress on, the extent and types of projects in keeping with the uses of funds authorized under this Act being undertaken in schools around the United States, the geographic distribution of green, high-performing schools in the United States, including by urban, suburban, and rural areas, and the relative access to such schools of the demographic groups described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 USC 6311(b)(2)(C)(v)).

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank Chairman MILLER, Subcommittee Chairman KILDEE and Representative CHANDLER for their hard work on this important legislation. The 21st Century Green High-Performing Public School Facilities Act provides the country a wonderful opportunity to not only modernize our schools by creating a healthier, more environmentally friendly learning environment for our children, but it also creates good jobs at a time when they are needed the most by this country.

While there is no disputing the merits the underlying bill and the proven benefits of green schools on students and teachers, I believe it is crucial that Congress has a clear picture on how and where these funds are going to be spent, the long-term economic savings and the types of projects funded to be sure we are keeping with the intent of the legislation. That is why I am offering a straightforward good government amendment that requires the GAO to report to Congress on how these funds are being utilized.

Under my amendment, the GAO will be required to report to Congress no later than 1 year after the enactment on the extent and types of projects being undertaken in the schools around the country, the geographic distribution around the country and the urban, suburban and rural mix. As we continue to improve and modernize our schools, this information is going to be critical for the future decisionmaking of this Congress.

I urge my colleagues to support the amendment and the underlying legislation.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I will not oppose the amendment.

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

There was no objection.

Mr. MCKEON. This amendment will require the GAO to keep a list of projects that were funded through the bill and look at who has access to these projects. The underlying bill already contains lengthy reporting requirements that include much of this information, making this amendment largely unnecessary.

I do agree it will create jobs. There will be people hired that will have to fill out these reports and there will be people hired that will have to read these reports. However, if the gentleman is interested in getting additional information on the sort of projects funded under this act, we have no objection to having the GAO provide it, other than the fact it is going to cause government to grow even more.

I urge support of the amendment.

I yield back the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the author for yielding and would urge a ''yes'' vote on this amendment.

With all due respect, the amendment does not require simply a keeping of lists of where the money is spent. It requires an analysis of the effectiveness of the expenditure of the money, it requires an analysis of whether all children are getting proportionately equal access to the funds that are expended, and it gives the Congress the basis, the factual basis, to make further decisions about whether to expand, eliminate or modify such programs in the future.

The minority protest is concerned about the ever-growing size of government. The minority knows a lot about growing the size of government. That is what they did for 8 years when they

doubled the national debt. That is what they did for 8 years when they inherited the largest surplus in American history and turned it into the largest deficit in American history.

One of the ways to turn about deficit financing is economic growth. We believe this bill will do that.

We urge a ''yes'' vote on the amendment.

Mr. SCHRADER. Mr. Chairman, I just would reiterate that this is a good government bill actually looking at saving the taxpayers money. I am surprised my colleague from California is not interested in the energy savings and the benefit of this amendment to make sure that there is actually accountability in the legislation.

Mr. MCKEON. Mr. Chairman, would the gentleman yield?

Mr. SCHRADER. I yield to the gentleman.

Mr. MCKEON. I am interested in saving energy. I just think that this bill costs too much, borrows too much, and controls too much.

I thank the gentleman for yielding.

Mr. SCHRADER. I thank the gentleman.

I will get back to the bill itself. I just would appreciate support of my colleagues to show fiscal accountability by adopting this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on three amendments printed in House Report 111–106 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. TITUS of Nevada.

Amendment No. 4 by Mr. ROE of Tennessee.

Amendment No. 5 by Mr. ELLSWORTH of Indiana.

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

AMENDMENT NO. 3 OFFERED BY MS. TITUS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 160, not voting 9, as follows:

[Roll No. 249]

AYES—270

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
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
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—160

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
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
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Garrett (NJ)
Himes
Johnson (GA)
Kaptur
Sánchez, Linda T.
Stark
Tanner
Towns
Woolsey

□ 1454

Messrs. SESSIONS, MANZULLO, SCHOCK and ADLER of New Jersey changed their vote from ''aye'' to ''no.''

Messrs. SPRATT, BILBRAY and RUSH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 2, not voting 5, as follows:

[Roll No. 250]

AYES—432

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

NOES—2

Honda
Walden

NOT VOTING—5

Connolly (VA)
Himes
Sánchez, Linda T.
Stark
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1504

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. LINCOLN DIAZ-BALART of Florida was allowed to speak out of order.)

HONORABLE BILL YOUNG CASTS 20,000TH RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I have the honor of co-chairing the Florida delegation along with my friend, Congressman ALCEE HASTINGS.

I rise to inform my colleagues that our good friend, the gentleman from Florida, Congressman BILL YOUNG, the longest-serving Republican in the House and the dean of the Florida Delegation, has just cast his recorded vote number 20,000 in the House of Representatives.

It is, indeed, a small and select group, Mr. Speaker, of distinguished Members in the history of the House of Representatives who have reached that important milestone.

BILL YOUNG was first elected in 1970 to the Congress. He cast his first recorded vote in January 1971. His vote total would be even higher today had the House not waited until 1973 to institute electronic voting.

He cast his vote number 10,000 on November 18, 1991, to give approval to the conference report on the fiscal year 1992 defense authorization bill, which I believe is fitting, considering that he has devoted his career on the Appropriations Committee to the well-being of the men and women who serve our Nation in the Armed Forces.

It has been my deep honor to serve with him. And I ask all of you, as I now yield to my dear friend, colleague and cochairman, Mr. HASTINGS, for all of us to congratulate BILL on this extraordinary achievement.

Mr. HASTINGS of Florida. I thank my colleague for yielding.

As the cochair of the Florida delegation, I echo the sentiments that he has expressed and say to BILL YOUNG, who I refer to all the time as Dean because he is the dean of the Florida delegation, to say to him my congratulations, and I am sure from all of us, recognizing the extraordinariness of having had that opportunity here in this body to cast that many votes.

It reminds me, BILL, of Mr. Natcher who instructed me when I first came here, as he may have others. Mr. Natcher, as you know, had the longest running streak of consecutive votes.

And I talked with DALE KILDEE, who has been here with you, BILL. He has 26,000 at this time. But Mr. Natcher said to me, ''Miss a vote and get that albatross off from around your neck.'' I'm glad you have kept that albatross around your neck, and it's a proud day for all of us that you have cast your 20,000 votes.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I think all of us can realize that 20,000 votes over the course of your career are quite a number of votes. But I think all of us can also realize that when you cast that many votes, there are going to be a lot of very important votes that will be cast over the period of 20,000.

But beyond all of that, I think the real measure of what we have today is the measure of BILL YOUNG's career in the House. Thirty-eight years of service to this institution, 38 years of friendship with Members on both sides of the aisle, and 38 years of distinguished service to us all.

BILL, congratulations.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Florida for yielding.

Twenty thousand votes is a quantifiable criteria. What, for those of you who are new, is not as quantifiable is the real measure of the man.

Twenty thousand votes, a conscientious Member. But the real measure of

BILL YOUNG, which Americans would have observed had they been with him during each of those votes, is the decency of BILL YOUNG, is the collegiality of BILL YOUNG, of his inclination to reach across the aisle, reach across ideology, reach across and say, How can we do this together?

BILL YOUNG is an example for us all of how to treat one another and how to engage in this process, though we may have differences, in a way that built a better institution, not tore it down.

That is why those 20,000 votes are deserving of so much respect, because the character with which they were cast and the character that characterize and continues to characterize the gentleman from Florida's service.

BILL YOUNG, we are in your debt. You have served your country well, and we look forward to years of service with you, my friend. Thank you.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentlewoman from California, the distinguished Speaker of the House.

Speaker PELOSI. I thank the gentleman for yielding. I thank him for giving us this opportunity, he and Mr. HASTINGS, to express our appreciation to a great leader for our country.

Here he is, modestly sitting in the furthest corner of the House—well, it is his regular spot—but a person we all seek out, wherever he sits or wherever he is standing for his advice and his guidance.

Speaking from the standpoint of a member of the Appropriations Committee, when Mr. YOUNG was our distinguished chairman, I know everyone who served at that time on the committee agrees that he was a great chairman and that he listened to his members very carefully, that he moderated the debate, that the dignity he brought to that chairmanship was something that made us all proud on both sides of the aisle. And whatever the outcome, we knew that he would give everyone a chance to make his or her case.

I wish to associate myself with all the other remarks that were made about Mr. YOUNG. Oh, my goodness. Thousands and thousands of votes.

But I also want to point out that all of us who care about our troops, our men and women in uniform, and particularly those who are harmed in the service of our country, not only of Mr. YOUNG but his wife Beverly, who has been an angel in meeting the needs of our troops. Mr. YOUNG officially on duty here, Beverly on a day-to-day basis, bringing comfort and refreshment to our troops.

They are living examples of what we say in the military, that on the battlefield, we will leave no soldier behind, and when they come home, we will leave no veteran behind.

□ 1515

My thanks to Mr. YOUNG for what you do to protect America, what you have done to advance the debate, and for your ongoing service to our country. I know I speak for everyone here when I say we are proud, each and every one of us, to call you ''colleague.''

Thank you, Mr. Chairman.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you, Madam Speaker. And thank you, our dear friend, BILL YOUNG.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The ACTING CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 425, noes 7, not voting 7, as follows:

[Roll No. 251]

AYES—425

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

NOES—7

Campbell	Petri	Shadegg
Flake	Royce	
King (IA)	Sensenbrenner	

NOT VOTING—7

Himes	Obey	Stark
Johnson, E. B.	Sánchez, Linda T.	Tanner
Lewis (CA)		

□ 1524

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WU. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR of Arizona) having assumed the chair, Mr. WELCH, 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. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PROVIDING FOR PASSAGE OF H.R. 2101, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 432) providing for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 432

Resolved, That upon adoption of this resolution, the House shall be considered to have (1) passed the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, as amended by the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill; (2) taken from the Speaker's table S. 454; (3) adopted an amendment in the nature of a substitute consisting of the text of H.R. 2101 as passed by the House pursuant to this resolution; (4) passed such bill, as amended; and (5) insisted on its amendment and requested a conference with the Senate thereon.

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

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

I rise in strong support of this measure, the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009 and, of course, H. Res. 432, under which we will consider the bill today.

By voting for H. Res. 432, we will be adopting the bill reported out of the House Armed Services Committee 59–0, and initiating a conference with the Senate and their related bill, S. 454, which passed the Senate on a vote of 93–0. This legislation is in keeping with the best bipartisan traditions of the Congress, and the bipartisan leadership of both the House and Senate have committed to passing this legislation as quickly as possible.

The need for this legislation is urgent. It's indisputable. GAO tells us that the Department of Defense currently estimates it will exceed its original cost estimates on 96 major weapons systems by $296 billion. That's more than 2 years of pay and health care for all of our troops. Much of this cost growth is already baked into the pie because of decisions made that will be difficult or impossible to reverse. At the same time, however, a lot of this is money that we have not yet actually spent, meaning we will feel the effects of this waste for years. We cannot wait to take corrective measures.

On April 27 Ranking Member MCHUGH from New York and I, along with our partners, ROB ANDREWS and MIKE CONAWAY, the leaders of our panel on Defense Acquisition Reform, introduced the WASTE TKO Act. After introducing the bill, the committee held two hearings on the bill and held a markup. On the basis of the testimony we received and on the basis of the committee's long experience on acquisition reform issues, I can say with confidence that this legislation will substantially improve the oversight of major weapons system acquisition.

Let me briefly summarize the bill's provisions. It requires the Secretary of Defense to assign responsibility to independent officials within his office for oversight of cost estimation, systems engineering, and performance assessment. It also assigns additional responsibility to the Director of Defense Research and Engineering for assessing technological maturity and to the unified combatant commanders for helping to set requirements.

□ 1530

It promotes competition in our acquisition strategies, and it promotes the consideration of tradeoffs between cost, schedule, and performance. It limits organizational conflicts of interest and tightens the Nunn-McCurdy process.

Perhaps most importantly, it requires an increased focus on programs in the early stages of acquisition when most costs are determined, and it focuses oversight on programs which have demonstrated poor performance.

Lastly, the bill authorizes the Secretary of Defense to award excellence in acquisition.

Let me clarify an important issue about this bill that has arisen. Mr. MCHUGH and I have worked to make clear that this bill is tailored to match the scope of S. 454 in the Senate. We did this to speed its enactment into law.

As a result, like S. 454, it deals almost exclusively with major weapons systems acquisition, which is only 20 percent of the total that the Department of Defense spends on acquisition on an annual basis. There are also serious problems with the other 80 percent of the acquisitions systems. As a result, we established the Panel on Defense Acquisition Reform in our committee, led by ROB ANDREWS and MIKE CONAWAY.

They did excellent work on this bill, and we will get a lot more good work out of them before the day is done. We are fully committed to continuing the work on these issues in the upcoming National Defense Authorization Act for Fiscal Year 2010 and in subsequent legislation.

I ask all Members of the House to support H. Res. 432 and the underlying bill and vote to move it forward to a conference with the Senate on this very, very vital matter.

I reserve the balance of my time.

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

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

Mr. MCHUGH. Mr. Speaker, I too rise in support of this very important piece of legislation, H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009.

I want to begin where thanks are truly due, and that is with my good friend, my distinguished chairman, the gentleman from Missouri (Mr. SKELTON), who provided the inertia and the great leadership in putting together the team that has worked so hard to bring this bill to the floor, and a particular tip of the hat to the gentleman from New Jersey (Mr. ANDREWS) and my friend and colleague, the gentleman from Texas (Mr. CONAWAY), for

their roles as the chairman and the ranking member in our special oversight committee. They really have done yeoman's work, supported by very able members, as they advanced a great piece of legislation.

Obviously, as you have heard, we consider this matter to be of utmost importance. The United States taxpayers deserve to get the most bang for their buck. It's a trite saying, but very true, especially when matters of national security are involved. What's more, there is an enormous opportunity cost when major defense systems miss and overrun their budgets.

The Government Accountability Office found that as of 2009 the Department of Defense had, as the chairman so correctly stated, some $296 billion of cost growth on just 96 major weapons systems. And even if most of this growth is due to poor initial estimates or requirement changes and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities.

It's in the interest of a strong national defense, therefore, that we in Congress do all that we can to rein in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up, and hopefully pass today, H.R. 2101. But I would note, despite the speed with which this body has moved, the legislation we have before us is a sound and well-crafted product.

We have the benefit of feedback from the industry, from the Department, and from members of our Defense Acquisition Reform Panel. Speaking on my own behalf, I believe this feedback has allowed our committee to draft truly a superior piece of legislation.

I don't want to be taken wrong here, the Senate, the other body, has passed a solid piece of legislation as well, S. 454. But it's important for the House Members to recognize that the legislation we have before us today will take us immediately into conference with the Senate and, quite likely, to the President's desk in just a matter of weeks.

Which is why we all believe it's all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate, so that this body will remain on the forefront of ensuring we deliver the right capability to our war fighters at the right time and at the best value.

As my chairman, Mr. SKELTON, has indicated, this legislation focuses on reforms on the early stage of the acquisition system, requiring the evaluation of alternative solutions and more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital. As we know, as we heard from my chairman, the sins which cause most cost overruns are generally created in the initial stages of the acquisition process.

It also increases the level of independent scrutiny major weapons programs receive, not because our program managers are incapable, but because we recognize that it's an unfair burden to require program managers to be both a leading advocate for and an independent evaluator of the program.

The legislation also seeks to address concerns we have had heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office. Despite the impressive list of reforms carried in this bill, it really is relatively narrow in scope.

Some, including The New York Times Editorial Board, have criticized us for focusing only on acquisition of major weapons systems, stating, and I quote from one of their editorials, ''Unfortunately, the House version, to be voted on later, applies to only about 20 percent of acquisitions.''

Although, with due respect to The Gray Lady, maybe $296 billion doesn't sound like a lot of money to The New York Times, but as I previously noted, that's just the cost of overruns on these 96 programs. The total planned outlay for those 96 programs is some $1.6 trillion.

I have to say that I am fairly comfortable with taking on reforms to $1.6 trillion in government spending as just a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep the legislation aligned with the Senate and to send this bill to the President as soon as possible. The remaining 80 percent of DOD programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior years' bills, but we will not be satisfied with resting on the laurels that I think this body will accrue today in supporting this legislation.

These issues will continue to be considered by the Defense Acquisition Reform Panel, which will carry on with its mandate to consider initiatives that could be addressed by the committee as part of the fiscal year 2011 National Defense Authorization Act.

Mr. Speaker, in closing, I want to reemphasize that I give my full support to this bill. We owe a great debt of gratitude to those Members who worked so hard to bring it to the floor today and do so with such a quality product behind it.

I am honored to stand with them in this well this afternoon, and I look forward to a strong vote in support of this worthy piece of legislation.

Mr. Speaker, I rise in support of H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009. As my friend and Chairman, IKE SKELTON, has so ably described, this bill, which was unanimously adopted by the House Armed Services Committee, takes aim at reforming the process used by the Department of Defense to acquire major weapons systems.

We consider this matter to be of the upmost importance. The United States taxpayers deserve to get the most bang for their buck—especially when national security matters are involved. What's more, there is an enormous opportunity cost when major defense weapons systems miss overrun their budgets. The Government Accountability Office found that as of 2009 the Department of Defense had $296 billion of cost growth on 96 major weapons systems. Even if most of this growth is due to poor initial estimation or requirements changes, and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities. Therefore, in the interest of a strong national defense, Congress must do all it can to reign in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up and, hopefully, pass H.R. 2101. Despite the speed with which this body has moved, the legislation before us is a sound, well-crafted product. We have had the benefit of feedback from industry, from the Department, and from the members of our Defense Acquisition Reform Panel. Speaking for myself, I believe this feedback has allowed our Committee to draft a superior piece of legislation.

Don't get me wrong. The Senate has already passed a solid piece of legislation, S. 454. But it is important for the members of the House to recognize that the legislation we have before us today will take us immediately into conference with the Senate, and quite likely to the President's desk in a matter of weeks. Which is why I believe it is all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate and so this body will remain on the forefront of ensuring we deliver the right capability to our warfighters at the right time and at the best value.

As Chairman SKELTON has indicated, this legislation focuses reforms on the early stages of the acquisition system, requiring the evaluation of alternative solutions at more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital, because we know from experience that the sins which cause cost overruns are generally created in the initial stages of the acquisition process. It also increases the level of independent scrutiny major weapons programs receive—not because our program managers are not capable, but because we recognize that it is an unfair burden to require program managers to be both the leading advocate for a program and an independent evaluator of the program. The legislation also seeks to address concerns we have heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office.

Despite the impressive list of reforms carried in this bill, our legislation is relatively narrow in scope. Some, including the New York Times Editorial Board, have criticized us for focusing only on the acquisition of major weapons systems, stating, ''Unfortunately, the House version, to be voted on later, applies only to about 20 percent of acquisitions.'' Maybe $296 billion doesn't sound like a lot of money to the New York Times, but as I've previously noted—that's just the cost overruns on those 96 programs. The total planned outlay for those 96 programs is $1.6 trillion. I

have to say that I'm fairly comfortable with taking on reforms to $1.6 trillion in Government spending, as a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep our bill aligned with the Senate bill and to send this legislation to the President as soon as possible. The remaining 80 percent of DoD acquisition programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior year bills. But we will not be satisfied with resting on our laurels. These issues will continue to be considered by the Defense Acquisition Reform Panel—which will carry on with its mandate to consider initiatives that could be addressed by the Committee as part of the FY2011 National Defense Authorization Act.

Ironically, others have suggested that additional legislation is not warranted. The outgoing Under Secretary of Defense for Acquisition, Technology, and Logistics recently told reporters, "I just do not think you can mandate a process that will ensure successful defense acquisition . . . The bottom line is people run programs, not documents [or] processes." I think few can argue with this assessment. In the end, implementation of sound acquisition policies and maintaining a skilled workforce is more important than passing new reforms. Nevertheless, we continue to see poor outcomes that could have been avoided if there had been a stronger independent voice, earlier in the program and the warfighters had a clear role in establishing the requirements up front.

Moreover, we have repeatedly heard testimony before the Armed Services Committee that the reforms contained in this bill are practical, necessary, and can be implemented. We heard testimony from a panel of outside experts, many of them former senior officials from DoD, and the new Deputy Secretary of Defense, who were highly complimentary of this legislation. The Department is on-board with these changes—many of which they have recently committed to internal policy guidance.

Therefore, Mr. Speaker, I give my full support to this bill. In conclusion, I thank all of the members, but especially Chairman SKELTON, for collaborating so closely with me, and ROB ANDREWS and MIKE CONAWAY who lead our Defense Acquisition Reform Panel, for their participation in this process and for helping to make this the strongest possible product. I have absolute confidence that the members of the Panel will continue in their endeavors and provide the Armed Services Committee with a number of additional recommendations when they have fulfilled their mandate. We appreciate their hard work.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 2101.

With that, I reserve the balance of my time.

Mr. SKELTON. First I want to again thank the ranking member, my good friend, JOHN MCHUGH, for the good work on this excellent legislation, as well as his hard work on the Armed Services Committee. It is very much appreciated.

I yield 5 minutes to my friend, the kind colleague and the chairman of the Armed Services Committee on the Special Oversight Panel on Defense Acquisition Reform, the gentleman from New Jersey, Mr. ROB ANDREWS.

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

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Speaker, my colleagues, there is an understandable frustration and cynicism in our country about our political system. There are people who believe that all we do is argue, that the two parties never agree on anything. And when we do agree on something, it's on something symbolic or inconsequential.

I think beyond the value of the substance of this legislation is the value of showing how those caricatures of the American political process are not always true. This has been a very substantive and very significant process, and it was led by outstanding bipartisan leadership from Mr. SKELTON, the chairman of the Armed Services Committee, who had the foresight to put together this panel and empower us with the staff, resources, and time to do the job well; and Mr. MCHUGH, who loaned both his expertise and his personal credibility to this effort, both of which are in significant supply.

I would also like to thank Mr. CONAWAY from Texas, the ranking member of the panel, for his outstanding contributions; each member of the panel, both Republican and Democratic, for their diligence in this effort; and most assuredly, the hard-working staff people who made the product possible: Erin Conaton and Andrew Hunter, Jenness Simler, Nat Bell from my office. We appreciate very much their efforts and many others.

You have heard the chairman and others say earlier that the Government Accountability Office has identified $296 billion in cost overruns, that's just overruns, in major weapons systems. And as the chairman said, had we not incurred these overruns, that's enough money to pay for the salaries of the troops and the health benefits for the troops and their families for nearly 2½ years. That's the opportunity cost for the problem that we are facing today.

The House is encouraged to pass this bill because we believe it faces that problem by implementing four very important changes. The first has to do with independence. The people who will be doing cost estimates, engineering and conceptual scientific evaluations, and scheduling analyses will not be people vested in the success of the weapons system. They will be people vested in protection of the taxpayer dollar and providing the very best value for those who wear the uniform.

The second principle is looking very critically at the development of these weapons systems as early as possible in the process. By the time 10 percent of the money is spent on these weapons systems, 70 percent of the money is obligated. That is to say, on or before the time that we decide to build or not build a weapons system, we are already far into the process, whereby a political constituency builds up, hundreds of thousands of workers, thousands of contractors, political constituencies around the country, who understandably advocate for these programs as if they were a public works project. Well, they are not. The idea behind these programs is to provide the very best tools to those who wear the uniform of this country at the appropriate price for the taxpayer.

By getting involved earlier in the process, we make it far more likely that when a bad judgment has been made, when we set off on the wrong course, that course can be reversed or terminated, as it should be.

The third principle in this bill is to give intensive attention, intensive care, to weapons systems that have been permitted to go forward even though they have not yet met all of the criteria to go forward.

If there is a true national security reason that those weapons systems should go forward beyond that milestone, it is very important that they be looked at carefully and on an ongoing basis. That is what this bill provides.

And in those, unfortunately, many instances where the programs far exceed the cost that's originally estimated, by 25 percent, by 50 percent, this legislation says that if the programs are not terminated, and if they are not terminated because there is a strong national security reason not to terminate them or a strong economic reason not to terminate them, they must be watched with great intensive attention.

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

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

Mr. ANDREWS. Finally, the product before us has a very strong but flexible provision to prohibit undue conflicts of interest.

Frankly, this body does not aspire to micromanage the process of who can participate and contract and who cannot. What we are committed to is that all of those who are serving the public in this process serve only one master, that they are acting on behalf of the uniformed personnel and the taxpayers and not on behalf of anyone else who has an economic interest in the outcome of their deliberations.

This is a substantive piece of legislation that happened because the two parties worked together, because they listened to the best experts, and because we had put aside the squabbling in which we sometimes all engage to do what is right with our country.

It's an honor to work with my friends on this. I would urge my Members to vote ''yes'' and move this process forward.

□ 1545

Mr. MCHUGH. I want to again thank the gentleman from New Jersey for his great effort and leadership and clearly associate myself with his comments about the staff, some of whom are beside and behind me here, as they are

behind the chairman and others on the other side. Everything good that we achieve comes from their efforts. Everything that is not so good is certainly because we fail to listen to them. Certainly, in this bill, we listened to them very carefully. That, in large measure, is why it's such a great product.

With that, I'm proud to yield 4 minutes to our leader on our side of the aisle, a man whom I asked if he would not think about leading our efforts from the minority side, and was anxious to go forward and really underscored why he was the only choice, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman from New York for yielding time on this issue. I rise today to lend another bipartisan voice to support for the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act, giving rise to the best acronym yet in this Congress—the WASTE TKO Act.

As a member of the HASC Defense Acquisition Reform Panel, I feel a deep sense of obligation to both our men and women in uniform and my constituents back home to get this right and to give the Defense Department the tools and the manpower it needs to get the acquisition process right.

As with almost all work on the Armed Services Committee, I am pleased that we are able to work in a bipartisan manner, and I thank Chairman SKELTON, Ranking Member MCHUGH, and Chairman ANDREWS for their leadership throughout this process.

Last month, the GAO reported that the ''major weapons programs continue to cost more, take longer, and deliver fewer quantities and capabilities than originally planned.'' The GAO goes on to find fault in the ''planning, execution, and oversight,'' of major weapon programs. Congress' inability to realistically plan for the future is slowly strangling our ability to govern, and in no place is that more apparent than in how we procure military hardware.

The legislation introduced by Chairman SKELTON and Ranking Member MCHUGH represents an important first step towards our final goal of creating an end-to-end acquisition process that is most responsive to the needs of the warfighter and responsible to the financial burdens of the taxpayer.

The WASTE TKO Act will ensure that new major weapons programs begin on a solid foundation; with accurate cost estimation and realistic performance goals developed before the program progresses into the system development and demonstration phase marked milestone B.

This legislation will institute clear lines of accountability and authority within the Pentagon, and establish the policies and procedures that are necessary to create a truly knowledge-based assessment of weapons programs.

By doing our homework upfront, our armed services will be better able to prepare for the future, our warfighters will be better equipped, and we will be better stewards of the limited resources entrusted us by the taxpayers.

It is our responsibility to ensure the warfighter receives the best weapon systems to perform their mission, while at the same time ensuring that the taxpayers get the most bang for their buck.

The WASTE TKO Act addresses how we procure major weapon systems and provides much promise in resolving the enormous cost overruns that embarrass the government and infuriate the public.

Our bill is a step in the right direction, but we all know there is much more to be done to refocus the acquisitions process on supporting the warfighter first.

Mr. Chairman, I look forward to continuing to work with you and Chairman MCHUGH and ROB ANDREWS and the members of the committee and Acquisition Reform Panel as we complete this important task.

I want to thank our staff—both those of the committee and personal offices—who have done such great work on this bill. I encourage my colleagues to support this important legislation.

Mr. SKELTON. May I inquire as to the number of minutes I have left?

The SPEAKER pro tempore. The gentleman has 9 minutes.

Mr. SKELTON. Before I yield to the next speaker, I wish to add to what my colleagues on the other side have said. What outstanding work our staff has done on this legislation—complicated. And they glued it together and the jigsaw puzzle has an absolute clear picture as to acquisition reform. We hope to go from here to conference with the Senate with a successful outline.

I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Thank you, Mr. Chairman. Mr. Speaker, I rise today in support of the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009. This legislation is an important first step in reforming the defense acquisitions process.

We know that due to insufficient oversight, acquisition programs have continued to skyrocket in costs. The cost growth of weapons systems acquisition has been a huge drain on taxpayer dollars—with minimal growth estimates of at least $166 billion. A 20 percent improvement in these numbers could save the taxpayers up to $30 billion.

This legislation ensures accuracy in performance assessments by designating an official to conduct performance assessments. In addition, it establishes additional annual reviews from oversight officials for problem contracts. These reviews, coupled with additional congressional oversight of the ailing programs, will help keep programs on track.

Finally, this legislation creates a better system to track cost growth during early contract development. By the time system development begins, 75 percent of the costs are already in place. By regulating cost growth in the early development, we will have true cost estimates and we can seek alternative solutions if it's necessary.

This legislation puts in place essential internal controls to the defense acquisition process. I will continue to advocate for fiscally responsible programs that provide optimal equipment for our Nation's military.

I thank the chairman and all those who worked on this bill.

Mr. MCHUGH. At this time I'd be happy to yield such time as he may consume to our ranking member on the Air and Land Subcommittee, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I strongly encourage my colleagues to pass H.R. 2101, a much needed acquisition reform bill. This bill will help facilitate a strong national defense, while reining in out-of-control cost growth in the development of major weapons systems.

This bill is a result of an intensive, cooperative, and collaborative bipartisan and bicameral effort to improve and modernize the procurement and acquisition process for our Armed Forces.

I want to recognize in particular the efforts of Chairman IKE SKELTON, Ranking Member JOHN MCHUGH, and the members of the Defense Acquisition Reform Panel led by Chairman ROBERT ANDREWS and Ranking Member MIKE CONAWAY.

Additionally, I would like to thank the unusually talented staff for their tireless work and contributions to this legislation.

H.R. 2101 is a much needed response to help minimize cost overruns and increase oversight and transparency in the way the Defense Department buys big-ticket weapons programs. I'm confident this legislation will provide a positive step forward for our military that will save taxpayers billions of dollars.

Moreover, this piece of legislation strategically addresses many of the issues I have long raised as concerns, including requirements creep, delivery delays, overly optimistic cost estimates, and the need for an independent broker to advise the military and Congress.

Two weeks ago during our HASC full committee hearing on Reform of Major Weapons Systems Acquisition, I posed a question before our distinguished panel of experienced acquisition experts regarding how they would weigh the causes of program cost overruns.

I asked them to record percentages based on what I called requirements creep, intentional underbidding, and, three, optimistic or incompetent cost estimating.

In short, what I took away from our expert panelists' answers was that fixing a broken defense acquisition system heavily lies with the requirements

process. I believe H.R. 2101 will help define requirements better upfront and establish a managed process for our military and defense contractors.

This bill will also address cost and schedule delays on programs early on. This bill will force the DOD to assess alternatives as soon as any major program starts going off track. Currently, this assessment is not required unless the program incurs a Nunn-McCurdy breach, which usually doesn't happen until a program is close to production.

Nunn-McCurdy has been a useful tool. It requires notification of Congress for programs that exceed cost estimates by 15 percent and termination of programs that exceed cost estimates by 25 percent unless certified by the Secretary of Defense that it's in our national security interest. H.R. 2101 provides tools and teeth to better manage and control costs of major programs from the very beginning.

Additionally, this bill elevates the importance and role of the independent cost estimator. This person gets to select the confidence level that all cost estimates will be developed to and also gets to develop his or her own cost estimate.

Further, the individual has to concur with the choice of the cost estimate made by the Under Secretary of Defense for Acquisition Technology and Logistics, AT&L, in creating a baseline budget for the program.

Lastly, I have been a longtime advocate of independent ''brokers'' to advise our talented military and the Congress. Under this bill, independent officials would be hired to assess defense acquisition performance. The idea would be that this individual does not report to the services or to AT&L. They would report to the Secretary and to Congress about whether the taxpayers are really getting value for their money under a program, or if there are other alternatives or requirement trades we should make.

This bill is very similar but not identical to legislation already passed by the Senate, S. 545, under the leadership of Senators CARL LEVIN and JOHN MCCAIN. There are some differences between the House and Senate bills. There is unified, bipartisan support for this House bill, H.R. 2101.

It was approved unanimously, and I encourage my colleagues to ratify the recommendations of the House Armed Services Committee with the strongest show of support for this bill as we go forward in conference with the other body.

In conclusion, I believe H.R. 2101 is a long overdue piece of legislation that will greatly benefit the honorable men and women who volunteer to serve in our Armed Forces.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend and colleague, a member of the House Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Speaker, I rise in support of H.R. 2101 because it will save taxpayers billions of dollars while maintaining a strong national defense through improved oversight of the acquisition of major weapons systems.

Cost overruns, schedule slips, and performance shortfalls have plagued large weapon system acquisition programs since World War II. Current major defense acquisition programs continue to experience these problems despite mandates from Congress and the Department of Defense. This legislation is an essential step to getting back our financial house in order.

As a Member of the House Armed Services Committee, I recognize that we must continue to provide a strong national defense. However, taxpayers deserve a smart national defense as well—especially at a time when they are being compelled to tighten their belts and make difficult financial decisions about how to reduce their own personal experiences expenses.

In light of current economic conditions and the sacrifices by average Americans across the country, Congress and the Department of Defense must also make a real effort to establish the necessary financial discipline, accountability, and oversight of major defense acquisition programs.

The GAO found that as of 2009, the Department of Defense had at least $166 billion of cost growth on 96 major weapons systems. A 20 percent improvement could save the taxpayer as much as $30 billion.

The WASTE TKO Act seeks to cut the cost growth in major defense acquisition programs in three major ways. First, it requires the Secretary of Defense to designate an official expert on cost estimation, systems engineering, and performance assessment. This new internal oversight function will provide us with independent assessments of acquisition programs.

Second, the bill creates an ''intensive care unit'' for sick programs. Programs that are not meeting the standards for system deployment or that have had critical Nunn-McCurdy cost breaches will get additional scrutiny.

Finally, it increases oversight of programs in the early stages of acquisition. It requires the DOD to set up a new system to track the cost growth and schedule changes that happen prior to milestone B—the decision point where system development begins.

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

Mr. SKELTON. I yield an additional 15 seconds.

Mr. KRATOVIL. This Congress needs to control spending across the board—and this bill is a necessary step in the area of major defense acquisition programs. I strongly support H.R. 2101, and urge my colleagues to do the same.

Mr. MCHUGH. At this time I'd like to yield 2 minutes to a very able member of the Acquisition Reform panel and a proud veteran of our United States military, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I rise in support of H.R. 2101. This legislation respects the needs of those who serve in defense of our freedom, as well as the taxpayers who are asked to burden the cost.

Mr. Speaker, I am a combat veteran, with service in both the United States Army and the United States Marine Corps. One aspect of this legislation that is extremely important to me is a provision that formally requires the input of our combatant commanders on the acquisition decisions for weapon systems and equipment.

□ 1600

This will require the views of the end users that are deployed soldiers, marines, sailors and airmen in making their voices heard so that they can better perform their missions at the least cost in lives.

Madam Speaker, I stand before you today to express my strong support for this important piece of legislation. As a Member of the House Armed Services Committee, and a new Member of Congress, I was honored to be appointed to the Acquisition Reform Panel.

As an active participant on the panel, I appreciate this opportunity to help "fix" an obviously flawed defense acquisition system. My emphasis on the Panel has been how to achieve the best use of taxpayer dollars to provide the right equipment, at the right time for our Marines, soldiers, sailors, and airmen.

As a combat veteran with two tours in Iraq, I realize from personal experience just how critical a well-functioning acquisition system is to our nation's servicemembers—especially our warfighters in the field.

We must always fully take the "end user" into account whenever we address the acquisition process and to this end, I was pleased my amendment giving the Combatant Commanders (COCOMs) a more defined role and input into the process was included. This bill institutes a much needed level of focus and precision regarding the input sought from Combatant Commanders to best inform the Joint Requirements Oversight Council as to whether a new program is truly needed and what its fungible benefit will be in the current and future battlefield. Such precise input aims to prevent the DOD from going down the road of spending billions of dollars on unnecessary programs of no real value to the warfighter.

Our legislation addresses acquisition organization, oversight of cost estimation, performance assessment, and weapons acquisition oversight, and fully takes into account the current problems within the Department of Defense Acquisition process.

I urge my colleagues to vote in favor of this well-crafted and critical piece of legislation.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee's special oversight panel on defense acquisition reform, the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Madam Speaker, I thank the chairman for giving me this time.

We hear a lot about waste, fraud and abuse in Federal Government, and this bill that I support, H.R. 2101, answers

just that. I think it is critically important legislation to reform the Pentagon's major weapons acquisitions systems.

By now we have all heard the alarming reports from the GAO, the statistics that show that 96 of the Department of Defense's major weapons systems experienced $296 billion in cost growth and an average of 22 months' delay in delivering these weapons to our warfighters. At a time when so much has been asked of the American taxpayer, we can do better, and we must do better. Runaway cost growth for many of these major weapons systems threatens other vital defense priorities at a time when our men and women in uniform are involved in active combat both in Iraq and Afghanistan.

Chairman SKELTON and Ranking Member MCHUGH and my colleagues on the House Armed Services Committee recognize the Pentagon's acquisition process is on an unsustainable path. The most important element to this legislation, in my view, is the strict oversight and accountability applied to the early development stage of major weapons acquisitions.

This legislation requires the Department of Defense to track cost growth and schedule changes that happen prior to milestone B, the point in the process when the systems and development start. This is critical because 75 percent of the systems costs are locked in as systems emerge from the development stage.

Madam Speaker, H.R. 2101 represents a strong bipartisan approach to reforming major weapons systems acquisition. But it is only a start. As a member of the Armed Services Committee's Defense Acquisition Panel, I will continue to work with Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY to review where action is needed to ensure greater return on our investment.

Mr. MCHUGH. Madam Speaker, at this time I am proud to yield 2 minutes to the gentleman from Louisiana (Mr. FLEMING), a 6-year member of the Navy and a military family physician.

Mr. FLEMING. Madam Speaker, I thank Ranking Member MCHUGH and also Chairman SKELTON. I rise to speak about and to support H.R. 2101.

We must continue providing a strong national defense while reining in out-of-control cost growth in the development of major weapons systems. Taxpayers deserve to get the most bang for their buck, especially when national security matters are involved. Cost overruns in major defense weapons systems are a huge drain on the defense budget.

This bill accomplishes this in three ways, number one, by ensuring accuracy of information for performance assessment; number two, providing intensive care to sick programs, sometimes they need just a little nudge to get back on track; and, number three, tracking cost growth in the early stages of development. By the time a program reaches milestone B, 75 percent of its costs are already locked in. Currently, there is no process to review alternative solutions when cost or schedule growth occurs during this period.

Now, there is a companion bill in the Senate we have already discussed, the Levin-McCain legislation. And members on the House Armed Services Committee share the concerns addressed in the Senate bill. By comparison, about 25 percent of the two bills are the same, about 50 percent of the provisions are overlapping, and about 25 percent of our solutions on the House side are in addition. H.R. 2101 takes a different approach from the Levin-McCain legislation bill in how it addresses issues of systems engineering and other matters.

In summary, Madam Speaker, I support H.R. 2101, and I ask that my fellow Members support it as well.

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

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

Mr. MCHUGH. Madam Speaker, I would yield myself the balance of our time.

Madam Speaker, as you have heard here today through very eloquent and insightful comments of Members on both sides of the aisle, this is a piece of legislation that we believe very strongly deserves the full and enthusiastic support of every Member of this House. And I want to close how I opened, and that is a word of thanks to our distinguished chairman and to the Chair and ranking member of our special panel, Messrs. CONAWAY and ANDREWS for their great efforts. And I know today that the House will take an important step forward in both serving our men and women in uniform better through acquisition reform and equally serving the interests of the United States taxpayer.

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

Mr. SKELTON. I wish to mention, Madam Speaker, that this is landmark legislation. It will go a long, long way in making sure we get the best weapons systems possible for our men and women who wear the uniform, and also more in budget, and it is extremely important. A special thanks to Mr. MCHUGH, to the panel, Mr. ANDREWS and Mr. CONAWAY. A special thanks to the staff members, Andrew Hunter, especially, and Erin Conaton. And we urge a solid vote on this piece of legislation.

Mr. LANGEVIN. Madam Speaker, I rise to urge passage of the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act of 2009, or the WASTE TKO Act. I want to thank Chairman SKELTON for his leadership in addressing this critical issue and bringing this bill to the floor so quickly and with such strong support.

In today's world, we face a difficult balance between keeping our Nation safe and operating within the fiscal constraints of our current economic climate. Cost overruns in major defense programs are a drain on our limited resources and jeopardize our national security. As of 2009 the Government Accountability Office found $296 billion in cost growth across 96 major weapons systems. We must ensure that money we use to protect our Nation is used wisely and efficiently so that taxpayer dollars get the most bang for their buck.

The WASTE TKO Act helps tackle cost growth through ensuring accurate performance assessments, providing intensive care to 'sick' programs, and fighting cost growth in the early stages of development.

Specifically, this bill will bring oversight to the muddled process of performance assessments by requiring the Secretary of Defense to designate a principal official to provide unbiased evaluations on the success of our acquisitions programs. The bill will also mandate additional reviews for programs that fail to meet development requirements or have extreme cost growth problems. This gives Congress the power to get an honest assessment of a 'sick' program's condition and decide whether it merits the risks of proceeding with development. Finally, the bill requires DOD to track cost growth and scheduling changes that take place before the program reaches milestone B, where 75% of its costs are already locked in place. This allows Congress to review alternative solutions to fight cost growth before it becomes a permanent drain on a program.

When cost overruns and schedule delays continue to haunt a program, it threatens the ability to provide our men and women in uniform with the best equipment possible to protect our Nation. This bill goes a long way towards increasing effective Congressional oversight and will help us continue to be responsible stewards of U.S. taxpayer dollars. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. VAN HOLLEN. Madam Speaker, today I rise in support of H.R. 2101, a bill to address waste, fraud and abuse in the government's procurement process. This bipartisan measure is an important step in the Congressional effort to increase oversight of DoD's procurement process and to limit overall defense cost growth.

For years the American people have watched with frustration as exploding contract and procurement costs drive up the cost of government. We all remember the $200 toilet seat. This bill is an attempt to get such cost overruns and bloat under control at the largest agency in the federal government—the DoD.

The Weapons Acquisition System Reform Act will help fight abuse in defense contracting and procurement by establishing a principal acquisitions adviser who will monitor costs, oversee performance assessments and track cost growth for major DoD programs at the beginning of the decision making process, before the final go ahead is given.

The President has proposed a broad and ambitious agenda that will require all us to help identify ways to save money and bring down the costs of government. This bill is an important step in that direction.

Mr. SKELTON. With that, I yield back.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House

suspend the rules and agree to the resolution, H. Res. 432.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING ARMED FORCES DAY

Mr. MASSA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 377) recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 377

Whereas Armed Forces Day was created in 1949 in connection with the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor the men and women who are serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard, including the National Guard and Reserve components;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 16, 2009;

Whereas members of the Armed Forces have performed tremendous service on behalf of the United States;

Whereas members of the Armed Forces have been killed and injured in operations to bring peace and stability in the name of democracy; and

Whereas all Americans express their recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of Armed Forces Day 2009—

(1) honors and recognizes the service and sacrifice that members of the Armed Forces and their families gave, and continue to give, to the United States;

(2) remains committed to supporting the members of the Armed Forces and their families;

(3) encourages Americans to show their support and appreciation for members of the Armed Forces on Armed Forces Day;

(4) commends the actions of private citizens and organizations who volunteer to support America's wounded warriors; and

(5) expresses the gratitude of the American people to the members of the Armed Forces for their service on behalf of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MASSA) and the gentleman from Louisiana (Mr. FLEMING), each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MASSA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mr. MASSA. I yield myself as much time as I might consume. Madam Speaker, Armed Forces Day was established to recognize the men and women serving in the Army, Navy, Marine Corps, Air Force and Coast Guard. I rise today to urge my colleagues to support House Resolution 377, honoring the exemplary service of the men and women of the United States Armed Forces.

The armed services have performed with dedication and bravery on behalf of the United States of America, and they have been killed or injured in conflicts and operations around the world in order to bring peace and stability in the name of democracy. Armed Forces Day recognizes the sacrifices that the Armed Forces and their families have given and continue to give to the United States of America.

This resolution shows that the House of Representatives remains committed to supporting the members of the Armed Forces and their families. It encourages all Americans to show their support and appreciation for the brave Americans and their families. We also commend those citizens whose organizations volunteer to support our servicemembers and their families at home and abroad.

Those who wear the uniform of our military services deserve our honor and great respect. Armed Forces Day is an opportunity for all other Americans to display their pride and appreciation for this noble and selfless service. So I now call upon Members of this great House to join me in supporting this resolution, thereby expressing our common pride and regard for our military on behalf of a grateful Nation.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of House Resolution 377, which recognizes Armed Forces Day, May 16, and the exemplary service of the members of the armed services. I want to commend my colleagues, Congressmen KEN CALVERT and NEIL ABERCROMBIE, for sponsoring it.

Today we are a Nation at war, with more than 2,750,000 men and women in uniform and more than 270,000 deployed worldwide. The men and women of today's armed services are all volunteers and have willingly, professionally, competently and unselfishly met every challenge this Nation has presented to them. In meeting those challenges, many have died and more have been wounded and injured.

These magnificent men and women come not only from the active components of the Army, Navy, Marine Corps, Air Force and Coast Guard, but also from our hometown communities as members of the National Guard and the other Reserve components. Their commitment to this Nation and to their services can be measured in many ways. But I believe there is no better evidence of their patriotism and commitment to the defense of America than their astounding willingness to re-enlist and continue serving. Today, such re-enlistment decisions are made with the knowledge that it will mean repeat tours of duty in war zones where death and injury are potential outcomes.

Nevertheless, the most re-enlistment data continues a trend that has existed since September 11, 2001. For example, as of the end of March this year, Army re-enlistments for this year ranged from 111 percent to 114 percent of goal. Marine Corps and re-enlistments range from 197 percent to 204 percent of goal.

When Armed Forces Day was created in 1949, its purpose was to establish a time when all Americans could reflect on and honor the service of the men and women of the Armed Forces. This week, Armed Forces Day will be celebrated on May 16. On that day, I would urge my colleagues to reflect on the extraordinary service rendered not only by those who have previously served, but also of those who now are committed to making this Nation safe. On that day and every day, I would also urge my colleagues to take the time to individually thank every previous and current member of the armed services they encounter for their service.

I heartily recommended that all my colleagues vote ''yes'' on this resolution.

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

Mr. FLEMING. Madam Speaker, I would like to recognize Mr. CALVERT of California for such time as he may consume.

Mr. CALVERT. Madam Speaker, I rise today in support of H. Res. 377, which honors and recognizes Armed Forces Day on May 16. Over the course of our Nation's history, generations of Americans have made tremendous sacrifices to protect the freedoms we hold dear. And we honor these courageous Americans on Armed Forces Day and throughout the month of May.

Armed Forces Day is an opportunity to recognize our troops and their families, as well as rededicate ourselves to the promises our Nation has made to repay their service and sacrifice. When we make our promises to our troops, we must keep them, for they most certainly have kept their commitment to the American people.

Madam Speaker, I urge all my colleagues to support H. Res. 377 and to declare to all U.S. servicemembers that we stand with them. When the call of duty sounded, they did not hesitate to answer. Let us not hesitate in our support of all those brave men and women of the United States Armed Forces.

□ 1615

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

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

Madam Speaker, it is with a particular honor that I have been asked to rise to introduce this legislation, remembering in my own life story the excitement of a 17-year-old young man as that individual entered the United States Naval Academy; and reflecting upon a, frankly, long, 30-year journey that has brought me here today in this great House to call upon my fellow colleagues to join me in recognizing the millions of Americans who have now followed the veterans who have joined me now out of the armed services. It is right and just as a son of a military member, as the brother of a military member, as the colleague of so many veterans of this great body, it fills me with emotion and clarity of eye and thought to imagine that that 17-year-old young man could journey so far as to be here today to call upon all Americans to honor all those in service and in uniform around the world. It is a tremendous honor to bring this resolution to the floor of the House of Representatives. I close my remarks on that note.

Mr. POE of Texas. Madam Speaker, the 34th President of the United States, Dwight Eisenhower, said that "it is fitting and proper that we devote one day each year to pay special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world."

I agree, Madam Speaker, and I am proud to be a cosponsor of this resolution.

Fifty-nine years ago we began the tradition of honoring the Armed Forces on the third Saturday of May as the national Armed Forces Day.

Before 1950 there were individual holidays in honor of each of the five branches of the military—Army, Navy, Marine Corps, Air Force, and Coast Guard.

President Truman established this single holiday to honor the servicemembers of all branches as an act of unity after the Department of Defense was created.

There are several purposes for celebrating Armed Forces Day—educating the public on the jobs and role of the military, exhibiting the military's state of the art equipment, and most importantly for acknowledging the people who serve our country in the Armed Forces.

Today 1.5 million people are on active duty in the U.S. military. In addition, 850,000 men and women serve in the seven reserve and guard divisions—Army National Guard, Army Reserve, Marine Forces Reserve, Navy Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

These brave folks serve our country all over the world at 820 different military installations.

About 140,000 servicemembers are stationed in Iraq and 56,000 are in Afghanistan.

This special day is celebrated every year with parades, military reenactments, air shows, and open houses at military bases.

The theme for this year's Armed Forces Day is "United in Strength."

United indeed, Madam Speaker. "From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Shakespeare penned this quote in Henry V. It represents the unfailing commitment and spirit of unity a military member has with his fellow warriors.

I am a very proud cosponsor of this measure and urge all Americans to offer their thanks to our military members who boldly defend our democratic freedoms at home and abroad.

And that's just the way it is.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MASSA) that the House suspend the rules and agree to the resolution, H. Res. 377.

The question was taken.

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

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

The yeas and nays were ordered.

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

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

Mr. WATT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1209

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 "Medal of Honor Commemorative Coin Act of 2009".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Medal of Honor, first authorized by the Congress in 1861 as the United States Navy's highest personal decoration, the Army Medal of Honor was authorized by the Congress in 1862, and the Air Force Medal of Honor was authorized by Congress in 1956.

(2) The Medal of Honor is presented by the President of the United States in the name of the Congress, to a person who, while a member of the United States Armed Forces, distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(3) The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades and must have involved risk of life.

(4) Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(5) Fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces.

(6) The Congressional Medal of Honor Society is a not-for-profit organization chartered by the 85th Congress under a legislative act signed into law by President Dwight D. Eisenhower on August 14, 1958, and membership in the Society is restricted to recipients of the Medal of Honor.

(7) Society members are joined together for the purpose of forming and maintaining friendship among all living recipients of the Medal of Honor and remembrance of posthumous and deceased recipients.; they are dedicated to the protection and preservation of the dignity, honor and name of the Medal of Honor; service to others; service to Nation; and the promotion of allegiance to the Constitution and the Government of the United States.

(8) Members of the Society act to foster patriotism and to inspire and encourage the youth of America to become worthy citizens.

(9) The Congressional Medal of Honor Foundation, a 501(c)(3) not-for-profit organization founded by the Society in 1999, is dedicated to—

(A) perpetuating the Medal of Honor's legacy through outreach and collaborative efforts;

(B) raising funds for initiatives that promote what the Medal of Honor represents, operation of the Congressional Medal of Honor Society headquarters, and the public outreach activities of the Medal of Honor Society's membership; and

(C) promoting American values and the qualities of courage, sacrifice and patriotism through increased awareness, education, scholarships, behavior and example.

(10) Through its educational and outreach programs, the Congressional Medal of Honor Foundation promotes heroism, selflessness and distinguished citizenship among American youth and brings public awareness to the actions of ordinary Americans who have made and are making a profound difference in preserving our freedoms.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the Medal of Honor in 1861, and notwithstanding any other provision of law, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 gold coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins , which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, legacy, and heritage of the Medal of Honor, and the distinguished service of its recipients in the Nation's history.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2011''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that represent the 3 Medal of Honor designs (Army, Navy, and Air Force) and specifically honor the Medal of Honor recipients of both today and yesterday, such designs to be consistent with the traditions and heritage of the United States Armed Services, the mission and goals of the Congressional Medal of Honor Society, and the mission and goals of the Congressional Medal of Honor Foundation;

(2) be selected by the Secretary, after consultation with the Boards of the Congressional Medal of Honor Society and Congressional Medal of Honor Foundation and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—For each of the 2 denomination of coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Congressional Medal of Honor Foundation to help finance the educational, scholarship and outreach programs of the Foundation.

(c) AUDITS.—The Congressional Medal of Honor Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 1209, the Medal of Honor Commemorative Coin Act of 2009. The Medal of Honor was first authorized by Congress in 1861 as the U.S. Navy's highest personal decoration, and other branches of the military followed suit with their own Medals of Honor.

The Medal of Honor is bestowed upon a member of the Armed Forces that conspicuously distinguishes him or herself at the risk of his or her own life above and beyond the call of duty while defending this country against an enemy force.

Fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces, and I commend the bill's sponsor, Representative CHRIS CARNEY of Pennsylvania, for honoring some of America's bravest soldiers and most outstanding citizens by introduction of this bill.

Madam Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 11, 2009.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR BARNEY: I am writing regarding H.R. 1209, the ''Medal of Honor Commemorative Coin Act of 2009.''

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 1209 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1209, and would ask that a copy of our exchange of letters on this matter be included in the RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 12, 2009.

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

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 1209, the ''Medal of Honor Commemorative Coin Act of 2009,'' which was introduced in the House and referred to the Committee on Financial Services on February 26, 2009. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 1209 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I rise today in strong support of H.R. 1209, the Medal of Honor Commemorative Coin Act of 2009, introduced by the gentleman from Pennsylvania (Mr. CARNEY) as well as my colleague, the gentleman from Illinois (Mr. KIRK).

This bill would authorize the minting and issuance of up to 500,000 silver $1 coins and up to 1,000 gold $5 coins at no cost to the taxpayer. These coins will help raise up to $8.5 million that can be used to help the Congressional Medal of Honor Foundation finance its educational, scholarship, and outreach programs.

Madam Speaker, the Medal of Honor was created during the Civil War to honor individual acts of extreme bravery and replaced a series of other U.S. military medals that had been awarded all the way back to General George Washington during the Revolutionary War. The medal is often known as the

Congressional Medal of Honor because it is awarded often by the President in the name of Congress. It is our Nation's highest military medal.

Madam Speaker, recounting the acts that have earned the Medal of Honor is a window into the acts of courage that strike awe in all Americans: hand-to-hand combat, climbing the walls of a fort into enemy fire, leaping onto a grenade to save the lives of comrades. Each recipient is a hero to whom we owe our freedom.

Since the first medals were awarded, more than 3,400 Medals of Honor have been awarded to a total of 3,400-and-some individuals. And those are good, correct figures. Extraordinarily, 19 people have received two Medals of Honor.

Madam Speaker, the Medal of Honor Foundation, which this legislation will help fund, seeks to educate the public on the values of courage, the values of sacrifice, patriotism, citizenship, integrity and commitment. These are values that are embodied by the medals' winners and are truly American values we can all be proud of. Passage of this bill will help fund the foundation's activities and encourage others to follow in these brave recipients' footsteps. I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. WATT. Madam Speaker, I am told that Mr. CARNEY, the original sponsor of this bill, is on his way to the floor, so I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), who is the principal Republican sponsor of this bill.

Before doing that, however, I want to note that Mr. KIRK was also a principal sponsor of a commemorative coin honoring disabled American veterans that will help fund a memorial to them that is scheduled to be built between the Rayburn and the Ford buildings. This Chamber owes him a round of appreciation for all of his hard work on those important issues.

Mr. KIRK. Madam Speaker, I thank the chairman and thank the ranking member for this opportunity to speak in praise of CHRIS CARNEY. It is no accident that CHRIS and I work on a number of pieces of legislation. The bond between us, forged in the United States Navy, is stronger than any partisan bond, and he has become a real hero to me in building these bipartisan efforts to commemorate our men and women in uniform.

We put forward H.R. 1209, the Medal of Honor Commemorative Coin Act, and it is bipartisan legislation. Under the rules of the House, it had to get over 290 cosponsors. We think it will help the Foundation raise over $5 million for their benefit.

As everyone knows, the Medal of Honor is the Nation's highest award for valor in action against an enemy force, and it symbolizes how uniformed Americans have gone above and beyond the call of duty in defense of our Nation.

Today I am wearing a Navy Commendation Medal, which in my view is about 17 ranks below what is given in the Medal of Honor. There have been 3,400 medals awarded to date, but we are focusing our effort on the 97 living recipients who are among us.

They are people like Al Lynch of Gurnee, Illinois, a man who serves on my Veterans Advisory Board and who I know and respect. Like many of us veterans, when one of the Medal of Honor recipients walks into a room wearing that very unique insignia, everyone goes silent. I will say, at least from my experience and I think from other veterans, we all know where a Medal of Honor recipient is in the room for as long as he is in the room.

Al grew up in our area, went to high school, enlisted in the Army, and in 1966 volunteered for service in Vietnam as a rifleman and a platoon radio operator. In December 1967, his company was deployed to the Bong Son area of the central highlands. And after a month of almost daily fighting with the enemy, his unit was ordered to the rear for rest and recuperation; but that rest was short-lived, because the company which relieved his unit was ambushed.

As Al's platoon mobilized the next morning, he saw three wounded men. Not thinking of himself, he dashed across 50 meters of open ground, through a hail of enemy fire, and carried them one by one to safety. When his company was forced to withdraw, it was Al who remained to aid his comrades rather than abandoning them. For 2 hours, he defended their position against an advancing enemy.

Following this heroic action, he located the counterattacking friendly company to assist the attack and to evacuate the three casualties. He successfully completed his tour in Vietnam and was sent to Fort Hood, Texas, where he was discharged from the Army in 1969. A year later, just before he was to be married, he learned that for these actions he would receive the Medal of Honor, and on May 14, 1970, President Nixon presented it to him.

We also commend men like Sammy Davis of Flat Rock, Illinois. On November 18, 1967, while serving as a cannoneer at a remote fire support base just west of Cai Lay, Vietnam, he came under heavy mortar attack. Sergeant Davis single-handedly fired his howitzer several times at the enemy. Undaunted by an enemy mortar blast which landed 20 meters from his position wounding him, he continued to fight. Disregarding his extensive injuries and his inability to swim, Sergeant Davis used an air mattress to rescue three wounded comrades trapped on the other side of the river with the Vietcong. Upon reaching the wounded men, he stood and fired into the dense vegetation to prevent the enemy from advancing.

You may slightly recognize Sergeant Davis' story because it was the model for the iconic movie ''Forrest Gump,'' which was largely based on his experience. Footage from the Medal of Honor presentation to Sergeant Davis was actually used in the movie, with Tom Hanks' head superimposed on the body of Sammy Davis.

On July 11, 1969, Captain—then First Lieutenant—Hal Fritz from Peoria, was seriously wounded when he was suddenly ambushed escorting a truck convoy in a seven-vehicle armored column near Quan Loi in Vietnam.

After realizing his platoon was completely surrounded, he ran from vehicle to vehicle in order to reposition his men, assist the wounded, and provide encouragement. When the enemy attempted to overrun the platoon, Captain Fritz manned the machine gun and inspired his comrades to break the assault. Moments later, a second enemy force advanced, and only with a pistol and a bayonet, Captain Fritz led his small group of men in a daring charge that routed the attackers.

When relief arrived, Captain Fritz stayed to manage the troops. And when he saw they were not being deployed effectively, despite his wounds, refused medical attention and organized everything until his wounded comrades were treated and evacuated.

□ 1630

Maybe the most dramatic story that we have in Illinois comes on the day of January 8, 1945. During a battle near Kaysersberg, France, Sergeant Russell Dunham of Jerseyville, Illinois, single-handedly assaulted three enemy machine guns using a white robe made of mattress cover as camouflage. Sergeant Dunham crawled 75 yards under heavy fire, and as he jumped to his feet 10 yards from the gun, a rifle bullet hit him, creating a 10-inch gash across his back and sending him spinning 15 yards down the hill into snow.

In excruciating pain, he got back up and renewed a one-man assault. After kicking aside a German egg grenade, Sergeant Dunham shot and killed the German machine gunner and assistant gunner. Sergeant Dunham then proceeded 50 yards through a storm of enemy fire to destroy the second machine gun by throwing two grenades into the emplacement. Under heavy fire from both machine guns and grenades, Dunham again advanced by crawling farther up the hill. At a range of 15 yards, he jumped to his feet and killed the crew of a timbered machine gun emplacement with hand grenades.

Despite a painful wound, Sergeant Dunham spearheaded a spectacular attack that saved many of his men, and he just passed away a month ago.

The stories of these four Illinois residents are just a few of the many extraordinary acts of heroism by soldiers, sailors, and airmen who went beyond the call of duty in the face of grave danger.

The legislation authored by Congressman CARNEY before us, H.R. 1209, is important because it will serve as a

reminder for these brave men and women—still numbering 90 strong—to promote the qualities the Medal of Honor embodies.

As the first U.S. Representative to be deployed into an imminent danger area since World War II, I know many of the sacrifices and challenges that men and women in our Armed Forces face. Almost every morning I think about the men and women I served with in Afghanistan when I left there in January.

This legislation helps us recognize the true heroes among that cadre. I think we will have some more heroes emerge from conflicts in Iraq and Afghanistan that are award winners. But today, we mark the 97 who are living, and those 3,400 who all received the Medal.

This legislation will help us raise money for the foundation, will help us advance the values that these awardees embodied, and teach us a very, very painful but important lesson about how important this country is, how valuable it is, and how much it takes to defend her.

Mr. WATT. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. CARNEY), the primary sponsor of this bill on our side.

Mr. CARNEY. I thank the gentleman.

I rise, obviously, in support of this bill. I do want to thank my good friend and shipmate, MARK KIRK, for working so hard across the aisle to get this done. It is always very heartening in this body when we can do the right thing, and this truly is the right thing to do. It's a commonsense approach that actually recognizes the members of the Armed Forces who have earned a Medal of Honor and provides a chance for the Medal of Honor Foundation to fill its coffers and continue to do the good work that it always intended to do.

The Medal of Honor was first authorized by Congress in 1861 as the United States Navy's highest personal decoration. At that time, the Army and Air Force also created Medals of Honor to award their members.

There have been a total of 3,447 recipients of the Medal of Honor. And as my good friend, Mr. KIRK, said, only 97 are living today.

I am proud to represent a district in Pennsylvania. And I will have you know that Pennsylvania is second only to New York State in Medal of Honor recipients.

It is my hope that these coins issued under this act will serve as a reminder of the importance of this medal and of the acts these brave men and women performed.

The surplus of funds raised from these coins will benefit the Congressional Medal of Honor Foundation, a not-for-profit organization chartered by the 85th Congress under legislation signed into law by Dwight Eisenhower on August 14, 1958.

The Congressional Medal of Honor Foundation is dedicated to perpetuating the Medal of Honor's legacy through outreach and collaborative efforts. It also raises funds for initiatives that promote the values that the Medal of Honor represents, which is courage, sacrifice, and patriotism.

Some of the examples of the Congressional Medal of Honor Foundation activities include working with the staff of the Smithsonian National Museum of American History to establish a dedicated Medal of Honor exhibit as part of the larger permanent exhibit called ''The Price of Freedom.'' They also established a Medal of Honor scholarship program for outstanding students enrolled in the Reserve Officer Training Corps programs for the Army, the Air Force, the Navy, and the Marines. Collaborating in the production of two Medal of Honor documentaries released in 2006; one, ''The Medal of Honor,'' produced by PBS, and two, ''The Medal,'' syndicated for television across the United States. Established an Above & Beyond Citizen Honors program to recognize ordinary Americans who have exhibited in their daily lives the same ideals that the Medal of Honor recipients displayed in combat. The President of the United States joined the Medal of Honor recipients in the laying of a wreath at the Tomb of the Unknowns this year to initiate the Above & Beyond Citizen Honor ceremonies.

Finally, the foundation distributed more than 53,000 copies of the book ''Medal of Honor: Portraits of Valor Beyond the Call of Duty'' to public and private school students in every State.

These efforts deserve our support, and so do the men and women who have been awarded the Medal of Honor.

I urge my fellow Members to support this bill to help ensure that the legacy of the men and women whose brave acts earned them the Medal of Honor will be remembered.

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

Mr. WATT. Madam Speaker, it has just been a great, great pleasure for me to listen to the stories of Mr. KIRK and Mr. CARNEY honoring the brave men and women who have received Medals of Honor. I want to thank them for introducing this bill to provide funding to the foundation that is doing, obviously, a great deal of wonderful work in our Nation to honor men and women who have served in the military and those out in the public who have not served in the military. So I commend them.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 1209.

The question was taken.

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

Mr. WATT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GOLD MEDAL FOR JAPANESE AMERICAN ARMY UNITS

Mr. WATT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 347) to grant the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 347

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to ''4C''—the status of ''enemy alien'' which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to re-open military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January, 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26–27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate locations associated with the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. WATT. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 347, a bill to award the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army.

The 100th Infantry Battalion fought valiantly in World War II in the Italian, French and German theaters. The 100th Infantry Battalion consisted of Americans of Japanese descent that bravely fought for their country at a time when all people of Japanese ancestry, whether they were citizens or noncitizens, were sent to interment camps.

Members of the 100th Infantry Battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat. And the battalion was awarded the Presidential Unit Citation for its actions in battle on June 26 and 27, 1944.

The United States remains forever indebted to the bravery, valor and patriotism of these men who fought fascism abroad and racism at home. They are true American heroes. And I am honored to support legislation awarding members of the 100th Battalion, 442nd Regimental Combat Team the Congressional Gold Medal.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I also rise today in strong support of H.R. 347, introduced by the gentleman from California (Mr. SCHIFF), and I seek its immediate passage.

This bill, cosponsored by 295 Members, would award a Congressional Gold Medal collectively to the United States Army's 100th Infantry Battalion and the 442nd Regimental Combat Team in recognition of their exemplary service during the Second World War.

In 1941, more than 5,000 Japanese Americans served in the various branches of the United States Armed Forces, but that changed dramatically after the terrible attack on Pearl Harbor on December 7, 1941. Immediately, many Japanese Americans were classified unfit for military service or as enemy aliens, even if they were second generation Japanese Americans, known as ''nisei,'' born in the United States.

In June of 1942, the 1,400 members of the Hawaii Provisional Infantry Battalion were shipped from the islands to Oakland, where they formed into the 100th Infantry Battalion and were sent to Wisconsin for training. Eight months later, based on the battalion's excellent training record, President Roosevelt and the War Department agreed to let the other nisei into the service, which led to the formation of the 442nd.

Madam Speaker, the 100th Infantry Battalion was deployed to the Italian front in late September of 1943 and, while it encountered heavy fighting, acquitted itself so well its members earned six Distinguished Service Crosses in their first 2 months of action. The 442nd arrived in the Italian theater 6 months later, and the two units joined together, fighting with distinction in Italy, France and Germany for the remainder of the war.

Together, it is important to note that they received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars with 28 Oak Leaf Clusters, 4,000 Bronze Stars with 1,200 Oak Leaf Clusters, 22 Legion of Merit Medals, 15 Soldier's Medals, 12 French Croix de Guerre with two Palms, two Italian Crosses for Military Valor, two Italian Medals for Military Valor, and more than 9,000 Purple Hearts. It is these Purple Hearts that gave the 100th Battalion the nickname ''the Purple Heart Battalion.''

Madam Speaker, in a war that was filled with heroes, a war that gave us the Greatest Generation, the 100th Infantry Battalion and the 442nd Regimental Combat Team clearly stand out. They truly lived up to their motto, ''go for broke,'' and set a standard for bravery and valor. This bill provides for the awarding of a Congressional Gold Medal in recognition of their service and their bravery. The medal will be given to the Smithsonian for display and research purposes.

Madam Speaker, this award is long past due. I want to thank the gentleman from California (Mr. SCHIFF) for taking the lead on this important legislation. I urge its immediate passage.

I reserve the balance of my time.

□ 1645

Mr. WATT. Madam Speaker, I yield as much time as he may consume to the lead sponsor of this bill, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in support of this legislation granting the Congressional Gold Medal

to the Japanese American 100th Infantry Battalion and the 442nd Regimental Combat Team, commonly known as the Go For Broke regiments, for their dedicated service to our Nation during World War II.

It is an honor and a pleasure to offer a humble contribution to this storied and inspirational group of men who answered their country's call in the face of tremendous adversity.

Today we pay tribute to these regiments who served our Nation at great risk and to those who sacrificed all for our freedom. These men served the Nation at a pivotal moment in our history, displaying their heroism and courage on two fronts, abroad in the fight against fascism and at home against the intolerance of racial injustice.

The bombing of Pearl Harbor incited doubts in many Americans about the loyalty of Japanese Americans. These men who enlisted to protect our Nation were faced with segregated training conditions, families and friends relocated to internment camps, and repeated questions about their combat ability.

To answer the call of duty requires exceptional courage and sacrifice. To respond with a vigor and persistence unaffected by those who sought to malign and impede their every achievement reveals an incredible spirit and admirable will. At a time when they could have easily turned their backs on the country that had sent their families to internment camps, these men chose instead to serve and to inspire, carrying the burden of knowing that at every step through successful missions and failures they would be judged not simply on effort or ability but also by the color of their skin. These men created a shining example of patriotism, courage and skill.

The story of the Japanese American regiments begins 6 weeks after December 7, 1941, the attack on Pearl Harbor by the Japanese Navy. Inspired by a growing hysteria and xenophobia in late January 1942, the U.S. Army discharged all Japanese Americans in the Reserve Officer Training Corps and made them ineligible for the draft. Similarly, Japanese Americans in the military on the mainland were segregated out of their units.

Following President Roosevelt's issuance of Executive Order 9066, which authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers where they would live until being moved to permanent relocation centers.

In June of 1942, 1,432 predominantly Nisei, that is second-generation Americans of Japanese ancestry, members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, California, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to Camp McCoy in Wisconsin for training.

Thanks to the excellent training record of the 100th Infantry Battalion, petitions from prominent civilian and military personnel helped convince President Roosevelt and the war department to reopen military service to Nisei volunteers.

In early 1943 the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it trained with the 442nd Regimental Combat Team. Though the combat team was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower due to lingering concerns over the loyalty and patriotism of the Nisei.

Eventually their exemplary training record convinced the naysayers, and the 100th Infantry Battalion was deployed to the Mediterranean where they entered combat in Italy on September 26, 1943.

Due to their bravery and valor, members of the battalion were honored with six awards of the Distinguished Service Cross in the first 8 weeks of combat.

The 442nd Regimental Combat Team arrived in Italy in June of 1944 where the 100th Infantry Battalion was formally integrated as a part of the 442nd Regimental Combat Team. As a unit, these regiments fought for the last 11 months of the war with selfless distinction in Italy, southern France and Germany, earning the nickname the Go For Broke regiments. These regiments went on to earn several awards for their distinctive service in combat including, as we have heard from my colleague, seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals and over 4,000 Purple Hearts, among numerous additional distinctions.

For their size and their length of service, the 100th Infantry Battalion and the 442nd Regimental Combat Team were the most decorated U.S. military units of the war. Their performance in combat revealed their ability as remarkable soldiers. But their poise, courage and patriotism showed also they were very remarkable men. They looked to support from their interned family, friends and communities. And in turn, their service and commitment inspired those supporters back home to pursue new-found aspirations of their own.

The Go For Broke regiments were not the only servicemen of Asian Pacific-Islander dissent to serve in World War II. Today we also recognize those groups who faced similarly daunting conditions at home and abroad. The Military Intelligence Service, the 522nd Field Artillery Battalion, the 1399th Combat Engineer Company, the Women's Army Corps, the Filipino Scouts and other heralded units.

The Go For Broke and other Japanese American brave men and women who have served deserve our continual rededication and appreciation. The debt we owe them is immeasurable. Without their service, our country would surely not shine so brightly, stand so boldly or live so freely.

As our Nation endures these trying times, we can look to the example of the Go For Broke regiments to provide us with courage in the future. These men left the segregated country to fight, and unfortunately they returned to one. They defended America with no guarantee that their own freedom would be defended in return. Their true heroism lies in how they fought for the values of America, equality, justice, and opportunity, even when those values were not fully extended to them.

We will continue to look towards their example to provide hope to our communities, to look past our differences and to unite around our common bonds.

Men and women are able to serve their country today without regard to ethnicity, race or nationality because of what these men endured and accomplished.

Please join me in honoring these courageous men by supporting the granting of a Congressional Gold Medal collectively to the U.S. Army's 100th Infantry Battalion and the 442nd Regimental Combat Team.

Mr. PAULSEN. Madam Speaker, at this time I have no other speakers.

I would like to reserve the balance of my time.

Mr. WATT. Madam Speaker, I yield as much time as he may consume, up to the balance of our time, to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I do want to thank my good friend, the gentleman from North Carolina, for giving me time to speak, and especially also to commend my good friend from California (Mr. SCHIFF) for his sponsorship of this important bill.

Madam Speaker, I rise today in strong support of H.R. 347, to grant the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

I want to also thank my colleagues from the State of Hawaii. I am sure they will be here later hopefully, my good friends and colleagues, Congressman ABERCROMBIE and Ms. HIRONO.

As a former member of the 100th Battalion 442nd Infantry Group, Madam Speaker, I would like to share with you the contributions of tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe during World War II.

After the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Armed Forces of Japan, there was such an outrage and public outcry

for an all-out war against Japan. Days after we were attacked, President Roosevelt and the Congress immediately formally declared war against Japan. Out of this retaliation against Japan, hundreds and thousands of Americans were caught in this crossfire. These Americans just happened to be of Japanese ancestry.

Our national government immediately implemented a policy, whereby over 100,000 Japanese Americans were forced to live in what were then called relocation camps but were actually more like prisoner concentration camps.

Their lands, their homes and their properties were confiscated by the military without any due process of law. One of our former colleagues and former Secretary of Transportation, Congressman Norm Mineta, and the late Congressman Bob Matsui from Sacramento spent the early years of their lives in these concentration camps.

Secretary Mineta shared one of the interesting features of these concentration camps, where there were many machine gun nests posted all over the camps. Everyone in the camp was told that these machine guns were necessary to protect them against rioters or others who wanted to harm them. But then Secretary Mineta observed, if these machine guns were to posted to guard us and to protect us, why is it that they are all directed, aimed inside the prison camp and not outside? It was a time in our Nation's history when there was so much hatred and bigotry and racism displayed against our Japanese American community.

Despite all this, the White House at the time reluctantly accepted the request of tens of thousands of Japanese Americans to volunteer to join the Army, thus leaving their wives, their parents, their brothers and sisters behind barbed fences at these concentration camps. As a result of such volunteerism, two combat units were organized. The 100th Battalion and the 442nd Infantry Combat Group were created and immediately were sent to Europe to fight our enemies there.

Madam Speaker, in my humble opinion, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than these Japanese American soldiers who served in these two units while fighting enemy forces in Europe and World War II. The military records of the 100th Battalion and 442nd Infantry are without equal. These Japanese American soldiers suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations, many awarded posthumously for bravery and courage in the field of battle.

For your information, these units collectively received 53 Distinguished Service Crosses, the second highest medal given for heroism in combat, 560 Silver Stars, the third highest in combat, 9,486 Purple Hearts, and 7 Presidential Unit Citations, the Nation's top award for combat units, were all awarded to these Japanese American units.

I find it unusual, however, at the time that only one Medal of Honor was awarded. Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army.

A sad commentary, Madam Speaker, when these Japanese soldiers, full of decorations, coming back wounded couldn't even get a haircut in San Francisco simply because they were Japanese Americans.

President Truman was so moved by their bravery in the field of battle as well as the sacrifices of our African American soldiers during World War II that he issued an Executive Order to finally, finally desegregate all the branches of the armed services in our Nation.

I am proud to say that we must recognize Senator DANIEL INOUYE and the late highly respected Senator Spark Matsunaga, both from Hawaii, who distinguished themselves in battle as soldiers of the 100th Battalion and 442nd Infantry.

It was while fighting in Europe that Senator INOUYE lost his arm while engaged in personal combat with two German machine gun posts. For his heroism, he was awarded a Distinguished Service Cross.

As a result of a congressional mandate that was passed in 1999 to review again the military records of these two combat units, President Clinton then presented 19 additional Congressional Medals of Honor to these Japanese American soldiers who were numbered in those two combat units. Senator INOUYE was also one of those recipients of a Medal of Honor, and I was privileged to witness this historical event at a White House ceremony.

It is only proper, Madam Speaker, that we honor these soldiers and their families for their patriotism and courage by awarding them with the Congressional Gold Medal. I find encouraging that even at times when these Japanese Americans were segregated and isolated because of their ethnicity or racial background they managed to find the greatest courage to volunteer and fight for our country. And for many other volunteers, they gave the ultimate sacrifice to fight for something they strongly and truly believed in, and thus truly, the Go For Broke spirit.

The Go For Broke slogan, Madam Speaker, was a pidgin English phrase the boys from Hawaii used meaning, ''give it all you got,'' ''don't give up,'' ''give 'em hell,'' and ''no retreat, no matter what.''

I urge my colleagues to support this important bill. Again, I thank the gentleman from California for sponsoring this important legislation.

Mr. PAULSEN. Madam Speaker, it is very fitting as we have heard from the author of the bill and from others on the floor of the body today that we award the Congressional Gold Medal in recognition of courage, skill, service and bravery to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

I would urge my colleagues to support H.R. 347.

I yield back the balance of my time.

Mr. WATT. Madam Speaker, once again, I have been privileged to be controlling the time and have the opportunity to listen to these wonderful stories that are both sad on the one hand because of the experiences that these brave people were experiencing at that time and exhilarating and deserve so much honor and respect on the other hand.

□ 1700

So I want to again thank my good friend from California (Mr. SCHIFF) for bringing the bill forward and thank the gentleman from American Samoa for his touching personalization of the story so that we can all be more edified.

With that, I urge my colleagues to support this important bill.

Ms. HIRONO. Madam Speaker, I rise in support of H.R. 347.

This legislation appropriately awards a Congressional Gold Medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team in honor of their dedicated service during World War II.

Comprised predominantly of Nisei, the American-born sons of Japanese immigrants, members of University of Hawaii's Reserve Officers' Training Corps (ROTC) aided the wounded, buried the fallen, and helped defend vulnerable areas in Hawaii after the attack at Pearl Harbor. In spite of these acts of courage, the U.S. Army discharged all Nisei in the ROTC unit, changed their draft status to ineligible, and segregated all Japanese-Americans in the military on the mainland out of their units. In the meantime, more than a 100,000 Japanese-Americans were forcibly relocated from their homes to internment camps.

Undaunted, members of the Hawaii Provisional Infantry Battalion joined the 100th Infantry Battalion in California to train as soldiers. The sheer determination and pursuit of excellence displayed by this battalion in training contributed to President Roosevelt's decision to allow Nisei volunteers to serve in the U.S. military again, leading to their incorporation into the 442nd.

Members of the 100th and the 442nd risked their lives to fight for our country and allies in Europe. The 442nd "Go for Broke" unit became the most decorated in U.S. military history for its size and length of service, with its component, the 100th Infantry Battalion, earning the nickname "The Purple Heart Battalion". The 100th and the 442nd received seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and more than 4,000 Purple Hearts, among numerous additional distinctions.

I urge my colleagues to support this measure.

Mr. HONDA. Madam Speaker, I rise today to express my strong support for H.R 347,

which grants the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

More than 20,000 Nisei soldiers enlisted in the U.S. Army during World War II, collectively earning 21 Medals of Honor, 52 Distinguished Service Crosses, 559 Silver Stars, 4,000 Bronze Stars, nine Presidential Unit Citations, and 9,486 Purple Hearts.

The 100th Battalion played a pivotal role in our nation's military history. The unit was the first all-Japanese American Nisei military unit, and was formed from the Japanese—Americans who comprised a large part of the Hawaiian National Guard. These Nisei were sent to Camp McCoy, Wisconsin for combat training and later were moved to Camp Shelby, Mississippi for additional training.

Approximately 14,000 individuals served in the 442nd Regimental Combat Team, including the 100th Infantry Battalion, which became the most decorated unit for its size and length of service in American military history. The 442nd saw the highest percentage of casualties of any unit in the Army, earning it the nickname "Purple Heart Battalion." The 442nd is an example which highlights the stellar performance of these Nisei soldiers.

These men fought for the U.S. and its allies across Europe in many key battles. The 442nd fought eight major campaigns in France, Germany, and Italy. Most notably, the 442nd suffered more than 800 casualties to free 211 members of a Texas unit who were trapped by the Germans in the rescue of the Lost Battalion. Additionally, the Japanese American soldiers liberated towns such as Brueyeres, Biffontaine, and Belvedere. They also were among the first Allied troops to liberate the Dachau concentration camp in Germany.

Though many of their families were unjustly incarcerated in internment camps after the attack on Pearl Harbor, Japanese Americans still fought to prove their loyalty to the United States of America and helped pave the way for full racial integration of the Armed Forces. They adopted the phrase "Remember Pearl Harbor" as their motto.

This bill will bring long overdue recognition to the unique sacrifice these soldiers made overcoming racial hatred at home, serving honorably overseas, and helping change the course of history with their bravery. The 442nd Regimental Combat Team and the 100th Battalion have earned the Congressional Gold Medal.

I am a proud original cosponsor of H.R. 347 and I commend my colleague, Representative ADAM SCHIFF, for his work in bringing this legislation to the floor today. I urge my colleagues to support the 442nd Regimental Combat Team and the 100th Infantry Battalion, and honor the service of our nation's Nisei veterans.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and agree to the resolution, H. Res. 347.

The question was taken.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 432, by the yeas and nays;

H. Res. 204, de novo.

The votes on H. Res. 377, H.R. 1209, and H.R. 347 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR PASSAGE OF H.R. 2101, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 432, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 432.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 5, as follows:

[Roll No. 252]

YEAS—428

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

Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Bachmann
Murtha
Sánchez, Linda T.
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1729

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.

The SPEAKER pro tempore. Pursuant to House Resolution 432, H.R. 2101, as amended by the amendment in the nature of a substitute printed in the bill, is considered as passed; S. 454, as amended by the text of H.R. 2101 as passed by the House, is considered as passed; and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

The text of the Senate bill, S. 454, is as follows:

S. 454

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 ''Weapon Systems Acquisition Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.
Sec. 102. Director of Developmental Test and Evaluation.
Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 104. Director of Independent Cost Assessment.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.
Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.
Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.
Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.
Sec. 204. Critical cost growth in major defense acquisition programs.
Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.
Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 207. Earned Value Management.
Sec. 208. Expansion of national security objectives of the national technology and industrial base.
Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

''§ 139c. Director of Developmental Test and Evaluation

''(a) There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

''(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

''(B) The guidance under this paragraph shall ensure, at a minimum, that—

''(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

''(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

''(c) The Director of Developmental Test and Evaluation shall—

''(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

''(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

''(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(4) supervise the activities of the Director of the Department of Defense Test Resource

Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

''(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

''(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

''(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the of the Department of Defense. Each report shall include, at a minimum, the following:

''(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

''(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

''(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Developmental Test and Evaluation.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and all that follows and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.''.

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

''(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;''.

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

''§ 139d. Director of Independent Cost Assessment

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

''(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

''(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any certification under section 2433(e)(2) of this title; and

''(iii) any report under section 2445c(f) of this title; and

''(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses. The report shall include an assessment of—

''(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

''(B) the overall quality of cost estimates prepared by each of the military departments.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(3) The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Independent Cost Assessment.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Independent Cost Assessment, Defense of Defense.''.

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting ''the Director of Independent Cost Assessment,'' before ''and the Director''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(3) Section 2366a(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2366b(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(7) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in 2379(d) of title 10, United States Code.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

''(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

''(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

''(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

''(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to

which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.''.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) ELEMENTS.—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting ''appropriate trade-offs between cost, schedule, and performance have been made to ensure that'' before ''the program is affordable''.

SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) PRELIMINARY DESIGN REVIEW.—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

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

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) CRITICAL DESIGN REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) COMPETITIVE PROTOTYPING.—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rational for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

''(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

''(C) if the program is not terminated—

''(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

''(I) such acquisition program is essential to national security;

''(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

''(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

''(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

''(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

''(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

''(D) if the program is terminated, submit to Congress a written report setting forth—

''(i) an explanation of the reasons for terminating the program;

''(ii) the alternatives considered to address any problems in the program; and

''(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and''.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective ''make-buy'' decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors ''make-buy'' decisions in past performance evaluations.

(c) ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.—

(1) ESTABLISHMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the ''Organizational Conflict of Interest Review Board''.

(2) DUTIES.—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. EARNED VALUE MANAGEMENT.

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

The text of S. 454, as amended by the text of H.R. 2101 as passed by the House, is as follows:

H.R. 2101

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Independent performance of acquisition oversight functions.
Sec. 102. Oversight of cost estimation.
Sec. 103. Oversight of systems engineering.
Sec. 104. Oversight of performance assessment.
Sec. 105. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 106. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Acquisition strategies ensuring competition throughout the lifecycle of major defense acquisition programs.
Sec. 202. Additional requirements for certain major defense acquisition programs.
Sec. 203. Requirement for certification of major systems prior to Milestone B.
Sec. 204. Critical cost growth in major defense acquisition programs.
Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.
Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 207. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. INDEPENDENT PERFORMANCE OF ACQUISITION OVERSIGHT FUNCTIONS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 145. Principal advisors for acquisition oversight functions

''(a) ASSIGNMENT OF ACQUISITION OVERSIGHT FUNCTIONS.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense as the principal advisor to the Secretary for each acquisition oversight function specified in subsection (c). An official may be designated to perform one or more of such functions. The performance of duties pursuant to a designation under this section shall not limit or otherwise affect the performance of any other duties assigned to such official by the Secretary or by other officers of the Department responsible for the management and direction of such official except as necessary to satisfy the requirements of subsection (b).

''(b) QUALIFICATIONS.—In designating an official for a function pursuant to subsection (a), the Secretary shall ensure that the official reports directly to the Secretary in the performance of such function and is—

''(1) highly expert in matters relating to the function;

''(2) assigned the appropriate staff and resources necessary to carry out the function;

''(3) independent from those engaged in the execution of acquisition programs;

''(4) free of any undue political influence; and

''(5) free of any personal conflict of interest.

''(c) ACQUISITION OVERSIGHT FUNCTIONS.—(1) The acquisition oversight functions to be performed by officials designated pursuant to subsection (a) are as follows:

''(A) Cost estimation.

''(B) Systems engineering.

''(C) Performance assessment.

''(D) Such other acquisition functions as the Secretary considers appropriate.

''(2) Each acquisition oversight function specified in paragraph (1) shall cover all phases of an acquisition program, including setting of requirements, formulation and execution of budgets, and program execution.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''145. Principal advisors for acquisition oversight functions.''.

SEC. 102. OVERSIGHT OF COST ESTIMATION.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2334. Acquisition oversight: oversight of cost estimation

''(a) ISSUANCE OF POLICIES, PROCEDURES, GUIDANCE, AND COST ESTIMATES.—The official assigned oversight of cost estimation pursuant to section 145 of this title shall issue the following:

''(1) Policies and procedures governing the conduct of cost estimation and cost analysis generally for the acquisition programs of the Department of Defense.

''(2) Guidance relating to cost estimates and cost analyses conducted in connection with major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

''(3) Guidance relating to the proper selection of confidence levels for cost estimates generally, and specifically, for the proper selection of confidence levels for cost estimates for major defense acquisition programs under chapter 144 of this title or major automated information system program under chapter 144A of this title.

''(4) Guidance relating to full consideration of life-cycle management and sustainability costs of major defense acquisition programs under chapter 144 of this title or major automated information system programs under chapter 144A of this title.

''(5) Independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of title 10, United States Code;

''(ii) any decision to enter into low-rate initial production or full-rate production;

''(iii) any certification under section 2433(e)(2) of this title; and

''(iv) any report under section 2445c(f) of this title; and

''(B) at any other time considered necessary by such official or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) REVIEW OF COST ESTIMATES, COST ANALYSES, COST INDEXES, AND RECORDS OF THE MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title—

''(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments, and all studies conducted by the military departments in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information systems of the military departments, and is authorized to comment on such estimates, analyses, and studies; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

''(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Secretary of Defense shall ensure that the official designated for oversight of cost estimation pursuant to section 145 of this title is involved in all discussions relating to cost estimation and the estimation of resource levels required for major defense acquisition programs and major automated information systems of the Department of Defense generally at all stages of such programs and may—

''(1) participate in the formulation of study guidance for analyses of alternatives for major defense acquisition programs;

''(2) participate in discussion of resources associated with requirements;

''(3) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate of a military department for a major defense acquisition program or major automated information system of the Department of Defense;

''(4) approve or disapprove, at such official's sole discretion, the confidence level used in establishing a baseline description or budget estimate for a major defense acquisition program or major automated information system of the Department of Defense at any of the events specified in paragraph (5) of subsection (a) of this section;

''(5) concur in the choice of a baseline description or budget estimate for use at any of the events specified in paragraph (5) of subsection (a) of this section; and

''(6) participate in consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title, in approving a confidence level for use in a major defense acquisition program pursuant to subsection (c)(4), shall—

''(1) disclose the confidence level used in establishing a baseline estimate for the major defense acquisition program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

''(2) include the disclosure required by paragraph (1) in any decision documentation approving a baseline estimate for the major defense acquisition program, in the next Selected Acquisition Report pursuant to section 2432 of this title for the major defense acquisition program, and in the next annual report submitted under subsection (f).

''(e) RELATIONSHIP TO COST ANALYSIS IMPROVEMENT GROUP.—The official designated to perform oversight of cost estimation pursuant to section 145 of this title shall be assigned responsibility for the management and oversight of the Cost Analysis Improvement Group of the Department of Defense.

''(f) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of cost estimation pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in an unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2334. Acquisition oversight: oversight of cost estimation.''.

SEC. 103. OVERSIGHT OF SYSTEMS ENGINEERING.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 102, is further amended by adding at the end the following new section:

"§ 2334a. Acquisition oversight: oversight of systems engineering

''(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

''(1) issue policies, procedures, and guidance for all elements of the Department of Defense concerning—

''(A) the use of systems engineering principles and best practices, generally;

''(B) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

''(C) the development of systems engineering master plans for major defense acquisition programs, including systems engineering considerations in support of life-cycle management and sustainability;

''(D) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

''(E) the appropriate use of development planning to reduce the time from system development to deployment, to reduce development risk and cost growth, and to provide future benchmarks against which to trade requirements, cost, and schedule;

''(F) developmental test and evaluation generally;

''(G) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

''(H) in coordination with the Director of Operational Test and Evaluation, the development of test and evaluation master plans for major defense acquisition programs; and

''(I) the use of developmental test and evaluation as part of a coordinated systems engineering approach to system development; and

''(2) provide advocacy, oversight, and direction to elements of the acquisition workforce responsible for functions relating to systems engineering, developmental test and evaluation, and life-cycle management and sustainability.

''(b) PARTICIPATION IN REQUIREMENTS DISCUSSIONS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of title 10, United States Code, including specific input relating to each capabilities development document.

''(c) ACCESS TO RECORDS OF THE MILITARY DEPARTMENTS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the official considers necessary to review in order to carry out any duties under this section.

''(d) ASSESSMENT OF MILITARY DEPARTMENT CAPABILITIES FOR SYSTEMS ENGINEERING AND DEVELOPMENTAL TEST AND EVALUATION.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall—

''(1) periodically assess the capabilities of the military departments for systems engineering (including development planning) and developmental test and evaluation;

''(2) provide such assessment, along with such recommendations for improvement as the official considers necessary, to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

''(3) include such assessment and recommendations in the annual report required by subsection (g).

''(e) REVIEW AND APPROVAL OF PLANS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall review and approve the following plans with respect to any major defense acquisition program:

''(1) The systems engineering master plan.

''(2) The developmental test and evaluation plan within the test and evaluation master plan.

''(f) REPORTING THROUGH UNDER SECRETARY.—The official designated to perform oversight of systems engineering pursuant to section 145 of this title shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(g) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of systems engineering pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 102, is further amended by adding at the end the following new item:

''2334a. Acquisition oversight: oversight of systems engineering.''.

SEC. 104. OVERSIGHT OF PERFORMANCE ASSESSMENT.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 103, is further amended by adding at the end the following new section:

''§ 2334b. Acquisition oversight: oversight of performance assessment

''(a) ISSUANCE OF POLICIES, PROCEDURES, AND GUIDANCE FOR PERFORMANCE ASSESSMENTS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the issuance of policies, procedures, and guidance governing the conduct of performance assessments for the acquisition programs of the Department of Defense, including assessment of the extent to which acquisition programs—

''(1) deliver sufficient capability to the warfighter;

''(2) achieve timely delivery of such capability; and

''(3) deliver a level of value consistent with resources expended.

''(b) ASSESSMENT OF BASELINE QUALITY.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall periodically assess the suitability of the baseline descriptions required by section 2435 of title 10, United States Code, of major defense acquisition programs for providing a basis for performance assessment and make such recommendations to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics as the official considers necessary to improve the suitability of baseline descriptions for such purpose.

''(c) EARNED VALUE MANAGEMENT SYSTEM.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title shall be responsible for the management and oversight of the records of the earned value management system of the Department of Defense.

''(d) PARTICIPATION IN CERTAIN PROGRAM REVIEWS.—The official designated to perform oversight of performance assessment pursuant to section 145 of this title is authorized to present an assessment of the performance of a major defense acquisition program during—

''(1) any discussions prior to certification under section 2433(e)(2) of this title;

''(2) any discussions prior to entry into full-rate production; and

''(3) consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

''(e) ANNUAL REPORT.—Not later than March 1 of each year, beginning on March 1, 2010, the official designated to perform oversight of performance assessment pursuant to section 145 of this title shall submit to the congressional defense committees a report on the activities undertaken pursuant to this section during the preceding year. The report shall be in unclassified form but may include a classified annex.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 103, is further amended by adding at the end the following new item:

''2334b. Acquisition oversight: oversight of performance assessment.''.

SEC. 105. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by January 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

SEC. 106. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Under Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e). Such input may include, but is not limited to, an assessment of the following:

''(A) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

''(B) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(C) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of a commander of a combatant command.

''(D) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of (1) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands, and (2) subsection (b) of section 181 of title 10, United States Code (as amended by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 287)). The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

TITLE II—ACQUISITION POLICY

SEC. 201. ACQUISITION STRATEGIES ENSURING COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGY ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—In carrying out this section, the Secretary of Defense shall ensure that, with respect to maintenance of a major defense acquisition program, consideration is given to capabilities within the Department of Defense to perform maintenance functions.

SEC. 202. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''The milestone decision authority may''; and

(B) by striking the second sentence and inserting the following:

''(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

''(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

''(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

''(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all certification components pursuant to subsection (d)(2)(B).'';

(3) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission or that no preliminary design review is necessary for such program to demonstrate a high likelihood of accomplishing its intended mission; and''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.—

(1) DETERMINATION.—(A) Except as provided in subparagraph (B), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received a Milestone C approval, or Key Decision Point C approval in the case of a space program, the Milestone Decision Authority shall determine whether or not the program satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code.

(B) Subparagraph (A) shall not apply to a major defense acquisition program that has been reviewed pursuant to section 2366b of title 10, United States Code, prior to the date that is 270 days after the date of the enactment of this Act, or a major defense acquisition program that has not yet received Milestone B approval.

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy the certification components of subsection (a) of section 2366b of title 10, United States Code, not less often than annually thereafter to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) of such section until such time as the Milestone Decision Authority determines that the program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code, shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all certification components pursuant to paragraph (2).

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 145 of title 10, United States Code, as added by this Act, shall annually review each major defense acquisition program that has been considered pursuant to paragraph (2) of section 2433(e) of title 10, United States Code, and which has been certified as necessary to continue pursuant to such paragraph, to assess the success of the program in achieving adequate program performance after the completion of such consideration. The results of reviews performed pursuant to this subsection shall be included in the next annual report of such official.

SEC. 203. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO MILESTONE B.

(a) CERTIFICATION.—Except as provided in subsection (b), beginning not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that has not received Milestone B approval, or Key Decision Point B approval in the case of a space program, the Milestone Decision Authority shall certify, after consultation with the Joint Requirements Oversight Council on matters relating to program requirements and military needs—

(1) that the program fulfills an approved initial capabilities document;

(2) that the program is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 118b of title 10, United States Code;

(3) if the program duplicates a capability already provided by an existing program, the duplication provided by such program is necessary and appropriate;

(4) that a cost estimate for such program has been submitted to the Milestone Decision Authority and that the concurrence of the official designated to perform oversight of cost estimation pursuant to section 145 of title 10, United States Code, has been obtained regarding the choice of a cost estimate; and

(5) that a schedule identifying the time and major activities required to reach Milestone B approval, or Key Decision Point B approval in the case of a space program, has been submitted to the Milestone Decision Authority.

(b) EXCEPTION.—Subsection (a) shall not apply to a major defense acquisition program that has received a certification as required by section 2366a, title 10, United States Code.

(c) REPORTS.—

(1) RELATING TO COST GROWTH OR SCHEDULE DELAY OF PROGRAMS CERTIFIED UNDER SUBSECTION (A).—With respect to a major defense acquisition program certified by the Milestone Decision Authority under subsection (a), the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if, prior to Milestone B approval—

(A) the projected cost of the program exceeds the cost estimate for the program submitted to the Milestone Decision Authority in accordance with subsection (a)(4) by more than 25 percent; or

(B) the schedule submitted to the Milestone Decision Authority in accordance with subsection (a)(5) is delayed by more than 25 percent.

(2) RELATING TO COST GROWTH OF PROGRAMS CERTIFIED UNDER SECTION 2366A.—With respect to a major defense acquisition program certified by the Milestone Decision Authority under section 2366a of title 10, United States Code, the Milestone Decision Authority shall submit to the congressional defense committees a report in accordance with this subsection if the program manager submits a notification to the Milestone Decision Authority pursuant to section 2366a(b).

(3) MATTERS COVERED.—Any report submitted pursuant to paragraph (1) or (2) shall—

(A) identify the root causes of the cost or schedule growth;

(B) identify appropriate acquisition performance measures for the remainder of the program; and

(C) include one of the following:

(i) A written certification (with a supporting explanation) stating that—

(I) such program is essential to national security;

(II) there are no alternatives to such program that will provide acceptable military capability at less cost;

(III) new estimates of the cost or schedule, as appropriate, are reasonable; and

(IV) the management structure for the program is adequate to manage and control program cost and schedule.

(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval (or Key Decision Point A approval in the case of a space program) if the Milestone Decision Authority determines that such action is in the interest of national defense.

(4) TIME OF SUBMISSION.—A report required by this subsection shall be submitted—

(A) in the case of a report required by paragraph (1), not later than 30 days after the Milestone Decision Authority determines the cost growth or schedule delay described in that paragraph; and

(B) in the case of a report required by paragraph (2), not later than 30 days after the Milestone Decision Authority receives the notification from the program manager described in that paragraph.

(d) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' means the following:

(A) A major defense acquisition program as that term is defined in section 2430 of title 10, United States Code.

(B) An acquisition program of the Department of Defense that the Secretary of Defense expects to become a major defense acquisition program (as defined in such section 2430) upon Milestone B approval, on the basis of the cost estimate submitted in accordance with subsection (a)(4) of this section or subsection (a)(4) of section 2366a of title 10, United States Code.

(2) INITIAL CAPABILITIES DOCUMENT.—The term ''initial capabilities document'' has the meaning provided by section 2366a (c)(2) of such title.

(3) ENTITY.—The term ''entity'' has the meaning provided by section 2366a(c)(4) of such title.

(4) MILESTONE B APPROVAL.—The term ''Milestone B approval'' has the meaning provided by section 2366(e)(7) of such title.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Paragraph (2) of section 2433(e) of title 10, United States Code, is amended to read as follows:

''(2)(A) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—

''(i) determine the root cause or causes of the critical cost growth including the role, if any, of—

''(I) changes or growth in requirements;

''(II) unrealistic baseline estimates;

''(III) any design, engineering, manufacturing, or technology integration issues;

''(IV) changes in procurement quantities;

''(V) inadequate program funding or funding instability;

''(VI) poor performance by government or contractor personnel responsible for program management; or

''(VII) other causes as identified by the Secretary;

''(ii) subject to subparagraph (B), determine whether to terminate such program or to restructure such program after assessing—

''(I) the root causes of cost growth identified pursuant to subparagraph (A);

''(II) the validity and urgency of the joint military requirement;

''(III) the viability of the acquisition strategy;

''(IV) the quality of program management;

''(V) a broad range of potential material and non-material alternatives to such program; and

''(VI) the need to reduce funding for other programs due to the cost growth on such program;

''(iii) submit the determination made under clause (ii) to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title; and

''(iv) if a report under paragraph (1) has been previously submitted to Congress with respect to such program or subprogram for the current fiscal year but was based upon a different unit cost report from the program manager to the service acquisition executive designated by the Secretary concerned, submit a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.

''(B) A program may be restructured pursuant to a determination under subparagraph (A)(ii) only if—

''(i) a written certification (with a supporting explanation) is submitted along with the determination stating that—

''(I) such program is essential to national security;

''(II) there are no alternatives to such program which will provide acceptable military capability at less cost;

''(III) new estimates of the program acquisition unit cost or procurement unit cost are reasonable;

''(IV) the program is a higher priority than programs whose funding must be reduced to accommodate cost growth on such program; and

''(V) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

''(ii) the most recent milestone decision is revisited and results in the approval of such restructured program.''.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.

(c) REQUIREMENT TO INCLUDE COST GROWTH FUNDING CHANGES IN REPORT.—When a program is restructured under paragraph (2) of section 2433(e) of title 10, United States Code, the next Selected Acquisition Report for such program submitted pursuant to section 2432 of such title occurring after the submission of the budget for the fiscal year following the fiscal year in which the program was restructured shall contain a description of all funding changes included in the budget for that fiscal year as a result of the cost growth on such program, including reductions made in the budgets of other programs to accommodate such cost growth.

(d) CONFORMING AMENDMENTS.—Section 2433(e)(3) of such title is amended—

(1) in subparagraph (A), by striking ''or (2)(B)'' and inserting ''or (2)(A)(iii)''; and

(2) in subparagraph (B)—

(A) by striking ''or (2)(B)'' and inserting ''or (2)(A)(iii)''; and

(B) by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)(B)''.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) REQUIREMENT FOR PANEL TO PRESENT RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in the acquisition of major weapons systems.

(b) REVISED REGULATIONS REQUIRED.—Not later than 180 days after receiving recommendations pursuant to subsection (a), the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(c) POTENTIAL ORGANIZATIONAL CONFLICTS OF INTEREST.—The organizational conflicts of interest considered during the preparation of the recommendations required pursuant to subsection (a) shall include conflicts that could arise as a result of any of the following:

(1) Lead system integrator contracts on major defense acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production.

(2) The ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs.

(3) The award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture.

(4) The performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs.

(d) EXTENSION OF PANEL ON CONTRACTING INTEGRITY.—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321) is amended to read as follows:

''(e) TERMINATION.—(1) Subject to the restriction in paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been fully mitigated.

''(2) The panel shall continue to serve at least until December 31, 2011.''.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) REVIEW OF MECHANISMS FOR CONSIDERING TRADE-OFFS.—The Comptroller General shall review the use by the Department of Defense of certain mechanisms for considering trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.

(b) MECHANISMS INCLUDED.—The mechanisms reviewed pursuant to subsection (a) shall include—

(1) the Tri-Chair Committee, as defined in section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 225);

(2) Configuration Steering Boards as established pursuant to section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4528);

(3) any mechanism that is used or that may potentially be used by the Office of the Under Secretary of Defense (Comptroller) for considering trade-offs among cost, schedule, and performance in the acquisition of major weapon systems; and

(4) any other mechanisms identified as allowing for the consideration of trade-offs in the report on investment strategies for major defense acquisition programs required by section 817 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(c) ASSESSMENT OF MECHANISMS.—The review shall describe and evaluate the effectiveness of the mechanisms identified in subsection (b).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review and assessment performed pursuant to this section. The report shall include such recommendations as the Comptroller General considers appropriate on the matters reviewed, including recommendations to improve the effectiveness of the mechanisms included in the report.

The SPEAKER pro tempore. Without objection, H.R. 2101 is laid on the table.

There was no objection.

CONGRATULATING AMERICAN DENTAL ASSOCIATION ON ITS 150TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 204.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

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

RECORDED VOTE

Mr. ANDREWS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 9, as follows:

[Roll No. 253]

AYES—424

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

NOT VOTING—9

Diaz-Balart, L.
Diaz-Balart, M.
Edwards (TX)
Israel
Murtha
Sánchez, Linda T.
Slaughter
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1740

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.

APPOINTMENT OF CONFEREES ON S. 454, WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT OF 2009

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, COOPER, ELLSWORTH, SESTAK, MCHUGH, BARTLETT, MCKEON, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina,

CONAWAY, HUNTER, and COFFMAN of Colorado.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON S. 454

Mr. SKELTON. Madam Speaker, pursuant to clause 12 of House rule XXII, I move that meetings of the conference between the House and the Senate on S. 454 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 11, not voting 13, as follows:

[Roll No. 254]

YEAS—409

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

NAYS—11

Blumenauer
Ellison
Filner
Honda
Johnson (IL)
Kucinich
Lee (CA)
McDermott
Speier
Waters
Woolsey

NOT VOTING—13

Diaz-Balart, L.
Diaz-Balart, M.
Edwards (TX)
Farr
Israel
Miller, George
Murtha
Olver
Sánchez, Linda T.
Stark
Tanner
Velázquez
Waxman

□ 1758

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–107) on the resolution (H. Res. 434) providing for consideration of the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1800

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

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

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

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4412, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. LUJÁN, New Mexico

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 of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING BRADY PLAN'S 20TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Speaker, I rise today to recognize the 20th anniversary of the Brady Plan and in honor of former Treasury Secretary Nicholas Brady. The Brady Plan launched a new era of growth, development, and capital market access for emerging market economies.

While Brady Bonds themselves have been largely superseded by newer instruments, the Brady Plan encouraged

many emerging market countries to adopt and pursue ambitious economic reform programs which have been instrumental in the progress achieved during the last 20 years.

On April 25, I attended a commemorative dinner in honor of Nicholas Brady and his many accomplishments. As Secretary of the Treasury under President George H.W. Bush, Mr. BRADY was instrumental in resolving Latin American debt problems.

I was honored to hear Mr. Brady speak on the current economic crisis and credit crunch, as well as present his proposal for reform. As he stated, we must have boldness, clarity, and determination today, just as they did in 1989 in order to build prosperity out of this crisis.

International economic experts who attended the dinner praised Mr. BRADY's work, while also noting how important trust, integrity, and personal relationships are in formulating global policy. The same is true today.

Our actions today to solve the economic crisis cannot and should not be done in haste. The politically charged environment of Congress makes the creation of effective long-term policy extremely difficult. Consequently, Mr. BRADY's remarks supported the creation of an independent commission, to find the root cause of our economic situation and to propose reforms to our financial system.

I support such a bipartisan commission. As Mr. BRADY stated, ''It is vital not just that far-reaching, complex reform of the financial system be pursued prudently but in a bipartisan manner in order to gain national support. After all, the purpose is to revive public confidence in the system itself.''

I was disappointed to see the Financial Markets Commission in S. 386, the Fraud Enforcement and Recovery Act, pass the House with a makeup of six Democrats and four Republicans. That is why last week I opposed this commission while at the same time agreeing to cosponsor H.R. 2111, the Congressional Commission on Financial Accountability and Preparedness Act of 2009. H.R. 2111's commission will have two members appointed from each side of the aisle and a mutually agreed upon fifth member to chair. This is true bipartisanship and is what is needed to find the real root causes and solutions to our financial crisis.

I hope that submitting Mr. Brady's speech for the RECORD will spark a debate in Congress over the necessity for a bipartisan commission and how we, as a Nation, will move forward.

APRIL 25, 2009.

20TH ANNIVERSARY OF THE BRADY PLAN

(By Nicholas F. Brady)

WASHINGTON, DC.—Good evening. I'd like to thank Charles Dallara and the IIF for organizing this gathering of old and new friends to celebrate the 20th anniversary of the Brady Plan. Although I've been given the honor of speaking, I'd like to note that a great many of you here tonight share the credit for making the Brady Plan a success. And I want to thank you all of you who have spoken so generously.

Let's start with why the Brady Plan was called the Brady Plan. We had been negotiating with Mexico since March 1989 under the rubric of what we called ''the new debt strategy.'' In July, while we were in Paris for the Group of Seven Summit, we had a major breakthrough with Mexico. When President Bush, No. 41, held the traditional end-of-summit press conference before 1,000 reporters, one journalist asked the president if he was going to call the new strategy the Bush Plan. He didn't miss a beat before answering, ''No, we're going to call it the Brady Plan. Then if it works, we'll call it the Bush Plan.'' The audience erupted into laughter, and the president, with his marvelous sense of humor, repeated the line so many times in the following days that the name stuck.

There are uncanny parallels between the situation we find ourselves in today and the one the Bush administration confronted a generation ago. We faced a three-pronged crisis, including the credit markets, the real-estate market, and the budget just as the Obama administration does now. So it may be useful to recall the issues and challenges of the late '80s and early '90s as we try to resolve current problems and move into the future.

First of all there was a serious LDC debt crisis. It's easy to forget that in 1988 our banking system was in dire straits because the commercial banks held billions of dollars of loans in countries whose economic prospects had ground to a halt. Three weeks into my job as Treasury secretary, the late Gustavo Petricioli, then Mexico's ambassador to the United States, called for an urgent meeting at the Treasury department to tell me that Mexico was threatening to default on its international bank loans. Talk about reality. It didn't take much imagination to grasp that if Mexico took that route then a string of Latin American economies likely would follow and that a volatile region would move from chaos to danger.

Clearly a new approach was needed. For several years before I got to the Treasury, people had come in with various papers and solutions, all aimed at alleviating the debt overhang, but none really accomplished that. In a huge stroke of good fortune, I inherited two brilliant people at Treasury—David Mulford and Charles Dallara—and the first thing we did was to write a paper that came to be known as the ''Truth Serum Paper.'' We worked days, nights, and weekends to establish a detailed description of the problems we faced, of what the fundamental realities were. No troublesome obstacle was passed over. Among the indisputable points we laid out were that new money commitments had dried up in the past 12 months and that many banks were negotiating private sales of LDC paper at steep discounts while maintaining their claim on the countries that the loans were still worth 100 cents on the dollar. There were more, and they were equally sobering.

We used these irrefutable facts as a starting point in all subsequent meetings. Our rule was that no suggestions were permitted to be discussed if they didn't accept the Truth Serum. They were off the table. Goodbye. Don't waste time.

I felt that the solution to too much debt was not more debt but less. From there, you know the rest: we persuaded the international commercial banks—at first with great difficulty—to write down the stated value of the loans on their books to something close to market value in exchange for that lesser amount of host-country bonds backed by U.S. zero-coupon Treasuries. The Brady Plan was achieved at a negligible cost to the U.S. government. Yet it led to the restructuring, for example, of more than $100 billion of foreign bank debt for Mexico, Brazil, and Argentina alone. The plan broke the debt gridlock and opened the door for economic growth and social development in Latin America after the lost decade of the 1980s. And it created a new asset class: publicly traded sovereign debt—Brady Bonds—that grew to exceed half a trillion dollars. The process bought time, and the bonds helped to provide funds to developing nations in exchange for long-lasting reforms by the participating countries.

A second initiative the Bush 41 administration had to undertake was to reconstitute the savings and loan industry and the real-estate market it financed—a problem not of President Bush's making. We created the Resolution Trust Corporation to take over some 750 insolvent savings banks, which reintroduced vibrancy into the real-estate market. In order to do this, we had no choice but to seek funding from Congress and undergo the intense political criticism that came with it. So we took the heat and moved on to solve the problem. Leadership can be painful. The final tab for cleaning up the S&L mess was $165 billion, including what was spent before we arrived. While this is not trivial, it didn't come close to estimates by businesses, politicians, and the media, which estimated that it would cost us $500 billion. I've been asked a number of times what reversed that era's negative thinking—and when. My firm conclusion is that it subsided in direct proportion to the weekly successful results recorded by the RTC to close the bankrupt S&Ls, gather up the real estate they held, and sell it promptly into the market.

Third, in a major contrast to today, we set about to reign in escalating spending by the U.S. government, which was, for that day and age, clearly out of control. The Budget Act of 1990 established binding caps on the amount that Congress could spend on discretionary items. It was easy to see—and it was easy for me to recommend—that that's what the country needed. But President Bush, who had uttered the famous words, ''No new taxes,'' in his 1988 election campaign, said to me more than once, ''The trouble with you, Brady, is that you never ran for sheriff.'' The record should be clear that George Bush fully grasped the political ramifications of designing this legislation, but he decided it was the right thing to do for the country. And while the Budget Act probably contributed to his reelection defeat in 1992, it was an essential building block for the decade of economic growth that followed.

People constantly tell me that the problems we're dealing with today are much more complex than those we faced 20 years ago. Maybe. Maybe not. The issues didn't feel simple to us back then, just as I'm sure they don't feel simple to Secretary Tim Geithner and his associates at the Treasury now.

I won't spend a lot of time tonight trying to assign blame for the current crisis; I've been gone from Wall Street too long. In broad strokes I would say that when I came to Wall Street in 1954, it was a profession, one that financed the building of this country's industrial capacity and infrastructure. Year by year, however, the industry's emphasis has moved away from that purpose and toward financial innovation for financial profit's sake. Of course, many banks have served their clients well and their hard work has been a positive factor. Nevertheless, the U.S. Department of Commerce figures show that from 1980 to 1982, the financial sector accounted for an average of 9.1 percent of U.S. total corporate profits. By 2005 to 2007 that three-year average had more than tripled, to 28.6 percent.

The particulars of today's collapse in judgment and common sense have been laid out

in chapter and verse, so just I'll say briefly, first, that the whole notion that risk can be measured by a mathematical formula is based on the illusion of reality. Second, the desire for the improved returns generated by high leverage led the purveyors of this risk to push it beyond any reasonable boundaries.

But while assigning villainy to CEOs of banks and other institutions may be high theater, playing to our country's justifiable anger is counterproductive. There are many good people in the industry, people who inevitably will—and should—be called on to work through the malfunctions in the system. The political process should concentrate now on how to fix the financial system and let the country's legal arm ferret out and deal with the wrong doers.

A core issue today is that the government has yet to adequately describe the roots of the financial crisis to its citizens and therefore to fully pinpoint its size. It's been my experience that you can't fix what you can't explain. This leads one to think that the solution lies in providing ringing clarity on how the housing market burst, how the market excesses spread beyond housing, how these forces were fueled and then accelerated by our outsized external imbalances, and, with this knowledge, decide how markets can now be stabilized.

At the same time, it's hard to see how our national leaders have helped the country dig out of its very real problems when they devalue each public pronouncement with the caveat: ''Remember, it's not over yet.''

Their caution reminds me of a story that was told to me by a friend, Bob Kleberg, who was the head of the King Ranch, the largest ranch in the United States, about a college commencement ceremony in his hometown of Kingsville, Texas, during the worst of the Great Depression. Bob had invited two speakers. One was an earnest Ivy League economist and the other was this country's most famous cowboy-philosopher, Will Rogers. The economist, who spoke first, read a long and languorous speech about how bad things were, leaving the roomful of 21-year-olds wondering if there was any hope to be had about their prospects. The conclusion of his speech was met with nervous and polite applause, after which Will Rogers, who was sitting in the front row, literally vaulted up onto the stage. Facing the audience squarely he looked out and said just six words: ''Live through it if you can.'' Then he jumped off the stage and returned to his seat. Terse, maybe. But they did live through it.

And we will, too. So what should we do as the crisis abates? Here, there is real work to be done. First we should just come out and say it: the financial system that led us to the brink of disaster is broken.

How do we proceed?

The first step would be to reduce the number of and simplify the U.S. regulatory authorities, which include the Federal Reserve, the OCC, the FDIC, the OTS, the CFTC, the SEC, and state regulators too numerous to list. The easiest part of this process is naming them! Nowhere else in the world is the implementation of banking authority so diffuse, and the choices they present to the governed result in regulatory shopping for the softest touch. Be forewarned: each one of these organizations has a protector in Congress, and it will take a thunderbolt from the White House and Congress to reorganize and streamline them. Tough as it will be, the necessity is apparent to all, both here and abroad.

The next step after marshaling the regulatory authorities is to move on to the banking institutions themselves. Of course we must be attendant to the fact that markets are international and by definition interrelated and interdependent. Yet a sense of order would dictate that we tend to our own backyard before trying to gain consensus with 19 other countries.

As I see it, we have two choices. The first is to repair the current system, which is made of deposit-taking institutions on the one hand and what's known as the shadow banking system, or non-bank financial institutions, on the other. Under this approach, we would subject the entire group to one large, all-seeing regulatory system. Doing so would be enormously complicated, and the more complicated the regulatory system the less effective the regulation. In my opinion it is a bridge too far.

We need a stronger identity of purpose between the regulators and the businesses subject to regulation beyond mere adherence to the law. My own view is that in addition to too many regulators, there is the further problem that the regulators did not use their existing powers. They could have halted the growth of the excessive leverage but did little. A culture of systemic risk awareness has to be developed, with clear guidelines to be followed regularly.

Equally important, we need a financial system that has untouchable safety and survivability as its main stem. This would remove debate over whether any of its parts is too big to fail. After all, we're talking about the people's money. Is it operationally possible to combine the mechanics of the shadow banking system, which has emphasized gigantic leverage under-girded by stratospherically complex mathematical formulae, with the principle of securing the people's money? And as tempting as it is to tinker with the present system instead of building a new one, is it the best we can do to prevent another crisis?

I believe that we need a simpler system centered on deposit-based banks. Under this approach, individual accounts in the depository banks would continue to be protected up to $250,000 and these banks would have access to the country's central bank. These institutions would not be allowed to participate in markets involving inordinate leverage or equity transactions that would risk their deposit-protecting charter. In contrast to the current mode, when asked what their primary purpose is, the banks' chief executives wouldn't talk first about shareholder return. Instead they would stand up and say: ''Our institution's primary purpose is to repay the depositors' money. Of course this is not the institutions' only purpose, and innovation within them as it relates to the asset side of the balance sheet should be encouraged as long as they keep a weather eye on leverage and equity risks.

The highly innovative shadow banking system with its mantra of lower transaction costs, which would continue to introduce new concepts, would fund itself from the money markets and other sources but without federal guarantees and access to America's central bank. Institutions that currently straddle the two funding markets would have to choose which type of business to pursue. I know this would provoke the immediate cry that the financial system would be further pinched and credit would further shrink. My answer is that any deposit-gathering system with a $250,000 guarantee from the U.S. government and access to the central monetary authorities would get all the deposits it needed to provide a vibrant credit system.

Admittedly, ironing out the details of such a vastly complicated system is a task of the highest order, but I believe it is attainable. You may have noticed that the Senate voted this week to create an independent commission to examine the root causes of the economic collapse and provide a blueprint for the future, and the Speaker of the House called for an inquiry similar to the Pecora Commission held in the early 1930s that gave rise to that generation's new securities laws. It takes me back. My first assignment as a new hire at Dillon Read in 1954, where I stayed for the next 35 years, was to read the volume on securities from the Pecora findings as an explanation for why we did things the way we did.

This country has had a long and important history of independent commissions aimed at laying the groundwork for solutions to national problems of huge moment. Independent is the key word. Such commissions, which call on people with deep knowledge of the underlying problem, have had as their precept exposing fundamental realities. It's unfathomable why such a suggestion has been so long in coming, except to note that commissions terrify the powers that be, both inside and outside the government. If properly constituted, however, they bring together the best of the country's thinkers and thinking, and they're often the only force that unifies the nation. I've been dismayed to read that a number of lawmakers who say they're for a commission nonetheless don't want it to get in the way of acting now. That's exactly backwards. In my view what we need is a rigorous debate and that takes time. As the American writer and philosopher Ralph Waldo Emerson once said, ''Counsel to which time hath not been called, time will not ratify.''

The composition of the commission is critically important: it can shape the whole outcome. It should have the word ''independent'' in its title. I believe its chair or chairs should be appointed by the president and that its expert membership should be appointed in equal numbers by the Democratic and Republican leadership of both houses of Congress. It is vital not just that far-reaching, complex reform of the financial system be pursued prudently but in a bipartisan manner in order to gain national support. After all, the purpose is to revive public confidence in the system itself.

In conclusion, let me thank all of you for the great warmth of your reception. We can all agree that thanks to so many of you in this room tonight, including Charles and David, Bill and Pedro and Angel, that the Brady Plan worked and that it indeed set the base for significant prosperity over the past 20 years. I believe that if we can muster similar boldness, clarity, and determination today, we can build prosperity from this crisis and I look forward to working with you in this endeavor.

GUIDE ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the GUIDE Act of 2009 on behalf of millions of vulnerable individuals known as dual eligibles, who are faced with critical and essential decisions on which drug plan and pharmacy will provide the medications they need to survive.

Seven million Americans are duly enrolled in Medicaid due to low income levels and Medicare because of their age or disability. Almost 40 percent are cognitively impaired. These are people with mental retardation, mental illness, autism and dementia. Over 75 percent have one or more functional limitations such as problems eating, bathing, dressing, and managing money.

Prior to the passage of the Medicare Modernization Act, which established the Medicare part D prescription drug program, dual eligibles received their medications by simply taking their prescriptions and their Medicaid card to a pharmacy of their choice and paying a nominal fee.

With the passage of part D, this simple process changed and dual eligibles were required to pick a plan from the new program or be automatically and randomly enrolled in one.

Unfortunately, due to the life challenges faced by these cognitively impaired individuals, their attempt to navigate the array of complex prescription drug plans was overwhelming with regrettable consequences.

Many mistakenly chose or were enrolled in plans that presented obstacles including: prohibited copays, limited formularies, and medication exclusions.

Their lack of access to prescribed medications has been linked to serious adverse events, including increased emergency room visits and hospitalizations.

To eliminate these access problems, I, together with the gentleman from Texas (Mr. SESSIONS), have introduced the Guidance, Understanding and Information for Dual Eligibles Act, or the GUIDE Act.

The GUIDE Act addresses the life-threatening issue by establishing a pilot program where experienced social workers and case managers will provide dual eligibles with one-on-one counseling for Medicare part D in their community mental health centers and community nonprofit centers.

This program will benefit this group of vulnerable Americans by ensuring tangible access to the medications they so badly need to live healthy and productive lives. In addition, this program will benefit all Americans by reducing the social and economic costs associated with lack of access to essential medications.

Mr. Speaker, the GUIDE Act is an important bill that will provide one of the most vulnerable groups in our society with the information, guidance, and understanding they need to successfully choose the Medicare part D prescription drug plan that meets their health care needs for survival and a healthier and better quality of life.

On behalf of the millions of cognitively disabled and mentally ill Americans who live in all of our districts, I strongly urge my colleagues to cosponsor and support the GUIDE Act.

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.)

MAKING HUMAN SPACE FLIGHT A PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. Mr. Speaker, on Monday I had the great privilege of watching the launch of the Space Shuttle *Atlantis* at Kennedy Space Center.

As a resident of Brevard County, Florida, it is an experience of which I will never tire, and one which I earnestly encourage everyone to see, especially Members of Congress and the President, while they still can.

While we have the grandeur of Monday's launch fresh in our minds, I find the proposed NASA budget very disappointing. The budget plan essentially flatlines NASA's budget for the next 5 years and appears to spawn an abrupt end to the space shuttle in 2010. Washington is spending trillions of dollars on other programs, but has not seen fit to make human space flight a priority at this time.

NASA will attempt to complete the remaining flights of the space station manifest in 2010 within the constraints of its budgetary strait jacket. However, any flights that extend beyond September 2010 will be funded by borrowing money from the next generation vehicle, the Constellation, under the just released 2010 budget plan. The plan is unacceptable to me, and I hope it is unacceptable to you and my other colleagues.

Also disappointing is the proposed open-ended review of the shuttle's successor and the fact it was not begun months ago. Time is of the essence as critical decisions are being made today that will impact NASA for the next several decades.

America's space shuttle only has eight, possibly nine more launches. After that, many of the world's greatest engineers and technicians will be laid off from their jobs, and American taxpayers will pay Russians hundreds of millions, if not billions, of dollars to take American astronauts to the international space station.

This ironic arrangement is likely to last for a minimum of 3 years, and likely longer, until the next generation launch vehicle comes online. Various memos and budget blueprints in Washington may portray this arrangement with the Russians as an unwelcome necessity, but it has become a necessity only due to a lack of America's priorities.

It is wishful thinking on bureaucratic whiteboards that America can lay off this invaluable workforce and 3 years or more later expect to regroup them and rebrand them in the shuttle's successor program.

The transition is unlikely to seamless, and I speak from experience. In my younger days, I worked on the Apollo 11 program. I had the best job in the whole world that anyone my age could possibly have: inspecting rockets bound for the moon. But when the program came to an end, and it came abruptly, I and many of my fellow colleagues, some of the brightest minds in the world, excepting me, of course, were given pink slips.

Mr. Speaker, Monday's launch represents one thing that the United States is undeniably, unequivocally, and universally respected for around the globe. Friends and foes alike acknowledge that the United States of America is truly the leader in space.

So it is astonishing to me that we are so near the brink of yielding this military and economic high ground to Russia or China, or someone else. Let us bear in mind that the Chinese are not going to the moon solely to collect moon rocks.

History has shown a progression in regards to our security, which we ignore at our own peril. It started back in Old Testament times when whoever could wield the biggest bone controlled the security of the land. And then who could muster the biggest army, and then who could get the straightest spears and strongest shields.

□ 1815

And then, whoever had the strongest Navy—you know, Sweden and Spain, the greatest powers in the world. And then in World War I, whoever could build the most mechanized army, that could build the most tanks determined how secure the world would be. And in World War II, it was the Air Force; whoever controlled the air would control the security of this world. And today, it's space; whoever controls space will control what security there will be on this Earth.

Today, conflict between nations has also evolved beyond bayonets, bullets and bombs; we are in an economic war of survival. I fear that many take our position for granted and assume that our prosperity will continue indefinitely into the future because we have been so blessed with prosperity thus far.

The President has said he wants half of our Nation's GDP to come from high-tech, and as you know, you can't get any more high-tech than space. We take for granted the countless spinoffs and inventions from NASA, which has issued over 6,000 patents. NASA's ''spinoff database'' lists over 1,600 items since 1976. Farmers rely on their weather satellites. We all rely on GPS now. We don't give a second thought to the use of our cell phones or our BlackBerrys, our laptops, or even Velcro for that matter. I can remember when a computer processor used to take up an entire room. Now, for $5 you can go down to Wal-Mart and get a little calculator that will fit in your wallet and do the same things.

Mr. Speaker, nothing represents the future and what is possible for mankind more than space. The future is not yet written. We have not yet reached the point of no return. The NASA budget is not etched in stone. We can make the right decisions to reduce the space gap, minimize the loss

of our shuttle workforce, and move ahead with the shuttle's successor. These objectives are compatible, desirable, and overlap with the President's stated intentions to strengthen technology as our economic base.

In conclusion, I call on the leaders of this body to revamp the NASA budget and to think about the implications should we travel down the path as currently set. America can do better, and future generations of Americans deserve better.

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.)

IN SUPPORT OF 2009 SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to lend my strong support for the supplemental aid funding that the House will be considering this week. This bill represents accountability to the taxpayers and a robust commitment to our national security and stability around the world.

In December, I had the privilege of visiting with our troops and military leaders in Afghanistan. I met with Americans who are doing incredible work to help the Afghani people take ownership of their economy and provide security in their neighborhoods. The administration's plan for refocusing our attention on Afghanistan incorporates both the U.S. military component but also builds up training for the Afghan military and police, government reforms, funding for economic development, and training of the Afghan people to grow alternative crops and build roads and irrigation systems.

I want to ensure that our troops in Afghanistan are as safe as possible. Therefore, I'm proud to support the fiscal 2009 supplemental bill which includes $2.2 billion more than requested for mine-resistant, ambush-protected vehicles to protect our troops. Not only is it imperative that we provide servicemembers everything they need to complete their mission safely, we must also provide them with everything they have earned upon their return to civilian life.

Our troops and their families have given everything to this mission. We know that some of our troops have missed family milestones, others have suffered financial setbacks, and many others have experienced psychological trauma. This bill provides for expanded counseling services, state-of-the-art equipment for our wounded warriors, and funds to reintegrate our troops back into civilian life and the workforce when they return home.

Some members of the military were told that their service would last a certain amount of time, and then they were told that they would be ''stop-lossed''—that means that their tour would be extended. To me, this shows a certain amount of disrespect for those who put on the uniform. It was a difficult decision to ask them to go back, but there also needs to be a sense of fairness on how they're compensated for that. It doesn't help their readiness or our readiness for our national security to have low morale among our troops. That is why I am very proud that this supplemental retroactively pays servicemembers and veterans $500 for every month that they've served under stop-loss orders since 2001. This is long overdue, and it's the right thing to do.

Our troops in Afghanistan will also be safer if we find regional solutions; that will include strengthening our current initiatives in Pakistan. Recently, General Petraeus, who is doing an excellent job for us, came to Palm Beach County in Florida in my district. We talked about it, and he told me—and I think we all understand this, as members of the Foreign Affairs Committee, that Pakistan and Afghanistan have become a single threat and a single issue because of this threat.

Training the Pakistani security forces to confront the Taliban will help the Pakistani Government regain its foothold and prevent it from being a failed state, which is an unacceptable threat to us and the region. This could not be more urgent. Our aid must communicate security priorities, including the Pakistani Government's assurances to safeguard the border of Pakistan and Afghanistan, and also to secure the nuclear facilities and weapons that they have.

Lastly, I would like to touch upon how the supplemental aid bill treats aid to the Middle East.

President Obama, Secretary Clinton, and Special Envoy Mitchell have provided U.S. leadership in the region to advance the causes of peace and security. However, the engagement would become more difficult if the Palestinians were to form a national unity government, including Hamas.

I support our current policy—no aid to terrorist organizations, no aid to any group that incites violence, promotes and implements terrorist attacks, and kidnaps young men without regard to human rights. This bill that we're considering is clear: no aid to Hamas.

In the event that a unity government denounces violence, abides by PLO and PA agreements, and recognizes Israel as a Jewish state, then we can start the conversation about aid. In that case, according to this bill, if the President can certify that these conditions have been met, then aid can be released to the unity government and only under those circumstances.

Furthermore, current restrictions maintain that U.S. taxpayer funds to the U.N. Relief and Works Agency, UNRWA, which administers aid to Palestinian refugees, may not be used or diverted to fund terrorism or any activities of a terrorist group. I would urge the State Department to ensure that these restrictions are followed in both the letter and the spirit of the law, and to remain absolutely vigilant in investigating any possible infractions.

Finally, I would like to continue to bring attention to the cause of Gilad Shalit, who remains captive by Hamas. He was kidnapped in 2006. I urge all interested parties, including Egypt, to use their influence to ensure his safe return. Though not included in the legislative language, I urge the State Department to make it clear to all aid recipients of this bill that Gilad's return remains a foreign policy priority.

Mr. Speaker, I conclude and ask for this legislation to be adopted by this House to send a strong message to our troops.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

(Mr. FORTENBERRY 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 Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

(Mr. SESTAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CAP-AND-TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it is a pleasure to join you this evening here in the Chamber and talk for a while about what I think a very interesting subject to many, many Americans. If they're not interested in it now, they will be rapidly as this issue develops here in Washington, D.C.

What we're talking about is, most specifically, the background on a thing that's called cap-and-trade or cap-and-tax. And ''cap-and-tax'' is probably a better name for it because what we're talking about is a very, very large tax increase that is to be justified because of the great danger, the imminent peril that is created by global warming—although that has now been called sometimes ''climate change,'' or global warming, or other various names. And soon the Legislature is going to actually be doing the debating and the voting on this very, very large tax increase.

Now, the President promised people that there would be no one making $250,000 or less who is going to get any tax increases. But, unfortunately, this tax increase hits all Americans; even the average household will be paying thousands of dollars more.

The President promised that nobody making $250,000 or less was going to get any tax increases. Well, we have seen that is not true, and particularly with this cap-and-tax situation, the tax on all kinds of people in the country. In fact, every time you turn a light switch on, you would be paying a tax. So I don't think we can take the President seriously on that promise.

Now, the justification for this very large tax increase is the popular subject of global warming, or climate change, or whatever. And that is the general idea that mankind is making CO_2—that's the product of burning something. When you burn something, the oxygen in the atmosphere combines with the fuel and it makes CO_2. It's the bubbles in soda pop. So we drink CO_2, as a matter of fact. And in a sense, the soda pop manufacturer is sequestering the CO_2 in bottles of soda pop and you are letting it loose when you open the can. Anyway, the theory is that CO_2 is the culprit, and therefore we have to reduce the amount of CO_2. And so this tax is being justified to reduce CO_2 so the planet won't burn up. That's the fast version of it.

So what I thought I would do this evening is to give just a little bit of a historic perspective because sometimes when you go into one of these debates, it's interesting to take a look and see, you know, are we the first people that have ever been talking about this, or is there a historic perspective of some kind on it? And I found that the historic perspective here is somewhat amusing and kind of interesting. So I'm going to take you back to the year 1920. At that time, in 1920, the newspapers were filled with scientific warnings of a fast-approaching glacial age. So in 1920, the scientists were saying that the planet was going to get really cold, there was going to be glaciers running around all over, so we need to be prepared for very wintry weather because there are glaciers that are going to blow around. So that is 1920.

1930s; the predominant scientists at the time reversed themselves to the fact that in the near future there is going to be what they called ''serious global warming.'' So from the twenties to the thirties, the scientists changed. In 1972, Time magazine cited numerous scientific reports of imminent ''runaway glacial activities.'' So now we've gone from global warming to glacial activities again in 1972.

In 1975, Newsweek says, Scientific evidence of a great ice age, and we were being called to stockpile food, that maybe what we should be considering doing was melting the ice packs, the icecaps at the North and South Poles to try to stop this tremendous ice age that was coming in 1972 and 1975. But in 1976, the U.S. Government says the Earth is headed into some sort of mini-ice age.

□ 1830

So this was continued through the seventies, and now we've gone back to global warming.

So over a period of the last hundred years or so, the major scientists—at least the ones that were talking out on this subject—have reversed themselves three times. I think it gives us some cause to be a little cautious before we jump into a massive tax increase to deal with a problem that has been coming around for the last 100 years, either getting too hot or too cold.

Now there were statements made today that say that there is complete agreement that we have global warming and all of the major scientists all agree and the time for debate is over. Particularly, I'm quoting, in 1992, going back to '92, Al Gore made this statement, quote, Only an insignificant fraction of scientists deny the global warming crisis. The time for debate is over.

Let's do this quote again. 1992, Al Gore says, ''Only an insignificant fraction of scientists deny the global warming crisis. The time for debate is over.'' Yet in that same year a Gallup poll said that 53 percent of scientists involved—these are the scientists that are involved in the climate change debates and questions—only 53 percent of them didn't agree that there was going to be global warming, 30 percent weren't sure, and only 17 percent believed that global warming had begun in the year 1992.

Moving closer to our own time period, just last year you have in The Wall Street Journal a report by an MIT professor, Richard Lindzen, says—this is his quote, There is no consensus on global warming.

Now when he made that statement, boy, did he get beat up. All the media and all kinds of people were all over him saying, that was a reckless thing to say that there's no consensus on the subject, which led him, after he'd taken a tremendous amount of political flak, to say that it seems that global warming is more of a political issue than it is a scientific or technical one. And that was the professor from MIT's opinion in that regard.

So that's just to try to give us a little bit of an introduction to obviously what is a controversial question. Even if global warming were widely believed to be true by scientists, then there are a whole series of other questions that have to be asked. Can we do anything about it? Should we pass a huge and massive tax increase? Is that necessary? So that's what we're going to talk about.

We're joined, as usual, by some really capable people that have taken some time to look into this issue, and I am absolutely delighted to introduce one of those to you now, and that is Congressman LATTA from Ohio.

Mr. LATTA. Congressman, thank you very much for hosting this extremely important Special Order tonight on cap-and-tax. It's an issue that I think every American had better learn about quickly.

I did a teletown hall last night, and we discussed it quite a bit because in my area we're hurting. Just to kind of give you a little bit of background on my area, according to the National Manufacturers Association, I represent the largest manufacturing district in the State of Ohio. Last summer I represented the ninth largest in Congress, but because of what's happened with the economy and jobs, I now represent the 13th largest manufacturing district in Congress.

One of the things that we hear about, as you were talking about, is what we are going to be doing about cap-and-tax in this country. It is something I think the American people need to know, if it is something we need to have. In my opinion, it will be something that will destroy jobs across this country.

You know, the Chinese were asked not too long ago, and it was reported in one of the Washington papers, what about cap-and-trade? What were they going to do about it? And they said, Well, you don't understand the situation. We only produce it. You, the United States, consume it. And if you hadn't consumed it, we wouldn't have produce it. So, therefore, you pay the tax.

I think there is a real quick answer where they are going to be coming from on this. If the United States wants to go it alone on this and say that we're going to put these standards down on the American people, on American manufacturing, we're in trouble.

What we have to do is cast our eyes across that pond and see what they did in Europe. They have what they called leakage. That leakage occurred once they started putting in their cap-and-trade policies, the next thing you knew was these companies started filtering out, leaking out, and then they started coming into the United States.

If we do this, we're going to have companies say, we can't afford it. We'll just move over. Because most of these are multinational. They'll move over into the Pacific rim, and we'll have more job losses.

Mr. AKIN. So just see if I can understand because you are giving us a lot of information. It is very good stuff but at a pretty rapid pace.

So what you're saying is that this big tax that's being proposed is going to have an impact. You started by saying that you come from a district in the State of Ohio, and that that was a very big manufacturing district. So this is of particular interest to you.

So the connection is that somehow this tax and all is going to really affect those manufacturing jobs. That's your point, is that not so?

Mr. LATTA. Absolutely.

Mr. AKIN. And the reason of course is why? Let's flesh this out. I think it's fairly obvious, but I will yield.

Mr. LATTA. Well, what you have to do is look at this. What is this thing? We're talking about carbon, carbon credits.

To put this all into perspective, Ohio is a heavy user of coal when we turn our lights on. So if what they are saying is that we're really going to hit coal, Ohio and Indiana are going to be in deep trouble right off the bat. Indiana is even, we might say, in worse shape than we are. In Ohio about 87 percent of our usage to turn on our lights every day and run our factories is coal generated.

Mr. AKIN. Let me reclaim my time. What we have here in the State of Ohio and many other heavy manufacturing States, which is the backbone of a major part of industry in America, you have, first of all, heavy industry or manufacturing, and that has the unique characteristic that it uses a lot of electricity, some more so than others. And you also have the unique characteristic that you're burning a lot of coal, and therefore, you will have to pay a whole lot of taxes on the energy that's generated off of the coal.

So you put those two things together, it says, now those businesses are no longer competitive because they're getting taxed more and more and more on the profits that they're making, which has the effect of making those companies have an economic reason to move somewhere else. And that's what you're concerned with, is that correct?

I yield.

Mr. LATTA. I thank the gentleman for yielding. Again, you are absolutely correct.

What will happen is this: I represent an area that manufactures. We have General Motors. We have Chrysler. We make washing machines. We make furniture. We make all kinds of things in my district. Brass fittings. But when you implement this tax, this cost is going to be passed on from the utility companies to the manufacturers. And the next thing that will happen is, these companies are going to have a very hard time competing within a global economy.

I was in one of my district counties several weeks ago and went into one of the plants. They showed me two things. They said, this is the brass fitting that we make. This is the brass fitting that they make in China. You know, for like 45 cents they can do it over there, and it may cost us $3 or $4 to make the same type of product here.

The whole idea of putting cap-and-trade and raising this tax and passing it on to the manufacturers, we're not going to have any jobs left, not only in the 5th Congressional District but across the Midwest because with our heavy coal usage and with the number of manufacturing jobs.

The Heritage Foundation recently put out a study. What they did was, they looked at all 435 congressional districts. And what they said was, okay, we're going to look at the number of manufacturing jobs you have, and now we're going to also look at how much power usage is from coal, et cetera, going right down to natural gas through nuclear.

I have what you might consider the third worst district in the United States, according to the Heritage Foundation, when it comes to cap-and-trade because of the cost it will be to do business in my district.

I have companies in my district, because they use so much energy, a slight blip will make them have to think, is it even worth manufacturing in this country anymore?

We're in a tough recession right now. But one of the things that we have to look at right now is going back to the late seventies, early eighties into that recession. But the United States, people said, you know what, we're going to get out of that thing because we knew that those factories were going to start back up. But today we don't know that because when I go through these factories, and they take me in and say, you know, we only have a third of our factory running, or I hear today that one large company might have 50 percent of their workforce laid off, a huge company.

Mr. AKIN. Reclaiming my time, let's take a look. I have got a chart here. It was prepared along the lines of what you're saying. And this is the annual increase of electric costs under the Obama cap-and-tax plan. So this is not specific to your congressional district, but it is specific to your State, Ohio.

Mr. LATTA. Correct.

Mr. AKIN. And it is specific to other States across the country. I don't know whether or not it's that clear because there's different shades of green here, but this is increase per capita.

These are the States that are the darkest green, and it's an increase of over $1,500. That is a whale of a lot of money for somebody to be picking up in an increase in electric costs. Where is that coming out? Well, it's coming in these States here and also, as you mentioned, Indiana, next door to you, and over this way. You can see some of the States, and you've got the ones that are over $1,000 per capita.

So this is a very big tax increase, and you can see a whole portion of the Midwest is in that category. We've got quite a lot of them that are over $50.

Now people may say, oh, my goodness. Now Congressman AKIN, you are a Republican, and you're just trying to scare people about the talk about, this is going to be a big tax increase. But here you have the words of our President at a meeting of the editorial board at the San Francisco Chronicle. This is January 2008. He is very direct in what he is saying, Under my plan of a cap-and-trade or a cap-and-tax system, electricity rates would necessarily skyrocket.

That's just what you're saying, gentleman. It's going to skyrocket in Ohio, but it's going to skyrocket in a lot of other States too. That will cost money. They will pass that money on to consumers.

Now a guy from MIT took a look at what they thought that would be per household, and they were looking at $3,000. There is a lot of speculation as to how much it would be. But $3,000 for every household in America, that is really an incredible number and especially when the President has said, I'm not going to raise taxes on people over $250,000. And now we're talking about, you flip the light switch, and you are already getting taxed at an increasing rate. What that does, of course, is makes us uncompetitive.

Now there's two ways to deal with jobs that are fleeing overseas. One of

them is to tax all the imports coming in, which is a very blunt instrument. It makes the cost to everybody in America go up, and we reward people that are inefficient producers. The other thing is to create a set of laws in our country that allow us to compete competitively with other countries. This is the exact opposite because when you tax electricity and energy production, that's a major part of all of manufacturing, and now we can't compete. So just to your point, we're basically taking those jobs right out of the country at a time where we're concerned about unemployment.

I'm just thankful for your joining us. We're joined also by another good friend of ours, a gentleman from Utah (Mr. BISHOP), highly respected, and he also agreed to talk a little bit about where we are in this entire situation.

Mr. BISHOP of Utah. I appreciate that kind introduction. I don't know about the highly respected part, but I will take it for now.

I appreciate what the two gentlemen have been talking about in this particular cap-and-tax plan that is out there. I think it's important to realize that this is not the only issue, the only plan on the table.

The Republican Study Committee in conjunction with the Western Caucus have both come together and have introduced H.R. 2300 last week, which is the American Energy Innovation Act. The goal is to present another idea, another alternative to what is on the table right now coming from this particular administration.

You see, what we really have are two distinct visions of the future. One vision, which is the cap-and-tax policy, is the one that deals with creating everything done by increasing taxes on all. Our vision is not to increase taxes.

The administration wants us to have everyone pay disproportionately, as you have shown on that other map. Different areas of this country will pay higher.

What we realized is that energy and equal access to energy has been the great equalizer in allowing people to escape from poverty in this country. We need to incentivize and create more energy and solve our problems, not less.

The other side does not have a path to an alternative energy source. We do have a path to energy independence and a recognition of other alternative sources.

Mr. AKIN. Congressman BISHOP, if I could jump in here.

What you are saying is tremendously important. First of all, you are saying, we don't have to go this route on this great big huge tax. And what's more you are saying, instead of just taxing people as an excuse for not developing responsible American energy, you are saying, we ought to be developing American energy, getting off of our dependence on foreign energy, and that we should be using a plan that advances a whole broad spectrum of different solutions and let the marketplace start solving this problem instead of just depending on taxing everybody unequally but with a tremendous tax.

The thing that's unique to me, and sad, someone explained to me the other day that we created a Department of Energy years ago. And do you know why it was created and what its mission was? The interesting thing is it was created so that we could become not so dependent on foreign energy.

□ 1845

Now they have increased many, many, many times the number of employees in the Department of Energy, and their whole mission was so that we would not be dependent on foreign energy. And look where we are today. It's gotten worse and worse and worse. So you kind of ask yourself maybe Ronald Reagan was right when he said we ought to get rid of them because we are more dependent on foreign energy.

Please proceed, though, Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate the insight and that perfect analogy of what we are talking about here.

The problem the government has when it becomes involved in mandates is we pick winners and losers in the system. What we're trying to do with this act is give another alternative, another vision that empowers people to solve these particular problems.

I would like to, if I could only, just spend 1 minute on only one aspect, one part. I mean, this is a 200-plus-page bill with lots of ideas. Just one that deals with technology innovation because we all know technology is going to be one of the keys of creating this innovation in the future, and both the public and the private sector have a role to play. But the government, when it gets involved with mandates and massive programs, picks winners and losers. There's a role, but that's not going to be the key role. The real way of solving our problem is to tap the greatest potential this country has, which is the American people, and to do it in an innovative way.

Since 1790, this country has granted 6 million patents. We've got everything from 1784 with bifocals, 1805 with refrigerators. And 1867 is still the best year because we did the typewriter, the motorcycle, and barbed wire and toilet paper all in the same year, all of them important.

Mr. AKIN. Sears and Roebuck was delighted with that, I'm sure.

Mr. BISHOP of Utah. In 1896 was the zipper; Scotch tape goes back to 1930; 1945 was microwave ovens; 1960 was the laser; 1982 was the artificial heart. These were not done by government mandates. These were done by Americans responding to the challenges of the day. This country that is smart enough to come up with bifocals and blue jeans and crayons in 1903, along with airlines and lasers and computers, can come up with a source of better and alternative energy for our future.

Mr. AKIN. Just reclaiming my time, as you take a look at the technology even now that's out there, maybe I suffer as one of the few people here in Congress trained as an engineer, but you start looking at what the possibilities are here. And one of the things that is particularly interesting, and I wonder because I take a look at what Europe is doing and it raises this question and we ought to talk about this a little bit too, and that is, is there a genuine interest in reducing CO_2 or is this just a big excuse to levy a big tax on people? Because you go over to Spain and they have a very aggressive antiglobal warming policy there and they closed their nuclear reactors. Now, that makes you kind of wonder because that's one source of energy that we have in America that we have developed that doesn't make any CO_2 and it makes very, very clean energy.

But just taking a look at what you're saying, take the innovation, first of all, the nuclear power plant. And some people may be fanatics. I like going over to Home Depot or Lowe's or something and looking at their tool section, and they've got all these nifty new tools that run on batteries, and these batteries are getting better and better. They're getting smaller and they're getting much more powerful. So if you put together an improvement in battery technology with nuclear energy and use the nuclear energy to charge up people's batteries in their cars and all, we're talking about a completely different way. And that's just one possibility.

But I wanted to get back to my good friend from Utah. You said you wanted to develop one specific area. Please jump right into that.

Mr. BISHOP of Utah. I need to piggyback on what you just said. Last week Dr. Calzada from King Juan Carlos University in Spain was here telling us the specific problems that Spain is having with their approach of government mandates. So for every new green job created, many of them are administrative.

Mr. AKIN. They call it subprime; is that right?

Mr. BISHOP of Utah. You've got it right there. They lost 2.2. They're having a difficult time with their economy simply because they decided to do the top-down approach to it.

Now, what America has always been able to do is have Americans come up with these creative ideas if there is an incentive to do it, which is one of the things in the American Energy Innovation Act that I want to emphasize right now, which is the incentive with prizes. That is something that we have always used in the history of this world.

When Britain was trying to control the seas, they didn't know how to map them; so they offered a prize of 20,000 pounds to somebody who could solve the problem. A clock-maker in London got it by coming up with latitude and longitude elements we use today. Napoleon wanted a way to feed his troops, a

12,000 franc prize, and they came up with vacuum packing technology we still use today. When Lindbergh flew across the ocean, it was to claim a prize. The British Spitfire, which won the Battle of Britain, was the result of a technological development price. NASA has used prizes. We use this all the time.

This is the time for us not simply to say come to us and the government will solve all your problems and we will fund all the research and we will decide what's good and we will decide who wins and who loses. Simply put the money out there, and the first person that can actually produce what we want, privately produce it, privately make sure that it's sustainable, give them a decent prize. That has driven America. That has driven the world in the past. It can happen today.

Mr. AKIN. Just reclaiming my time, you're getting me excited. What you're talking about is a word that my constituents love. It's called ''freedom.'' The idea of freedom, the idea of challenging people's innovation and saying, okay, the first one to do this, this, or this, we're going to give you a prize. I didn't have all of those great examples that you gave us, but people the world over love a chance to win a prize. Plus it gives people a chance to start thinking: I bet you I can win that thing. I've got an idea of how to do that. What a great illustration of a freedom-based solution as opposed to a totalitarian top-down, government-knows-all-the-answers kind of thing and we are going to solve every problem in the world with more taxes and more spending. I like the freedom approach. I think that's a great idea.

I want to take my hat off for this American Energy Innovation Act that you're talking about. Sometimes people say that the Republicans don't have solutions. Our solution is called freedom. It's called innovation. It's called imagination. It's called turning the smarts of the American people loose on a problem and see what kind of wonderful things can happen.

I'm going to yield to the gentleman from Utah again.

Mr. BISHOP of Utah. We have got several other guests down here; and before I turn it over to them, let me just give a conclusion to this concept because the cap-and-tax plan is a government mandate that's telling people what they will do, how they will live. What we're talking about is empowering people.

Now, I hate to say this because it's somewhat harmful, but one of the problems I have with our session of Congress is there basically are two approaches we have to everything: we have an administration that truly believes government is the solution to our problems and wants to harken back to the progressive era, the New Deal era, the Great Society era, and build upon that. The other side of Congress thinks that empowering people is the solution. So I don't want to sound cynical, but to be very honest, it doesn't really matter what the issue is; we're always talking about the same thing.

So the Democrat solution to energy is to dictate and regulate, to have bigger government and have higher taxes. And I apologize, but for the Republican side, pick your topic. Today it's energy. Our solution is choices and options, empowering people, and reducing taxes.

Now, what I have been talking about with the prize concept is to simply empower people to come up with solutions that dictate their own lives and their own futures, as opposed to simply having bigger government telling people what they will do, when they will do it, and charging them $600 billion for the opportunity of being told what to do.

Mr. AKIN. Reclaiming my time, that sort of gets your dander up a little bit to be told you're going to get charged $600 billion and that's going to be the tax because you don't know how to solve this problem and the government can do it for you.

The funny thing is we've passed a lot of laws and they have these unintended consequences. And I can tell you right now what's going to happen. You tax the good old boys from Missouri, you tax them on their electricity and on their natural gas or their propane that they're heating their gas with in order to try to get CO_2 down, and you know what's going to happen? They're going to get those steel chainsaws out and they're going to be chopping firewood and they're going to be heating with firewood. That's what is going to happen. And it's going to have the effect of creating more CO_2 than if you just left the thing alone and not taxed them at $3,000 per household a year.

We are joined by other Members of Congress. I did want to be able to get back, though, to Congressman LATTA from Ohio so you have a rejoinder in this, and then we have got another fantastic Member joining us tonight as well.

Mr. LATTA. Thank you very much for yielding.

Just to follow up on your conversation right there, we do have such great resources in this country. We have almost 25 percent of the world's coal. We ought to be using it. And it's that clean coal technology. We ought to have those contests out there. There are people in my district right now that are working on clean coal, but they are always being beaten down because they hear things coming out of Washington saying absolutely not, we're not going to have clean coal because we'll tax you out of existence. So who wants to use it?

So, you know, when you look at what we have in our country, we have all these resources. We have oil. We have natural gas. We have the coal. We should be developing nuclear. We haven't had a new nuclear power plant sited since 1977, and our competitors in the world like the Chinese are looking at 35 to 40 in the next 25 to 30 years. That's not sustainable.

Mr. AKIN. Reclaiming my time, hit those numbers again because you're not saying it that clearly. I didn't quite catch it. When was the last time we sited a new nuclear power plant?

Mr. LATTA. In 1977.

Mr. AKIN. And that makes how much CO_2?

Mr. LATTA. Zero.

Mr. AKIN. None. So we're all worried about CO_2, and yet we have not sited another nuclear plant since 1977. That seems like such an odd thing.

I recall when we had the Speaker come into the Science Committee, I think at the beginning of this year or the end of last year, and she was talking about wanting to deal with the global warming thing and all because Al Gore was coming in also and there was going to be this great big pow-wow on the subject. And I asked her, If we're very worried about CO_2 and nuclear power plants don't generate any CO_2 and we have hundreds of them floating around in ships in the Navy and they have never been a problem technically to us, what's your thought on that, because it sounded to me like you were becoming a little more open minded?

Oh, yes, we're becoming more open minded.

And yet legislatively you get no credit at all for generating energy that makes no CO_2. Now, what's the logic of this? Please help me because I don't get it.

I yield.

Mr. LATTA. I'm still looking for the logic because, you know, we have all these resources. We have all this technology, but we're not using it. And we are all for, I think, on our side of the aisle what we call the ''all-of-the-above'' policy, all these things I just rattled off for using. In my district they manufacture solar panels. I'm going to have two companies by the end of the year manufacturing solar panels. We have the ability for wind, and we have everything from ethanol to biodiesel and we're looking at hydrogen down the road. But we need to be doing all of the above.

Right now I am getting calls from my constituents and they're saying, Bob, how come the gas prices are going up 30 cents in 1 week?

And I said, Well, gasoline is over $60 a barrel again.

And people are going to start watching it go up and up and up. And the same thing that's going to come is how are we going to pay for this, this, or this, and we're going to have to say we're not going to buy this.

Mr. AKIN. Reclaiming my time, that gets right back to your point. We are basically shipping jobs overseas when we do it because we can't be competitive that way.

We have got another fantastic Congressman who has come to the floor, MICHELE BACHMANN from Minnesota. And she is just such a sweet, wonderful lady, but she also is extremely articulate.

It's a treat to have you, Congresswoman BACHMANN. I yield.

Mrs. BACHMANN. I thank the gentleman from Missouri (Mr. AKIN) for yielding.

I also am delighted to be a part of this discussion on solutions. As Mr. BISHOP rightly stated, there are two approaches that we are taking to America's energy solutions, and as Mr. LATTA stated, we are a Nation that is filled with resources. And I am called to mind by one of our founders, you may say, of our Nation, one of the greatest orators of his time and really all of American history, Daniel Webster. Daniel Webster made a statement, and I paraphrase: Should we not recall the resources that we have been given in this land that are extraordinary, unparalleled across the world, and shouldn't we call forth those resources that we've been given to generate something wonderful in our time?

I had the privilege of serving in the Minnesota State Senate. We had that quote stenciled around our beautiful rotunda, the Minnesota State Senate chamber. And as Mr. LATTA stated, we have 25 percent of the world's coal. We have unlimited resources as far as nuclear power generation goes, as far as hydropower, solar, wind, but yet also natural gas, oil. All of the known reserves that we have, the United States manages to use those resources more efficiently, more cleanly than perhaps any other nation on the planet. Rather than this being one of the most expensive sources of manufacturing in the United States, energy could be one of the cheapest sources of manufacturing components. And yet the United States could be one of the leading exporters of this wonderful resource, energy. So shouldn't it be, as Daniel Webster said, that we should call forth these resources that have been given to us with the greatest benefit that we have, American ingenuity?

□ 1900

Use those resources to the benefit, not just of America, but of mankind.

And so I would agree with my colleague, Mr. BISHOP. There are two ways to approach this solution, and I think that the solution that you gentlemen are speaking of this evening is the one that the American people are raising their hand to tonight saying, yes, don't tax me. In fact, bring resources into the Treasury and make my life better by being forward-looking, not backward-looking, and calling for these resources for the benefit of the American people.

Mr. AKIN. That is really a vision. You know, what I am hearing, if I am trying to put a little title on that, I think I am hearing let freedom ring. Let Americans use their ingenuity. Let us use the resources that God gave us. Let's see what we can do.

Let's be an exporter of energy. Let's take what the Lord has given us and really start to define clearly what the problems are and take a look at what the alternatives are. Let the innovative juices of the American system go to work on this thing.

I mean, that's even assuming you have got a big problem with CO_2. Even if you assume that, there are a lot of ways to deal with this.

But to try to come up with—look at this. This is the cost of World War II here, 3.6 trillion. This cap-and-trade tax, 1.9 trillion. This is more. This is what we are talking about in the next couple of weeks. We are talking about a tax that's going to cost a little bit more than the Vietnam War, the space race, the New Deal and Hurricane Katrina combined.

Mrs. BACHMANN. Let alone millions of American jobs.

Mr. AKIN. And that's not even counting all the jobs we are going to be shipping. And we could just basically let Mother Freedom ring the bell. Let's just go ahead and use these resources and figure out ways to solve these problems, because we could do it. That's what we believe in. We believe in freedom.

I would like to go back to my good friend from Utah, Congressman BISHOP.

Mr. BISHOP of Utah. I hate to add another wrinkle to this, because there is another problem. We have 6.5 billion people on the Earth today. Two billion people do not have electricity today. They have never flipped a light switch, and they want the same standard of living that we have. We are going to need more energy in the future, if only to be fair to the rest of the world, than what we are talking about today.

In 1977, we tried a national energy plan. It was passed, it was implemented, and the result of that was the government told you how high to put your thermostat, how fast to drive your car, and which day you could actually fill up. Except I think we talked about the one family Newt Gingrich found out about that had two different license plates, one ending in odd and one in even so they could get gas whenever they wanted to.

Mr. AKIN. That is American ingenuity, I suppose.

Mr. BISHOP of Utah. I should have given him a prize for that.

But we cannot go back to this place, this effort in which the government tells you how to live your life. We need to empower Americans to solve our problems, and we have the capacity to do that.

The gentleman from Ohio (Mr. LATTA) was talking about all sorts of different types of programs.

I just came back from a meeting in California where they have closed a lumber mill down there. We talk about lumber mills, but one of the processes you have of trying to thin the forest, to save the forest from burning, is to take all what they call the slash, the extra stuff off the land or the byproduct from the lumber mill, and turning that into a biomass energy source.

They are already funding 30 percent of their energy source from that particular area. Unfortunately, the mills closed down because we have this idea that we can't use our forests for anything other than to look at and watch them burn in California.

This is the part we are talking about. This is the brilliance America has to solving these problems. This is the kind of alternative. And one of the things that's sad is there is no source of energy that doesn't have somebody opposed to it. People are opposed to wind power because of the massive footprint it will take to build those generators. People are opposed to solar power because of the massive amount of land it will take to build those. People are opposed to nuclear because they are afraid of the term. People are opposed to biomass because they don't think it is right to clean out the forests, so they would rather see it burn.

All of these things have to be there. It has to be part of the proposal. We have to unlock the potential of Americans. That's our future. That's what we are talking about. That's not cap-and-tax.

Mr. AKIN. Yes, I just don't think that taxation is a solution to every problem.

I think one of the things that has been held up as a shining example for us to follow is the nation of Spain. And we heard about that last week from a very interesting brief we got.

And if you could just share with us a little bit about how that system would work. Because when you hear how the system that is very similar to what's being proposed here works in Spain, you are going to go, Oh, my goodness, I am not so sure we really want to be like Spain and doing all of this stuff.

Why don't you just share a little bit of that with us, Congressman.

Mr. BISHOP of Utah. Well, I am doing this from the top of my head, so you can help in here when I forget about what Dr. Calzada actually told us. But in Spain they basically have the government saying this is way we will move forward in the future. This is the energy we will use, even though the wind power and the solar power is not enough to meet the needs of Spain.

So they are having what we call brownouts and what they call blackouts. They are having business move away from Spain because they don't have a reliable source of energy, which is why they are actually losing two jobs for every one they gain in coming up with the government-picked winners and losers.

And, unfortunately in Spain, it's the entire country that becomes the loser. Not only do they not have enough energy to meet the needs of the people, they don't have enough jobs to meet the needs of the people, and they have found a negative loss in their energy output and a negative loss in their economic output.

And it's not them alone. There are other countries in the EU that decided to sign on to the Kyoto agreement, but they were wise enough to pick a very

bad base year. So it didn't matter what they did, they were going to come under the standards of the Kyoto agreement.

Now they are facing the problem that they are going to the EU asking for exemptions for certain of their industries because they can't even meet those same base standards, which always happens when the government says, We know what's best for you; we are going to tell you what to do.

Mr. AKIN. I recall some of the presentation. What really concerned me was the first thing was they have got 17.5 percent unemployment. Now that would get the attention of Americans anywhere, 17.5 percent unemployment.

Now, how did that come about? Well, here is how it came about. They decided they wanted to go with the green energy plan, so what they did is they closed their nuclear facilities. Now, that says to me, I am skeptical.

I think this was more of a political deal than a technical deal, because nuclear makes zero CO_2. And yet they closed them and what did they replace them with? Windmills and solar panels. Well, that's nifty when the sun is shining and the wind is blowing.

But what happens when it doesn't? Well, they say to industry, Sorry, no electricity today. Now, my family, years and a number generations ago, started a steel mill, and the steel mills nowadays have these electrodes the size of telephone poles, three of them. They lower them into an electric furnace and lightning and thunder comes out of that furnace, and it melts the steel scrap in there.

That takes a lot of electricity. People that want to make aluminum take aluminum oxide out of the ground, that's aluminum and oxygen combined quite tightly together, and they have to separate those two molecules to get the aluminum. That takes a lot of electricity.

So what happens to steel? What happens to aluminum manufacturing in Spain? It's gone.

You can't have a whole bunch of people coming to work today and say, Sorry, the wind is not blowing hard enough, not going to make any aluminum today. And those companies go overseas, and so they lose all their jobs over there.

Mrs. BACHMANN. I had also heard the gentleman speak last week who wrote the report on Spain, and this is the country that the President holds up as being the country we should emulate. And as the gentleman from Missouri rightly stated, 17.5 percent rate of unemployment; the largest, highest unemployment rate of all the developing countries in the world, on their way to 20 percent unemployment.

And as the gentleman from Utah stated, there is 2.2 percent job loss for every job created. But the critical fact is that every job created, every green job, costs the country of Spain $770,000 per job, and these are not sustainable jobs. They are primarily installing and building windmills and solar panels.

Once the installation is complete, the job goes away. That's a very expensive investment for Spain. They are only going in the direction of further increased unemployment, not in the direction of decreased unemployment.

Mr. AKIN. You know what scared me the most about his presentation, what he basically said is that the government has come up with such a clever, integrated kind of system in the legislation they passed. What happens is they, first of all, through various means—he claimed that even the Mafia, he thought, could be involved in it—they give licenses to people to generate electricity.

And so if you happen to get one of these licenses, this is a license to make some money, because you put enough solar panels and windmills up, and the State guarantees you a certain rate per kilowatt hour. So there are all these people in line wanting to get licenses to generate green energy.

So that's how they start. And everybody that has one of those licenses, let me tell you, politically, they are bought into this system. They are not going to let this system change for love nor money because they are making a ton of money on these licenses that they got from the government.

The only trouble is, the government is paying so much for that energy that the society can't sustain it. It's chasing all the jobs overseas. But then they go through this fast now you see it, now you don't economics, and sort of write it off this way, send it another way, and eventually run it into future debt.

So they are increasing their national debt. Their jobs are going down like mad. Their economy is in—but they have created a system politically that so many people are part of it that they can't let go of it. They can't get out of it.

That's really frightening. It's not something you can just turn off and say, Oh, we made a mistake. They can't go back because everybody now is part of this deal.

Mr. LATTA. I tell you, the discussion that we are having right now boils down to one thing, that this cap-and-tax is going to cost this country jobs.

And I am sure everyone in this body speaks at their local schools every month. I am going to be speaking at graduation this weekend at one of my colleges. What do you tell these students that are graduating? They have this great opportunity, that you are going to have the same chance that we had, that your grandparents had? Or are we going to tell them, You know what? It's going to be tough out there. Maybe you won't find a job.

You know, when you hear more and more that parents are worried that when their kids graduate from college, what do they do? They move home. There is no place for them to go. There are no jobs.

One of the things that I think we have to remember in this whole debate, this is all about jobs, jobs, jobs. And one of the things that people kind of also have to remember is that government does not create a single job. This government consumes wealth. The only avenue that we have out there to produce wealth in this country is through business.

And if businesses aren't able to operate, if they can't turn the lights on because it's too expensive, and day in and day out I am hearing from my constituents, I hearing from companies across the State of Ohio, they are saying, if this goes in, we don't know how we are going to literally keep the lights on.

Mr. AKIN. Yes, we do have this. This is an estimate of job losses, if we go with this tax. And is this the kind of thing we should be doing in these economic times? Are we supposed to be losing jobs? I don't think this is a logical thing to do at all.

And the thing that's so tragic about this whole thing is we have the resources. We have the technology. We have the innovation. If we want to define the problem precisely, we put those incentives out there in the form of prizes and different things.

I tell you, get out of the way. Because when you give Americans a bunch of prizes and free enterprise and freedom, they are going to go for it and we are going to generate a tremendous part of energy.

Now, here is part of problem we are dealing with here, and maybe this comes from my engineering background. But there are a whole series of questions that really need to be asked before we go any farther with this massive tax increase that's being proposed.

And I think the first thing is there is a question between technical people and scientists, first of all, on the amount of CO_2 that we are really generating, that human beings are generating. That's not absolutely agreed to among scientists at all.

The fact is that human beings add something to the CO_2 in the atmosphere, but how much that is is kind of an unknown thing. We know it is going up, but we don't know how much mankind is adding to that, which then raises the next question, and that is, first of all, what are the effects that if we have the CO_2, what is that going to do to the climate? Because, if you recall, it used to be we talked about global warming. The only thing is now you don't hear people, the liberals aren't talking about global warming anymore. They are talking about global change. Why not? Well, because it's not warming.

They have these models, these computer models saying the Earth is really going to be warm. Now, if you take a couple of years ago, there was a statement, let's see if I can find it here. They said something to the effect that the waves are going to be breaking at the steps of the Capitol.

That's what we were told. I mean, I was here in Congress. This is recently.

And they said, Hey, the water, the ice is melting so fast that we are going to have the waves breaking at the steps of the Capitol.

Well, now subsequently it seems, I have the exact quote here, just a few years ago scientists predicted that the seas would rise from 20 to 40 feet because of global warming with waves crashing against the steps of the U.S. Capitol, that would launch boats from the bottom of the Capitol steps. That's what people are saying.

□ 1915

So the question is, first of all: How much CO_2 are we contributing? Second of all, what will be the effect of that CO_2. Then, the next question is: What is our ability to do anything about it, even if we wanted to? How effective could a solution be?

In my opinion, which is what you see in Spain, is this tax that's being proposed—this massive tax increase for our constituents, is this really about a concern for CO_2, or is really the global warming just basically a stalking horse to give politicians another great big tax increase, increase the power of the Federal Government, and take away that precious freedom that our dear friend from Minnesota is just talking about?

I'd like to go back to my friend from Utah, please.

Mr. BISHOP of Utah. If I could add just another element to this as well, because what we're talking about when we talk about cap-and-tax on certain elements and certain industries is, once again, the government picking winners and losers. And we're trying to sell it—or somebody is trying to sell it to the American people on the idea that this is going to move us into a new generation of ''green'' energy.

What we need to realize is back in the seventies—and I'm going to quote a few lines, if I could, from Keith Rattie's address he gave to Utah Valley University. He happens to be the chairman of Questar Corporation.

He said, ''Back in the seventies, we were told that wind and solar power are alternatives to fossil fuels. In reality, the honest description is they're supplements to fossil fuels. Taken together, wind and solar power accounts for one-sixth of 1 percent of Americans' energy use,'' which means when he asked Power Point to do a pie chart for him, they couldn't come up with a wedge that small. It was a thin line.

After 30 years, we have pumped $20 billion into subsidies for wind and solar power—and we have a thin line. The Obama administration is hoping to double that, which is a great goal. I think that's perfectly advisable. We should try and double wind and solar energy.

You should know that the last 3 years of the Bush administration, we doubled the amount of wind and solar energy we produce. But what comes in that——

Mr. AKIN. Reclaiming, we didn't do a tax increase, did we?

Mr. BISHOP of Utah. No.

Mr. AKIN. It was because it seemed to make sense—and Americans did it.

Mr. BISHOP of Utah. Which is why we're coming back here, because all we're doing if we double is making a thicker thin line—going from one-sixth to one-third of 1 percent, which is why this cap-and-tax approach is so insidious because, once again, there are winners and losers in industry; also, winners and losers in the American people.

Mr. LATTA's constituents in Ohio are going to be hit very, very hard. If you lived on the West Coast, which is more hydropower than coal-fired power, you don't have that much, do you? It also makes a difference in the economic level of individuals.

If you're rich, this cap-and-tax policy is going to be an annoyance. If you're poor, as I have said on this floor before, if you're poor, this approach makes the difference on whether you can have a luxury like tuna casserole at night. It's going to hit the poor people harder.

In different areas of the country it's going to hit them harder. And that's why it is such an unfair and such a dangerous proposal, especially when you have been talking about other countries which have gone down that path—and it has not worked.

Mr. AKIN. Reclaiming my time, it seems to me that if you're a businessman, the way businessmen think—because I used to be in the business world—you give me the rules and we will play the game. If I have got a chemical cracking facility in America and we're taking oil and we're breaking it into different products and things, and I'm going to get a great big tax, one of the things I might consider doing is just moving that overseas. Because if I move that overseas, the jobs go away here. Then I can sell the same products back into this country at a much lower cost, and anybody left in this country is going to be at a tremendous competitive disadvantage.

So you're creating an incentive for companies to close American businesses and move them overseas by what we're doing. Somehow or another do we want the government making policies which manipulate the things that businesses do—not based on what is good for our citizens, but based on some silly set of laws that somebody came up with down here in Washington, D.C.; certainly not something I would vote for.

I would like to recognize the gentlelady from Minnesota.

Mrs. BACHMANN. Well, American manufacturing has been at a competitive disadvantage for years. I'm a former Federal tax litigation attorney. America has the second-highest corporate tax rate in the world, at 34 percent.

Now the Federal Government is proposing to tie a cement block onto American manufacturing that would be extremely difficult to overcome. One thing that we need to consider are the corruption influences that come from manufacturers all trying to fight over scraps, you might say, of permits.

Originally, the President said there would be no permits that would be auctioned off to any industry. Now what we're seeing here in the House is that certain industries, certain fossil fuel-based industries are saying, We can't survive unless we have some kind of a free pass.

And so now we're hearing of backroom deals that are happening, where different industries are given free passes. All of this adds up to the American people smelling something is rotten in this deal of the cap-and-tax system,

Mr. AKIN. Reclaiming my time, do you know what it sounds like to me? This is just another color version of another bailout deal.

Mrs. BACHMANN. Sure it is.

Mr. AKIN. We're going to say, Oh my business can't live with this cap-and-tax. So I need a bailout. And so now we're going to get in the business of trading off bailouts. I wonder who's going to get the deal.

Mrs. BACHMANN. The problem is the American taxpayer, just as the banking system, the financial system, and now with energy, government is creating a problem where we don't have a problem. Government is creating a false economy where they don't have to do this. This is all to benefit governments coffers—not to benefit the American people, not to lower their energy tax bill, not to create more jobs when, just as Mr. BISHOP said, we could take a completely different route.

My State of Minnesota, Mr. LATTA's State of Ohio will be hit especially hard with this cap-and-tax system. Why burden those who are least able to afford it—senior citizens, people who, in Minnesota, you don't have a choice. You have to turn on the furnace come October.

This will be devastating to our economy, and we could have a completely different answer that would bring more money, bring more jobs by opening up all of America's energy resources.

I would yield back.

Mr. AKIN. The thing that's amusing on this entire situation, every time we seem to tamper with these things, we create these laws which do the opposite of what we're really trying to do. I think that the thing that we need to be having an awful lot more faith in in this Capitol is the idea of freedom and the imagination, the innovation that's available in America through the natural resources we're blessed with.

All of these things come together to provide us with solutions where there's choices and options and free enterprise is working. And what is a good solution today is going to be replaced by something better tomorrow. It's even going to be better the day after tomorrow.

I am so thankful for our guests here. We have just got a couple more minutes. I will go back to the gentleman from Ohio, if you would like to make a quick closing statement, and then we're going to call it an evening.

Mr. LATTA. I thank the gentleman. I will be brief. Time is short for this country. We have folks out there that need jobs—and they need them today. We have been in a tough recession.

Back in 1982, when we were coming out of that recession folks were confident that those factories were going to open back up; that those doors would be open and those jobs would be there. Today, a lot of those jobs are gone. We're in a tough economic environment. We're in a tough global environment—the competition is tough.

If we want to make sure that we can compete in this country and we can make sure that we have those jobs in this country to compete against the rest of the world, we have to make sure that we have the costs down. If we go through this cap-and-tax, it's going to be a bad day for America.

I just want to thank the gentleman for hosting this tonight. We're going to be talking about this not only here in Congress, but across our districts in the coming days.

Mr. AKIN. Reclaiming my time, I am just so delighted with our guests here on the floor. You know, the common sense in me can't resist showing this little chart. How much does a human activity affect greenhouse gases? Well, if this block represents greenhouse gases right here, then CO_2 is those yellow boxes. That's the amount of greenhouse gas that's heating the world by CO_2. The rest of this is other things that are heating the world. Then, this is the amount that's caused by people. So this seems to be an awful big tax for such a little tiny box.

I want to once again thank my good friends, Congresswoman BACHMANN from Minnesota and Congressman LATTA from Ohio and Congressman BISHOP from Utah for joining us. I hope that this has been as informative and interesting for everybody else as much as it was for me.

FORECLOSURE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of North Carolina. Tonight, I would like to devote this hour to the foreclosure crisis that the Nation faces—and will continue to face for some time; the financial crisis; the recession that we now have that is the worst recession since the Great Depression, precipitated by the foreclosure crisis and by the financial crisis. I want to talk about how we got where we are and what we need to do now to make sure it never happens again.

According to the financial industry, what happened was this freakish combination of macroeconomic forces that no one could have predicted. It was a perfect storm. But with a little help from the government, from the taxpayers, and a little bit of patience, we will muddle through this and we will be back to where we were just a couple of years ago; not to worry.

Columnist Paul Krugman earlier this week quoted a prominent Wall Street lawyer who was under consideration to be the Deputy Treasury Secretary, Rodgin Cohen, as saying that the Wall Street that will emerge from this will not be terribly different from the Wall Street of the recent past, and said, ''I am far from convinced that there was something inherently wrong with the system.''

Mr. Speaker, a Wall Street or a financial system that is not different from the one in the recent past that just gets us back to where we were a couple of years ago is not much of a deal for the American middle class. I don't claim that I knew that the financial crisis would happen the way it did. But I knew that the mortgages that have proven so toxic for the financial system and for the financial industry were toxic for borrowers, were toxic for homeowners. And I thought that was reason enough to do something about it.

I began working on the issue almost as soon as I was elected or entered Congress in 2003. In 2004, I introduced legislation, along with Congressman WATT, to prohibit many of the practices that led us to where we are now. And we saw—I know well what kinds of mortgages have led us to the foreclosure crisis.

Subprime mortgages went from 8 percent of all mortgages in 2003 to 28 percent in the heyday of subprime lending—the 2004 to 2006 period. More than half of the people who got subprime loans qualified for prime loans. Many others should never have gotten any loan of any kind.

There were extravagant upfront charges, costs, and fees. Ninety percent of loans had an adjustable rate, with a quick adjustment after just 2 or 3 years. The typical adjustment—the teaser rate, the initial rate was frequently above prime. It was no deal in the first place.

Then, when the adjustment set in, regardless of what interest rates were, the monthly payments would go up by 30 to 50 percent. Seventy percent of the loans had a prepayment penalty that made it almost impossible for borrowers to get out without losing a big chunk of the equity in their home.

The loans were designed to be unsustainable. They had the effect of trapping borrowers in a cycle of repeated refinancing. Every time they refinanced, having to pay points and fees and closing costs to get into the new loan and a prepayment penalty to get out of the last loan.

All that time, the industry defended all those terms, all those practices as necessary to provide credit to homeowners who would not qualify for prime loans. The terms, they said, might appear predatory to the uninformed, Members of Congress like me, the consumer groups, but they were really innovations that would make credit available to people who otherwise could not have gotten it.

Repeatedly they said this legislation, while well-intended, will just hurt the very people it's trying to help. I admit that I resented being patronized at the time. But now, looking at what really happened, I am furious at the dishonesty of it all.

□ 1930

Mr. Speaker, this is what really happened. This is a chart of the percentage of corporate profits in America that the financial services industry got. And it peaked during the period, the heyday of subprime lending, at more than 40 percent of all corporate profits. The terms of mortgages that appeared predatory really were predatory. The lenders did not have to include those terms in their loans.

Now, obviously, something went wrong. And I want to talk about that in a bit. But I first want to recognize my colleague. This is the majority party's hour. But in the spirit of bipartisanship, or post-partisanship, I am happy to recognize MIKE TURNER, my colleague from Ohio. Mr. TURNER has many fine qualities. His political party is not one of them. But he represents a district, Dayton, Ohio, that has been particularly hard-hit by the foreclosure crisis.

And I want to recognize Mr. TURNER to talk about what he has seen happen in Dayton.

Mr. TURNER. Well, I want to thank BRAD MILLER for his leadership on this issue. This is a very important issue that affects our whole country. And we all took a pause as we saw our financial institutions shaken nationally. And as the bailouts were proposed that came here to this floor to be voted upon, across the country, Americans wondered, How did we get here? How did this happen?

Now I voted against every bailout that came here to this floor. And I voted against it because not only did I believe that they were not structured appropriately, that there was money that was going to be wasted, but more importantly, not one of them included a change in the laws that would prohibit the type of practices that got us here to begin with. The toxic assets that people talk about are these mortgage-backed securities that were traded and sold upstream. They were the securities that were based upon practices of mortgage lending that had a negative impact on our families and a negative impact on our communities.

And today I wanted to offer my support for the recently passed bill, H.R. 1728, Mr. MILLER's bill, the Mortgage Reform and Anti-Predatory Lending Act of 2009. This bill directly addresses the root causes of the current financial and economic crisis in the United States as well as how it has led to some home abandonment and high foreclosure rates throughout the country.

Mr. Speaker, the United States is experiencing a steady increase in foreclosures and mortgage lending problems that have impacted homeowners, families, communities, the United States economy and global economies. In 2006, there were an estimated 1.3 million foreclosures in the United States. This number has increased by 79 percent in 2007, bringing the estimated number of foreclosures nationwide to 2.2 million. In 2008, an estimated 3.2 million foreclosures were reported nationwide. Estimates suggest that this trend is likely to continue with millions more of Americans potentially losing their homes to foreclosure in the next 4 years and with foreclosures not abating until perhaps 2011.

Recently, an analysis by the Associated Press reported that Ohio has three of the most vacant neighborhoods in the United States where home foreclosure and abandonment have devastated neighborhoods with parts of northwest Dayton, Ohio, in my district, with more than 40 percent of the area being vacant. This statistic makes northwest Dayton the ninth emptiest neighborhood in the Nation. If you look at the 2008 foreclosure rates in my district, there have been 4,091 foreclosures in Montgomery County, the primary county of my district. There were 1,558 foreclosures in Warren County, 287 foreclosures in Clinton County, and 351 in Highland County.

These statistics become even more real when I open the pages of my local newspaper. When I was home over the past couple of weeks, I looked at the newspaper, and I actually compared the number of pages that actually contained news to the number of foreclosures. The Dayton Daily News the other day showed up on my doorstep. It had 14 pages of news nationally and worldwide and 14 pages of foreclosures. Those are foreclosures that affect families, communities and neighborhoods, the families that live there, the children that live there, and the neighbors that live next to the homes, and the neighborhoods that begin to decline upon foreclosure and abandonment.

According to a study commissioned by Jim McCarthy, the head of the Miami Valley Fair Housing Center in my district, the mortgage foreclosures associated with lenders who are identified as subprime lenders increased at an annual rate of 43 percent from 1994 to 2000. This number is more than double the annual 18 percent rate increase associated with lenders who are not identified as subprime lenders. The study also showed that foreclosure filings in Montgomery County, Ohio, nearly doubled from 1994 to 2000 and that subprime lenders were responsible for a disproportionately high share of that increase. In Montgomery County, the number of predatory lending complaints since 2001 have risen to 5,326.

Home foreclosures resulting from predatory lending take a toll on American cities. Properties which are foreclosed often sit vacant for long periods of time and not only become an eyesore but become a threat to public health and to safety. Boarded-up neighborhoods, falling property values, and increased crime all lead to an eroded local tax base and impair a city's ability to provide important services to urban families.

Additionally, when I served as mayor of the city of Dayton and faced this issue and how it impacts homeowners, my community continued to wonder how the financial markets would be able to sustain the losses associated the mortgage foreclosures. Beyond the individual impact resulting from predatory lending, these practices were resulting in the loss of capital in the market that cumulatively, one would expect that it would have an impact.

Now, I want to show you some of the boards that I have beside me. These are the home foreclosure numbers for Montgomery County for the years starting in 1997 to 2008. Since I have been in Congress here for 6½ years, in a county that has a population of slightly more than 500,000, there have been about 27,000 foreclosures in the community. The number of families that are impacted, the number of houses in the neighborhood is just really astounding.

I wanted to show you a representative map of a neighborhood that would show you what that would look like from the early period, before this period here starting from 2004 on where we have the higher numbers, as the foreclosure crisis began in the community. This is one Dayton neighborhood in northeast Dayton. You can see probably on the camera just a few of the streets and the make-up of the area. But for every dot you see on this map, that represents a foreclosure. This is just the period from 1997 to 2003. We haven't even imposed upon this map what occurred from 2003 forward.

If you imagine, that means that just about everybody living in the neighborhood lives next to a house that went through foreclosure. And what is unfortunate is that a lot of those houses then go on to abandonment. When a house is foreclosed, a family might walk away. And many times families are left in the neighborhood living next to houses like these that become boarded up, sources for criminal activity, lowering the property values and trapping everyone. If these houses were subject to predatory lending and their neighbors were not, the neighbors still are impacted by predatory lending by having these types of occurrences in their neighborhood and next to them.

Well, today, Mr. Speaker, the impact of all of this is clear. It does impact our financial institutions. And it does impact the very fabric of our financial institutions for our community and our country. These are the toxic assets that everyone speaks about. When they talk about toxic assets and mortgage-backed securities, they talk about the real-life foreclosures that have occurred. And predatory lending practices have contributed a disproportionate amount to those impacts.

I believe that homeownership is a privilege that everyone should enjoy. But we must not allow for the dream of homeownership to be shattered because of questionable and less-than-honest mortgage lending practices that can steal individuals' futures. That is why I'm pleased to commend my colleague, BRAD MILLER, on his leadership on this issue and work on securing the passage of H.R. 1728 in this body.

BRAD, we appreciate it. The families who have been impacted appreciate it. This is an important step of changing the rules so that we don't continue the practice of creating toxic assets.

Mr. MILLER of North Carolina. Thank you, Mr. TURNER. If you will stay a moment, I have a question or two. I know that your start in politics was in local politics, that you were the mayor of Dayton. And my observation of people who work in local politics is they can't just spout talking points. They really have got to solve problems. They don't have much choice in the matter. And I'm pleased that after more than 6 years in Congress, that hasn't worn off completely. You do still have some sense of the practical to you which I appreciate.

I said a moment ago that I would come back to what went wrong. Obviously, for more than 40 percent of all corporate profits, they are now on taxpayer life support. And what went wrong was that their economic models, their business models, assumed that property values would continue to appreciate and home values would continue to appreciate. In 2004, home values across the country appreciated by 11 percent, and they assumed—looking back, obviously foolishly—they assumed that property values would continue to go up. And what happened when property values simply stalled was they had a business model that only worked if property values continued to go up. They might go up quickly or slowly, but they would continue to go up, and they couldn't possibly, couldn't possibly go down. But when they stalled, people could not get out of their mortgage.

More and more people were underwater in their mortgage. They owed more money on their house than their house was worth. They could not get out of their mortgage. They couldn't sell their house because they couldn't pay the mortgage. And property values and foreclosure were just inextricably linked. Nationwide property values have now gone down, according to some economists, by about 30 percent from their peak in 2006, I think it was.

And for most middle class families, the equity they have in their home is the bulk of their net worth. It is their life savings. And they are seeing that disappear. Even the people that have mortgages they can pay, who aren't in subprime mortgages, when their property values collapse, their home value

collapses, they see their life savings evaporate with the collapse in home values.

As you pointed out, foreclosed homes sit vacant, stigmatizing neighborhoods and killing the property values in those neighborhoods. And in many markets around the country that have been hardest hit by subprime lending and by the foreclosure crisis, half or more of the homes on the market are foreclosures. And those houses are priced to sell.

In Dayton, what has been the effect of this on home values? Well, what has been the effect of the foreclosure crisis on home values in Dayton?

Mr. TURNER. Well it has definitely gone down. And BRAD, you make some excellent points. Now our community in Dayton, Ohio, and the surrounding counties, Warren, Clinton and Highland, that are in my district, we are not an area of the country which saw these large spikes in property values. We had very modest property appreciation. What happened most of the time, I believe, and the Montgomery County Fair Housing Center has statistics where this has been proven out, is that through predatory lending practices and what I believe are also fraudulent lending practices, the loan-to-value ratio got out of kilter. They would lend people more money than their house was worth. Structurally, you cannot maintain that. You are going to have a foreclosure if someone leverages their entire equity.

I will give you an example. Someone might have a house that is worth $70,000. A lender comes to them and says, well, your house is really worth $100,000. I will give you $10,000 cash out of your equity. And then they will charge them $15,000 in fees that are rolled up and capitalized into the loan, so the family now has a $100,000 loan on a house that was worth $75,000. They got $10,000 to send their kid to college or pay medical bills. But they are now sideways because the house really isn't worth $100,000.

So if you have then an economic event where they have difficulty in making that mortgage payment, it is different from economic downturns we have had before. When we have had economic downturns before, people still had equity in their home. They might be able to sell their home or they might be able to try to make the payments on the lower value. But once you have a loan on a house that is greater than its value, and people do not have the money to cut the check for the difference, they are going to walk away. And they are structurally going to have to leave that home behind. The bank is going to foreclose and take it. You're going to have this abandonment.

And what you just said, BRAD, what is really important, is the people who live next to that house, who didn't have a predatory loan, who didn't take a loan out greater than their value, now see their property values drop because the house next door to them is now abandoned.

We have seen stagnation in property values and growth in the Dayton area, some declines. People who live next to a home that has been in foreclosure see their property values decline. So it is something that doesn't just impact the family. These numbers you see here of people who have had their home where they have lost it in foreclosure are multiplied by the number of people who live next to those homes. And in some neighborhoods because there are so many that this has happened, the whole neighborhood sees the decline.

Mr. MILLER of North Carolina. You mentioned in your remarks the number of people, the 2.5 million families who have already lost their homes to foreclosure because of the subprime crisis, and you said the estimates are that many more will. The estimate that I have seen, the economists at Credit Suisse, was at 8.1 to 10.2 million families. More families will lose their homes by the end of 2012, in the next 4 years. And if that happens, if we can't do something to stop that, it is hard to imagine that anything else we do to fix the economy is going to work. That is going to be catastrophic for those families. Those families will fall out of the middle class and into poverty and probably will never climb back out. But it is going to be catastrophic for the whole economy.

One further question, though. I have talked about the relationship between home values, the collapse of home values and foreclosures; but a family that has seen their home collapse in value is not going to be in any hurry to go buy a new car or to buy anything they don't have to have. What has been the effect of the economy in Dayton generally? What has been the effect on the car dealerships and the retailers? Are you seeing an effect on the economy, the retail economy, in Dayton as a whole?

□ 1945

Mr. TURNER. Absolutely. In Ohio, we have had significant job loss, and that goes to part of the economic crisis that people are seeing.

But when you have people's home values drop, just as you said, they have less wealth. And when they have less wealth, they are less secure, so they are less secure in proceeding with other purchases.

But an issue that also impacts them is when the value of your house goes down because someone else has gone into foreclosure, the value is not there and you are also stuck, unable to sell your home. There are people now, who because of the number of foreclosures that have occurred in the neighborhood, were holding onto their house, and that has a suppressing impact on the economy also. If the value was still there, they might sell their home and move on.

BRAD, I commend you again for your bill. Throughout the country, people know we have a foreclosure crisis. They know there is a foreclosure crisis which goes straight to the issue of toxic assets, which goes straight to the financial stability of our financial institutions. This bill, unlike the bailouts that were passed, goes straight to the issue of trying to stop these practices so that we don't continue to crank out toxic assets. That will provide stability in the market where people will have some confidence that these loans that are being given have some standards behind them and that families are not put at risk.

Mr. MILLER of North Carolina. I did vote in October for the TARP, the bailout, and it was certainly a bitter pill for me, having been one of the sternest critics of the industry for the whole time I have been in Congress. I did it because I thought there were exigent circumstances that I thought the country was facing, but I said at the time that we have to reform the industry. We cannot just get back to where we were. We have to address the kinds of practices that led us to where we are.

Mr. TURNER. Exactly to what you said, one other thing that I want to talk about is the issue of how people feel about this.

There are people who live next to abandoned homes that went into foreclosure, who have made their payments and have seen their property values drop, and they know that lenders took advantage of the families in their neighborhoods, and those lenders are part of where the tax dollars are going for these bailouts. They want to know when are these lenders, when are they going to be held accountable and stopped from these types of activities. That is what your bill does. It goes to saying we are not going to allow the lenders to continue these practices. Elements of your bill will have a huge impact on neighborhoods and families. Thank you for advancing it.

Mr. MILLER of North Carolina. There has been a lot of hand-wringing by the political establishment, by the political pundits, the populism—they use the word ''populism'' as if it is completely synonymous with the word ''demagoguery,'' which it is not—the populist rage at what has happened in the financial sector and the AIG bonuses.

To me, I think many Americans know the kinds of practices that have gone on. It is not just mortgages. Certainly it includes mortgages, but it is also credit card practices. Just 2 weeks ago we had legislation that we have now passed that would fundamentally reform credit card practices. Many, many Americans have had very distasteful and very expensive experiences with credit card companies that left them furious at that industry, the same industry.

Overdraft fees. Overdraft fees. They don't really affect the middle middle to upper middle class. It is more people who really are struggling. When they get to the end of the month and there

is more month than there is paycheck, they might go beyond the amount of money in the bank. The lending industry has actually designed what they call fee-harvesting software that batches the transactions, the checks, the ATM visits, the debit card purchases, that batches them in a way that maximizes the overdraft fee. And an overdraft fee is typically $35.

If someone gets to the end of the month and has $100 in their bank account and they go to the ATM and get $20, they buy something on their debit card for $20, go back to the ATM and get another $20 and make a $15 purchase with their debit card, and then another $25, and then write a $105 check, the software runs the $105 purchase through first, and charges a $35 overdraft fee on that and then a $35 fee on the $20, the $20, the $20, the $15 and the $20. Americans are furious.

And then they see the very industry that they think cheated them on their mortgage, cheated them on their credit card, cheated them with overdraft fees, they see their tax money going to help save that industry from their own bad judgment. I think it is righteous anger, and I think we need to, as you have said, we need to reform the practices that led us to where we are.

Mr. ELLISON has returned.

Mr. TURNER. Before you turn to Mr. ELLISON, I do want to commend you for this bill. It is very important. You are taking action that goes right to the heart of the crisis. I am pleased to support it, as this House was, and we certainly look forward to it proceeding. Thank you for highlighting it today.

Mr. MILLER of North Carolina. In these hours, it is typically the case that Members are filled with praise for one another, and I wonder sometimes when I hear a Member say, I thank the gentleman for his leadership, I wonder sometimes whether he is actually thanking for him for his leadership or is just stalling to think of what to say next.

We are joined by Mr. ELLISON, who has joined the Financial Services Committee. He is now in his second term, and he has been a great friend and ally on that committee and a great advocate for consumers.

Mr. ELLISON. Let me say, I do thank the gentleman, but I do it in all sincerity. Congressman MILLER, you and Congressman FRANK and Congressman WATT and Congresswoman WATERS and Congressman GUTIERREZ and Congresswoman MALONEY have really been offering the kind of leadership on the Financial Services Committee that any freshman or sophomore Member could only dream of. Any freshman or sophomore Member joining our committee could easily wonder where do I fit in and all this stuff, but you all have carved away so that those of us who have a compassion for consumer justice and for an America where we have shared prosperity, not just for some of us but where all of us have an opportunity to do well and take care of our families, you all have cut a wide berth for us, and so I thank you for that.

Let me say about the foreclosure crisis, in many ways I come here somewhat embarrassed because we could have had a bill like this years ago. It is not as if you and Congressman WATT didn't think of it. It is not as if the Miller-Watt bill wasn't on your mind back in the 109th Congress and 108th Congress. It was there, but it took this propitious moment to get as close as we are. And yet, we still don't have a signed bill. We have a bill that has passed through the House, and we have great hopes for it getting through the Senate, and we have even greater hopes to get it on the President's desk for signature. But the moment that the American people are waiting for, which is to end predatory mortgage lending, that moment has yet to come. And we have seen foreclosures that have rivaled the Great Depression. That is very disturbing to me.

I want the American people to look at this chart that we have here tonight. The number of new foreclosures increased dramatically between 2005 and 2008. That is precipitous growth in foreclosures. As foreclosures were going up, we also see human beings attached to each one of those foreclosures. Congressman, you know what I am talking about. The stories can be told.

Let me tell a story. I was knocking on doors one day and I saw a gentleman hobble to the front door to answer the door to talk to me. This particular gentleman lived on the south side of Minneapolis. I heard a voice come from deep within the house say, Be careful, Honey, and it clearly was his partner. And he hobbled up to the front door anyway on a cane.

I said, How are you doing?

He said, Fine.

I said, I'm running for Congress. I want to go there and I am going to work on consumer justice. I am real concerned about credit cards and real concerned about predatory lending.

He said, I hope you are, because let me tell you, I was on my roof trying to fix it. It is because I didn't have the money to fix it to hire a guy who really knew what he was doing. My wife told me not to do it, but I did it anyway. As usual, she is right. I fell. I hurt my back, which I hurt years before, and we didn't really have the money. It cost us $1,800 for an emergency vehicle to come get me. They got me there. I had a big bill. I didn't know what hurt more, the back or the bill. I didn't have the money, so I put it on a credit card. I ended up getting another credit card, and I started juggling these cards. And then when the mortgage payments came and I wasn't working, I just couldn't keep up.

Well, a few years ago we bought this house and we had a huge balloon payment after 3 years. We thought we would be able to do it because when we talked to the guy, he said, You know what? The value of your house is going up and you will be able to do a refinance and you won't have any problem.

That man told me, Look, I have big credit card debt and medical debt, and I am starting to get notices that they are going to foreclosure if I don't make some payments to the bank. Unfortunately, time went by, November came, I ended up being a Congressman, and this man ended up being in foreclosure.

The sad fact is the people who are in foreclosure, there are a lot of ingredients to this very sad cake; but one is hard times and economic difficulty, and two, bad loan products. The combination of the two makes for foreclosures.

As we open up tonight, Congressman MILLER, I am grateful to you and Congressman FRANK, Congressman WATT, Congresswoman WATERS, Congresswoman MALONEY, and all of the people who have been leading the charge on this issue.

I want to keep it in mind that we are not talking about just statistics. We can tick off, in 2008, there were 2,417,000 foreclosures, but there was a life and a family connected to each one of those.

As we do this Special Order tonight, we need to keep that in mind.

Mr. MILLER of North Carolina. Thank you, Mr. ELLISON.

I want to address a couple of other points. One that is frequently cited, argued, that the people who signed those mortgages should have known better.

Here is the reality. Economists call it asymmetry of information. In other words, one of the parties to a transaction knew what was in the documents because they wrote the documents. They had their lawyers write them. It was little print. It was legalese. There was a lot of it.

And most Americans who may feel smug that they didn't sign a subprime loan have probably gotten burned on a credit card, and they know what credit card contracts are like. And they know that the bank wrote the credit card contract and they didn't have any say in what was in that contract, and they know that it was complicated and it was designed to trap them and had little trip wires and whatever else.

But the same was true of mortgages. The Federal Trade Commission actually quizzed both prime and subprime borrowers, people who got good mortgages and people who got the toxic mortgages right after closing, right after they signed the documents, and it was an open book test with their documents in front of them. They quizzed them on what the terms of their mortgages were, and almost nobody knew what they were signing.

A half could not identify the total amount of the loan. A third could not identify what the interest rate was. That was with the documents in front of them. Two-thirds did not know there was a prepayment penalty if they had one, and 90 percent did not know the total up-front cost. Up-front cost is where predation lives.

□ 2000

That was what predatory lending was all about.

And in addition to that, most borrowers, particularly subprime borrowers—70 percent of the subprime borrowers got a mortgage broker. They thought mortgage brokers presented themselves as a mortgage professional. Now they tell Congress that they should be regulated like a used car salesman—which is actually unfair to used car salesmen because there are some consumer protections in selling a used car. But they said they should simply be a salesman. It should be buyer beware; that there should be no particular protections. They shouldn't be treated like a lawyer or someone else who has a fiduciary duty—I think a point that you made in committee.

Brokers were being paid not just by the borrower, but by the lender. And the worse the loan was for them, the more the lender paid the broker. Now, most Americans, when they hear that, just think that's crooked.

Mr. ELLISON. Will the gentleman yield? Was there an obligation to disclose that I'm getting paid more money for selling you this loan, and it's costing you more but it's making me more? Was that part of the disclosure requirement?

Mr. MILLER of North Carolina. Yes. It was one of the documents, it was one of many documents that the borrowers signed. And guess who handed them that document and explained to them what they were signing? The broker. And if the borrower asked, what is this I'm signing? What the broker would say is, well, this just means that the lender is paying part of my fee, saving you money.

So, yes, there was a disclosure. Was it an effective disclosure, was it a disclosure that really told consumers what was going on? No, it was not.

Mr. ELLISON. If the gentleman would yield one more time. So what you're saying is it was telling you without telling you anything; is that right?

I yield back.

Mr. MILLER of North Carolina. Yes. It was a nondisclosure disclosure.

This is actually a rate sheet. This is from a lender that is now long out of business, but this is how mortgage rates were set. Across the top it shows the loan to value, what percentage—it might be 95 percent—and a credit score, how well a consumer or borrower paid their bills, what they had earned for themselves. Their reputation also factored in. The industry used to call that ''character'' as one of their considerations in lending.

And so on this sheet, a 95 percent loan, a loan where the borrower only had 5 percent and the borrower had a credit score between 640 and 659 would pay 7.55 percent interest. But over here, there is the payment that the lender made to the broker called the yield spread premium. And it says, if the borrower signed a mortgage that was a half a point higher interest rate than they qualified for based upon their loan to value and their credit score, the interest rate that they earned by how well they paid their bills, the lender would pay the broker 1 percent of the loan. That was called a yield spread premium.

Now, I think most Americans hearing this can't believe that this was ever legal. It's still legal. The bill we passed last week would prohibit this, would end it. But this means that even those borrowers who are trying as hard as they could, knowing that they were entering into a complicated and important transaction to buy a home or to borrow money against their home, who would try to get a professional voice, someone to be on their side, someone who would understand it and would lead the borrower through it and find the best loan for the borrower, their trust is being betrayed. Now, if our bill passes, we will have finally ended this. But those who feel smug and say, well, they should have known better, the odds were so stacked against them, they never had a chance.

Mr. ELLISON. Would the gentleman yield? May I ask the gentleman a personal question?

Mr. MILLER of North Carolina. Yes.

Mr. ELLISON. How many homes have you ever purchased in your life?

Mr. MILLER of North Carolina. Let's see. I think three or four—four.

Mr. ELLISON. Could you count them all on one hand?

Mr. MILLER of North Carolina. I could on one hand, yes.

Mr. ELLISON. How many mortgage transactions does a mortgage broker do in a given week?

Mr. MILLER of North Carolina. Quite possibly 10 or 15; I mean, a successful broker.

Mr. ELLISON. If the gentleman would yield back. So they do more transactions in a week than you have done in a lifetime?

Mr. MILLER of North Carolina. And that's what they told the borrowers. This is my business——

Mr. ELLISON. Is that what you call an information asymmetry?

Mr. MILLER of North Carolina. Yes. There was an information asymmetry, which worked very badly for the borrower, for anyone who is on the short end of that information deficit, that information gap.

Mr. ELLISON. So if the gentleman would yield back. The bottom line is, you are a lawyer, you are a Member of Congress, you have served in the North Carolina State Legislature, you're a man, clearly, of ability and all these things—I'm not just praising you gratuitously, I'm just identifying the facts—and here you walk into a transaction to buy a home, and quite literally you are at a disadvantage because the person on the other end of the transaction has done more transactions in a week than you have in a lifetime.

Now, imagine a person who is a first-time homebuyer, a person who has not finished law school and college and maybe even high school, a person who maybe works hard every day, and the idea of buying a home for them is a dream come true, maybe nobody in their family has ever owned the place where they lived. And so they're juiced up, they're excited, and they really don't understand the documents that they're signing.

The fact is, I think that this legislation that you have helped shepherd through Congress is a long time coming. And we need people to really register their support for a piece of legislation like this. I just want to ask you a question, Congressman, because I think it's an important one.

Now, someone might make the case that, okay, Congressman, you're talking about predatory lending a lot. What about predatory borrowing; isn't it true that some of these people bought loans that they knew they could not afford? Well, what are your views on that, given the fact that people were in fact steered to more expensive loans, that mortgage brokers—some of them, not all, some of them—did get paid to get you to pay a higher cost loan, that there were these things like information asymmetries; what does the reality of predatory borrowing really mean? I yield back.

Mr. MILLER of North Carolina. Some of our colleagues make that argument frequently. It is an explanation for the crisis that the lending industry loves. They welcome that explanation.

Here is the reality: As long as home prices were appreciating, they didn't have to pay attention to whether borrowers could really pay it back or not because the house would appreciate in value. The borrower, if they couldn't pay back the loan, they certainly weren't going to allow it to be foreclosed, they would sell it.

I asked those very questions of a spokesman for the industry at a hearing just last year to Robert Story, who was vice chairman of the Mortgage Bankers Association. I asked if the cost of foreclosure is actually recoverable by the lender out of the proceeds of the foreclosure sale. So if there is equity in the home, the lender recovers the cost; is that correct? He said, okay, as long as there is equity in the home, it really isn't an economic problem for the lender, that's right. He said, that's correct, but most people who have equity in their homes don't go into foreclosure because they can sell their home because they have equity in their home and they can reduce the price. As long as home prices continued to appreciate, there was no way they were going to lose money even if a borrower couldn't pay back the mortgage.

And I asked that at some point, too, when we had the questions in committee again and again about predatory borrowing, people who are committing fraud. I asked Sheila Bair, the Chair of the Federal Deposit Insurance Company, I asked on April 9, 2007, If lenders were really getting half of all

loans, subprime loans, without full income verification, do any of you—I was speaking to a panel of witnesses—really think that no one buying those loans really had a clue that there was a problem? And Sheila Bair said, I don't think they looked. It's amazing to me; investors who are holding the ultimate risk in the loans, and I don't think they looked. I don't think the rating agencies looked. It's one of the breakdowns of the system that we have. Market discipline was not there, nobody was looking.

But I asked the panel after she said that, I said, Does anyone here think that the masters of the universe on Wall Street who bought those loans were really being played for chumps by middle class families who were borrowing from them? And John Dugan, the Comptroller of the Currency, said, I think there was a belief that income was no longer predictive of people paying the loans back, and you could rely on the history of house prices going up. And so they ignored it. And I think that proved to be a very dangerous decline in underwriting standards.

Well, no kidding. And we've had story after story about how lax the underwriting standards were, about how little they did really to make sure that the borrowers could pay the loans back because it didn't matter.

The New York Times ran an article on WaMu, Washington Mutual, one of the leading subprime lenders. And they quoted an appraiser who worked with WaMu who said, If you were alive, they would give you a loan. Actually, I think if you were dead, they would still give you a loan.

There were memos to the originators of loans from WaMu saying, A thin file is a good file. Don't ask too many questions. There was an article in the press in just the last week or two about a similar memo that JPMorgan Chase sent out to everyone who was originating mortgages, Don't ask questions. If you don't want to know the answer, if it might disqualify someone for the loan, just don't ask. They weren't worried about people paying the loans back. Now, that was catastrophic for the borrower because the borrower was going to lose the equity in their home if they had to sell their home. And once you've gotten yourself into the middle class by buying a home, and God forbid you lose it to foreclosure, but even if you had to sell it because you can't pay the mortgage, you really are falling out of the middle class.

Some have argued that we haven't done anything about borrower fraud. We don't have to do anything about borrower fraud. There is already the law of fraud that if the lender was really duped by the borrower, they could sue the borrower, but they would have to show that they actually reasonably relied upon what the borrower told them. They weren't relying on what the borrower told them; they were asking to be lied to. And in most cases, the broker filled it out and just gave it to the borrower to sign.

Mr. ELLISON. Would the gentleman yield? Is there a commonly referred to name for the kind of loans you are referring to?

Mr. MILLER of North Carolina. Liar loans, yes. Sometimes they're called ''Alt A,'' that was Alternative A, that was the polite name, but they were also called liar loans.

I do want to talk about where we go from here. The bill that the House has passed does reach a lot of the practices that have led us to where we are. It does limit the upfront cost, which is where the predators really made their living was by soaking borrowers at the front end, as Mr. TURNER talked about, what they made came out of the equity in the borrower's home. It was lost in the loan documents, but it was in the lending industry's pocket by that point.

It requires disclosures that are actually understandable. It requires standard forms that are actually developed by the banking regulators. They are designed to be understood, not disclosures designed by the industry that are designed not to be understood. It prohibits this compensation system that rewards brokers for betraying the trust of borrowers.

It requires that the lending industry not make loans to people who don't have a reasonable ability to pay it back. It requires brokers to present borrowers with a set of options that are reasonably suitable to the borrower's needs. If we had that bill in effect 5 years ago, we would not have the crisis we have now.

Now, there has been a lot more contributing to the crisis now than just subprime loans or even alternative loans, option arms, and all the rest, the exotic products—exotic mortgages is what Alan Greenspan called them. It has gone well beyond that now. But this is what precipitated it, this is what got it started. This was the match that started the newspapers, that started the kindling that started the hard wood. This is what started the fire of mortgage lending.

□ 2015

But we have to go beyond this.

Again, let me go back to this chart of the financial industry profits as a share of U.S. business profits. It peaked during the subprime heyday at more than 40 percent of all profits. This is when the lending industry is saying, you know, we have to do these things to make credit available to people. If you rein in what we're doing, we just won't be able to make credit available to people, and you are going to hurt the very people you are trying to help. No. They were making a killing.

This is gone now. This is in addition. This is after all the vulgar compensation that we've heard about. In addition to CEO compensation up and down the line, the financial industry pays very well. Compensation in the financial industry was almost twice of what Americans generally got. But this money is now gone. In the words of the country music song, ''It's in the bank in someone else's name.'' And now we're dealing with the fallout after this.

But look at what it was back in the fifties and the sixties when our economy was doing pretty well. We had a manufacturing base. The middle class was doing well. Their lives were improving. Their economic conditions were improving. They were making just ordinary profits of, you know, 10 to 15 percent, not more than 40 percent.

The financial industry wants to go from where we are, which is that they're on taxpayer life support. But they want to go back to this. This is not what we need to go back to.

Mr. ELLISON, I know that you also support the legislation that Mr. DELAHUNT and I have introduced. I actually lost a coin flip. It's Delahunt/Miller instead of Miller/Delahunt. But in addition to what we've done to get at mortgage lending practices and credit card practices to create a regulator whose only job is to look at financial products, consumer financial products and look at those up front to see if they're fair to the consumer and prohibit those that aren't.

In addition to Mr. ELLISON, there are several prominent supporters of this proposal. Joseph Stiglitz, a professor of economics at Columbia who's won the Nobel Prize.

Mr. ELLISON. Elizabeth Warren.

Mr. MILLER of North Carolina. Elizabeth Warren. Robert Shiller who is a professor of economics at Yale, widely published, well regarded, seen as a likely future winner of the Nobel Prize. He probably has an economics status that the golfing world has, the best golfer never to have won a major, and I hope that that status or that reputation for Professor Shiller does not have the same career consequences as that reputation in golf has.

But Elizabeth Warren, as you point out, a professor of law at Harvard, is probably the best known and most vocal advocate for it. And she compares it to a toaster. That a manufacturer of a toaster—you know, a consumer doesn't know what's on the insides of a toaster. And if a toaster manufacturer is just trying to make the most money that they can—she made these arguments just earlier this week on the Charlie Rose show—take out the insulation from the toaster, and the toaster has maybe a one in five chance of catching fire. It's more profitable for the manufacturer of the toaster. They would make more money, though the Consumer Product Safety Commission is at least supposed to keep them from doing that kind of thing. Why is there not a regulator who looks in the same way at financial products? That is Elizabeth Warren's analogy, and that probably rings true with a lot of people.

But in my late and unlamented law career, I did some insurance regulatory work, and I can't tell you how different insurance is from lending. Insurance

has been regulated because there have been abuses in the past. Before an insurer can offer a policy, the insurance commissions in the various States approve the policy form. What are you insuring against? Do you have little tricks in there that you aren't really insuring people against what they think they're getting? What is the likelihood that there is really going to be a loss? And is the premium right? Is the premium right? Is it not too high so it gouges consumers? And is it not too low so that insurance companies might make a quick profit but not have the money to pay claims when claims come due? And that happened in the past. That's why we have that regulation, and that's what's happened now.

The financial industry has made a huge profit, huge profit. More than 40 percent of all corporate profits by these consumer lending practices. But now that the consumers can't pay their credit card bills and can't pay their mortgages, they're stuck.

The American people are not deadbeats. They're stuck. They are working hard. And if anything goes wrong in their life, if they lose their job or someone in the family gets sick or if they go through a divorce, they really don't have much room to play. And they've got to be able to borrow money.

But the industry made a killing, and now they're getting bailed out. I don't want to go through a cycle of making a killing and getting bailed out, making a killing and getting bailed out.

Let's have a set of regulations in place that provides the American people the kinds of financial services, the kinds of financial products that really meet their needs and doesn't produce this kind of profit, that really produces the kind of profits we had back in the manufacturing days, back when the lives of ordinary Americans and the middle class was improved.

Mr. ELLISON. Well, let me say, I'm proud to be on that bill with you. I think that Elizabeth Warren, Professor Stiglitz and Professor Shiller are all brilliant for coming up with the idea. The fact is, if you look at many of these mortgages, they were not safe at any speed, to borrow a phrase from Ralph Nader.

The fact is, if the only way that this mortgage, quote-unquote, works is if you can refinance it in 3 or 2 years, then that is a mortgage that doesn't work. It's designed to end up in foreclosure but for a very shaky assumption.

If the gentleman would allow me to mention in our waning time, I would also like to say this about the bill we just passed through the House. And that is that many of the properties that have ended up in foreclosure are not homeowner-occupied. In other words, they're multifamily dwellings. They're investor-owned. And in many States across our country, you can be a tenant who has paid every, every rental payment on time, never missed one. And yet if your landlord didn't use that money you gave him to pay that mortgage on that building, you could find yourself kicked out without any notice at all.

Some States have regulations, many don't. This bill gives people 90 days from the date of foreclosure in order to stay and make new plans for their lives.

I think this is a critically important piece of legislation, very important provision in the bill, and I'm glad it is a part of it.

I know you're going to have to wrap up pretty soon, Congressman MILLER, so I just want to yield back to you now.

Mr. MILLER of North Carolina. Thank you, Mr. ELLISON, for participating.

We have covered a great many topics that I wanted to cover. There are many more that we have not. The arguments that the Community Reinvestment Act of 1977 caused our financial crisis in 2008.

Mr. ELLISON. Ridiculous.

Mr. MILLER of North Carolina. Actually, the Federal Reserve Board's statistics show that 6 percent of subprime loans were by lenders who were subject to the Community Reinvestment Act—not all lenders were, or just those with federally insured deposits—and were in the neighborhoods where the Community Reinvestment Act encourages savings. And all the evidence says that that 6 percent perform better than others.

So it is not that that is exaggerated. It is completely untrue. There is no truth to that argument at all.

If we had longer, we could talk about the role of Freddie and Fannie. Certainly they are blameworthy. They acted badly, but they did not lead the financial industry into this crisis, as has frequently been charged.

What led the industry into this crisis was the pursuit of profits and not an honest living but a killing. Not an honest living by providing services to people who needed it, credit to people who needed it on reasonable terms but a killing by cheating people. And we can't go back to that.

What we need to do now is not just climb out of where we are but try to restore what we had before. We need to reform the industry and the consumer lending practices.

Mr. Speaker, I don't think I have much time to yield back, but I do yield back the balance of my time.

ECONOMICS AND ENERGY

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

I am honored to be recognized to address you here on the floor of the House of Representatives in this Nation's most deliberative body of debate, at least it used to be, and I hope it is once again, Mr. Speaker.

Having listened to my colleagues here and identified, I think, the centerpiece of this debate that's taking place in this country, I wanted to address, Mr. Speaker, this evening the idea of where we stand with the broad economic view that is what's taking place in the United States of America today, and then I'd like to take us back to where we are with the overall cap-and-trade, cap-and-tax, greenhouse gas, global warming, climate change debate that's going on. The language seems to be drifting and moving a little bit, Mr. Speaker, on this. And I will go to the climate change component of this.

But first, Mr. Speaker, I want to address this situation on where we are from a broad economic perspective so that there is a backdrop in order to think about how we go forward with policy and what is the right policy for the United States of America within the context of the world and the globe.

We are the global economic leader. We are a large percentage of the world's economy. We have been leading this world's economy because we have, are, or were a free market economy. And the foundations for American exceptionalism should be clear to everyone on each side of the aisle.

Of course that foundation is rooted back in the philosophy that is the foundation for our Constitution, which is the Declaration of Independence. It's rooted in the natural law and the natural rights that come from God and that our founders all unanimously recognized. And as they took those principles and laid them out in the Declaration of Independence and then later on, about 13 years later, were able to get that language into the Constitution and get the Constitution ratified and give birth to a nation, what made us such a great nation? Why didn't we wallow back into the problems that so many other nations have had? What distinguishes the United States of America from the other countries in the world?

Now there have been powerful economies in the world. There have been powerful cultures and societies. The Founding Fathers studied a lot of those. They looked at the Greeks and the Romans, for example. They didn't have the opportunity to take a look at the former Soviet Union, but they would have taken a lesson from the former Soviet Union. It seems as though many Members in this Congress have missed that little history lesson, even though they lived it as contemporaries.

But these foundations of American exceptionalism, many of them in the Bill of Rights, the right to freedom of speech, religion, expression, assembly, a right to keep and bear arms, a right to property that was diminished, I think to some degree, by the Kelo decision in the Supreme Court about 3 years ago when they struck three

words from the Fifth Amendment of the Constitution which says, ''nor shall private property be taken for public use without just compensation.''

The Supreme Court struck these three words ''for public use'' out of the Fifth Amendment to the Constitution of the United States. That's the effect of their decision. And that, Mr. Speaker, isn't just me. That was my independent conclusion and analysis from reading the Supreme Court decision later on after I spoke on the floor on the issue, and as I prepared to rebut the now Chairman of the Financial Services Committee from Massachusetts (Mr. FRANK). So I listened to him in preparation to—generally I would disagree with him on most everything that comes to this floor. This time he and I agreed verbatim. And I read later on Justice O'Connor's dissenting opinion, which also was right down the line with the position that Mr. FRANK and myself and many others—the Supreme Court had undermined property rights by their Kelo decision.

But that is one of the major keys to American exceptionalism, that right to keep and own property, ''nor shall private property be taken for public use without just compensation.''

But in New London, Connecticut, they took private property and they transferred it over to another private entity, a development corporation, for the sake of what they considered to be a better public interest because they could collect more tax dollars from the developed property rather than the lesser-developed property.

It was a flawed fundamental constitutional principle that they made that decision upon, and now we're seeing an incremental encroachment upon other property rights in this country. But property rights being one of the pillars of American exceptionalism, I laid out those other points. Many of them are in the First Amendment, the Second Amendment.

But there are other reasons. One is that this Nation was founded by a robust people that skimmed the cream of the crop off of the donor nations as immigrants came to the United States with a dream. It was hard to get here, and yet there was so much to be gained and achieved when they arrived here. And they didn't all make it. Some of them failed. Some of them went back to their home country. Some of them didn't make the cut at Ellis Island. About 2 percent were turned around and put back on the boat and sent back to Europe back in those days, 100 or so years ago.

□ 2030

But those that stayed, many of them exceeded their own expectations. The success of the vitality of newly arriving immigrants in this country was another one of the foundations of American exceptionalism built upon these constitutional rights, including property rights, built upon free enterprise capitalism. That desire to succeed and that will to succeed along with a culture that celebrated success, those being some of the underpinnings of the pillars of American exceptionalism.

Well, as we look at how this has unfolded, these things happened, those pillars that came together at that time flowed from Western civilization, became the embodiment of Western civilization. And while that was going on, this robust people that had these new rights that came from God and this right to property and a right to return on their investment, these new rights that were there also matched up with a continent that was almost unlimited in natural resources and a continent that was being developed by a country that kept taxes low, regulations low, and in many cases nonexistent so that the reward was there for the entrepreneur. And that culture, that tradition, and those rights that are the foundations for the success of this great country are being eroded today at a pace faster than anytime in the history of the United States of America.

Now, we saw these lessons of these failed countries, and we saw Rome rot out from within and corruption that pulled it down. It couldn't hold itself together because of the corruption that was within Rome. We saw the nation states arise. They started out to be city states, and then to the limits of the languages also went the borders of the countries and the nation states of Europe over the last 250 years or so. And they fought wars that were clashes of cultures and economies to determine the boundaries and the borders of the nation states. But still over the last 200 or more years, the nation state remains as a very essential successful institution on this planet. The nation state that looked out for the interest of its citizens, the nation state that had clear borders, the borders that usually went out to the limits of the language itself because that's what defined the common interest of the common people, and to a lesser degree that does so today, but it's been a foundation of a nation state.

And this nation state of the United States of America, this unique experiment that brought people from all over the world and put them in here on this country with these nearly unlimited natural resources, with the low taxes and the low or no regulation, and a culture that was rooted in religious freedom that had at its foundation Christianity and the work ethic that comes from the Protestant work ethic and the Reformation, those things that flowed within that culture, this country became a giant petri dish that was teeming with success. That's American exceptionalism. It's who we are. That's why the rest of the world has had trouble keeping up with us. That's why the rest of the world doesn't match up with us in patents or trademarks or copyrights. That's why the rest of the world hasn't matched up in the growth of their economy, they haven't matched up militarily, they haven't matched culturally, because we have this robust freedom. And sometimes there's a price to be paid for that. But we lead the world. We are a nation that leads the world with freedom. And the rest of the world looks on full of awe and respect and sometimes some trepidation because they are really not sure what's coming out of the United States of America. And, Mr. Speaker, I will tell you that I'm at the point now where I am not very sure either on how this has drifted.

But as I watched this economy that needed to take a correction because there was a housing bubble in this economy, Henry Paulson, then Secretary of the Treasury, came to this Capitol on September 19, 2008, said, I have got to have $700 billion. I've got to have it right now, and I've got to pour it into the economy, and I'll pick up this toxic debt and we'll do what we can to stop this impending free-fall of this economy. Well, after more than a week of running around this Capitol and out to the White House and doing press conferences and pressing this Congress to appropriate the $700 billion, we sure saw the economy go into a tailspin in a hurry, and some of it accelerated by that kind of activity. And I would have preferred that that would have been back-channel discussions that could have been kept at a low key so that we didn't see this economy react the way it did. But it did. And when we saw the stock market spiral downward, a correction that at least in part needed to be made, and globally as the world lost its confidence in our financial institutions, we had the real risk of our financial institutions going under during that period of time, September, October, November, December, January of this year, and into February. As that instability hung in there, while that was going on, we were a nation that I think overreacted, Mr. Speaker.

Some of the things that happened as the economy spiraled downward were people on the floor of this Congress and in our committee and back in our meetings and talking to the press beginning to tell America, Well, I guess that tells you what capitalism does for us, arguing that capitalism had failed and that's why the economy was spiraling downward.

Mr. Speaker, no economy has ever matched this economy in the United States of America. We have overcome far greater burdens than this one we're under today. The Great Depression of the 1930s was a larger burden than the one we're under today, at least by any measure that we can do currently. We don't know what's going to happen tomorrow, next week, next month. By this time next year, we'll look back and we ought to have a pretty good idea. But this free enterprise economy has recovered and bounced back in the face of difficulty after difficulty. It took us through the recessions of the 1800s. It took us through the Civil War. It brought us through the Spanish-

American War, World War I, World War II, the Korean War, Vietnam, and the Cold War.

In fact, Mr. Speaker, of all those things that we had been through, including the Great Depression, which I briefly mentioned, the Cold War itself is a perfect model of what this free market economy can do because Ronald Reagan looked across at the Russians, called them an ''evil empire,'' which they were and are increasingly becoming again, and he went to Berlin at the Brandenburg Gate and he said ''Mr. Gorbachev, tear down this wall.''

We didn't know at the time how much was going on behind the scenes, how much was going on back channel. But we know, looking back in history and this being reported in the news, that in the nuclear defense negotiations that were to take place in Reykjavi, Iceland, Ronald Reagan walked out of those negotiations because he couldn't get a settlement with the Soviet Union. And the press excoriated President Reagan for being—I don't remember the exact language. Today they would say ''cowboy diplomacy,'' if they called it diplomacy at all. They believed that Ronald Reagan had put this world at risk by walking out of those negotiations. But Ronald Reagan wasn't about to give up our national security for the sake of getting along with people who had lined themselves up against us to be our opposition in the world, to challenge the United States for the title of this world superpower. And for a long time, we went along running in parallel with the Soviet Union competing against the United States for which nation would be the preeminent superpower.

Jean Kirkpatrick was Ambassador to the United Nations during the early part of the Reagan administration. And I believe after 2 or 3 years, she was preparing to step down from that role. And as she retired as Ambassador to the United Nations, she explained something to America that when I read that on Page 3 or 4 of the paper that day, a tiny little clip, actually, it settled in for me the picture that Jean Kirkpatrick had drawn, Ambassador Kirkpatrick had drawn, and it was this. Now, remember we are in the middle of the Cold War. We're perhaps at the height of the Cold War with the maximum amount of tension that's being brought to bear because Ronald Reagan is doing the thing that the leader of the free world would do, and that is playing some negotiating brinksmanship but knowing the card that he holds and having a pretty good idea of the cards that the Russians are holding. But Jean Kirkpatrick described this conflict of the Cold War this way: She said, What's going on is the equivalent of playing chess and Monopoly on the same board, and the only question is, will the United States of America bankrupt the Soviet Union economically before they checkmate the United States militarily? That was the question that she laid out as she stepped down as Ambassador to the United Nations.

Mr. Speaker, when you think about this and come to a realization that a country like the Soviet Union that was in an arms race, building missiles bigger, more of them, and building them faster than they ever had before, pouring a high percentage of their gross domestic product, which is an all-controlled economy in a socialist/communist economy—I'll just call them a communist nation. Their communist economy was trying to produce enough wealth that they could match up against the United States and enter into an arms race and defeat us in an arms race so that we would be looking at so many nuclear-tipped, multiple nuclear-tipped warheads that we couldn't hope then to defend ourselves against the Soviet Union and we couldn't hope to mount enough missiles to provide a deterrent to them. Mutually assured destruction. The Soviet Union was determined that they were going to be in a position where they would assure our destruction and, with the power of that, they would then cause the United States to back down and recede diplomatically and that the Soviet Union would be able to advance themselves around the world and exert their influence into country after country and begin to dominate the world because of the military threat that they would be to the free world, particularly the United States, the military threat that they were in Europe itself, lined up, remember, with the Berlin Wall standing. It was another 5 years before the Berlin Wall came down.

All of this dynamic is going on, and the Cold War is being fought, some say without firing a shot. That's really not true, but without firing a lot of shots in relation to the billions and billions that were invested. The Cold War was not a shooting war. That's why we called it the Cold War. But it was a clash of civilizations. It was a clash of cultures. It was a clash of economies, Mr. Speaker. And as the economy of the United States competed with the communist economy of the Soviet Union, and it has still a vast amount of resources and should have had enough people to produce enough wealth to be able to match up against us in an economic/military contest, the United States economy dominated that of the rest of the world and produced enough wealth that we could grow our economy and at the same time take on and compete with the Russians in the development of our military capabilities globally. And at a point the weight and the burden of trying to compete against this United States economy brought about the economic collapse of the Soviet Union, which brought about the political collapse of the Soviet Union and their satellite states, which softened and prepped the landing zone, so to speak, or softened the area so that the Soviet Union could no longer hang on in their satellite states like Germany and Poland and Romania and the Baltics. And all the way across Eastern Europe, country after country, Czechoslovakia, became free. Most of that bloodlessly.

The Berlin Wall began to come down November 9, 1989, the date that the Russians stopped requiring the East Germans to defend the wall. And they started to take hammers and picks to chop that wall apart, and people climbed over the top, and they were on both sides and they were celebrating, and families were reunified. The liberal media in this country saw that as family reunification. What they didn't see, and it took them a very long time to understand it, was that the Berlin Wall represented the Iron Curtain. It was literally the Iron Curtain. It was a concrete wall that went around the people that lived in West Berlin and trapped them in, a cage, a fence around the people that lived in West Berlin. But it was literally the Iron Curtain. And when it started to come down, when the Berlin Wall crashed, so did the Iron Curtain crash. And as it came down, people realized the Soviet Union can't make East Germans shoot East Germans for crossing that line any longer. They can't enforce it themselves because they don't have the economic capability to do that. They couldn't sustain their military. Their military was rotting out from within as their economy had rotted out from within because you can't have a managed economy that can compete with a free market economy, Mr. Speaker.

□ 2045

That's the difference, and that's the essence of the victory that the United States, with some of the help of the rest of the world, brought down the Soviet Union. The Soviet Union collapsed. The satellite states claimed their own independence, and there was some blood in a place like Romania when Ceausescu was executed, if I remember, he and his wife executed by the mobs of Romanians who desired to have their freedom, finally.

But most of Eastern Europe was bloodless. It was essentially bloodless in Germany for the wall to come down and free people, to welcome people that had been in slavery, in the slavery of a Communist-controlled managed state for all those years, since the end of the 1940s, and until such time as you had the Berlin airlift.

And one of the things that happened on one of my trips over there into Berlin, we had a tour guide who I will call her a young lady, younger than me. She was a young lady when the wall came down in 1989, and she told us how when they were able to go over the wall and go into West Berlin and go into the shops and stores and see what they had, see the food that they had, the clothing that was there, the appliances, so many things that they didn't have as part of their lives in East Germany or part of their lives in West Germany.

And the contrast in the western part of Berlin versus the eastern part of Berlin was so stark, she told us that they went out and bought all of the wild colorful clothes that they could find, the reds, the oranges, the greens, the bright yellows, all of those bright colors, and they dressed themselves in the brightest colors possible. They didn't have access to those. They were wearing drab, bleary clothing.

But all this bright clothing was available. Anybody could dress in the West any way they wanted. They could have access. You would find in the stores whatever the free market would demand, because the free-enterprise economy produced the kind of clothing people wanted to wear. And the East Germans surely were so glad to have an opportunity to go into West Berlin as the wall went down on November 9, 1989, and buy up this bright clothing and proudly wear this bright clothing wherever they went.

Because it was a symbol that said, I have my freedom back, a freedom back they weren't born into. They had been born since they lost their freedom. They had their freedom back, and they gloried in the demonstration of that to be able to wear colorful clothes.

Wherever they went that sent the message, I'm free, and I can dress as I like. I can do as I like. I can speak as I like. I am free to succeed. I am free to achieve, free to be educated in the way I want to be educated.

You know, the people who have achieved their freedom most recently in that part of the world are the ones that love it the most. The Czechs went to the square in Prague and stood there by the tens of thousands and held their keys up and rattled their keys. Tens of thousands of them rattling their keys, Mr. Speaker.

And that noise, that persistent noise, Vaclav Havel and others brought about freedom in Czechoslovakia in a bloodless fashion. They achieved that freedom later on. They separated the country in the Velvet Revolution, a bloodless revolution.

And they are quite proud of being able to come to these conclusions by the voice of the people, emulating the freedom that we have had here since 1776, ratified in 1789, Mr. Speaker.

So I look at that part of the world, the part of the world that has been the part that has generated the utopian philosophers, those philosophers that shaped the ideas of socialism and communism and national socialism and fascism. These utopian philosophies emerged from that part of the world, thinkers that came from there.

But they believed that they could set up the perfect society and control it and manage it. And the part that's always been missing on the part of the utopianists, those managers, those elitists, they think that they know best for people and that they think that an average common person, they believe, doesn't have the capability of making decisions for their own job, their own business, their own health care, their own education.

So they want to take that all out of the hands of the individuals of this country and put it into the hands of the liberal bureaucrats who know best, the nanny state managers.

And the great lesson throughout history has been, even if you have smart people at the top, if you have smart people at central planning, and they come out with a 5-year plan—and in the collectivist state of the Soviet Union, they had collective farms. And so they just simply made a 5-year plan and they said, all right, here is what it's going to be, 5-year plan. This field will be wheat. This one will be barley. This one will be hay. This one lays fallow. I don't think they raise much corn over there, Mr. Speaker. I would bring that up.

And they managed it with as good of a skill as they could produce. But out of the government management comes some corruption, a tremendous amount of inefficiency. And if people are not rewarded for their labor—we learned this in the first settlements of the United States—then if they are not rewarded for their labor, they are not going to work the same way they do if they get to achieve the different fruits of their labor.

And so the Russians began to take their labor and let some of the crops rot in the field. Where I come from, on an October night that's clear and still, and if the humidity is right, you can drive across that flat countryside at night, 9, 10, 11, 12 o'clock, 1, 2 in the morning.

And if it's the right night, the humidity will make it so the soybeans aren't too tough and you can look from horizon to horizon. And you can see the yard lights of the farms that are there, and you can see the combines that are running in the fields, with the trucks that are out on the roads taking the grain off, and the tractors with the grain carts that are shuttling those soybeans over to the trucks, sometimes in the field, sometimes in the road.

But you can see they will run all night. They will run till the beans get too tough or the bin is full and their storage is full. They have got to stop and process and then go back again.

But the Russians did it a different way. They didn't let the people have the fruits of their labor. And so when their 8-hour shift was up, or whatever they worked, they would park the combine, park their tractor, park their truck, and they wait until the clock ticked again. And then they would start to work again, if they showed up. And a lot of them didn't.

But the inefficiencies that grow when you start guaranteeing a people a living and they are not tied into having a share of the profit are the kinds of things that we are starting to see in this country more and more and more; less accountability for production and more demands on the labor of somebody else.

But the human nature component of this, the component that realizes that if you don't work, you shouldn't eat, that was how we settled our—the Pilgrims settled it here. They would have starved to death if it hadn't been for that. So they let the people keep the proceeds of their own labor. And then those that were needy lived off of the alms of those that were good producers. And they were helped in proportion to their effort by the alms of the producers, and it made this a far more productive Nation.

And our job here, Mr. Speaker, needs to be, it needs to be to improve the annual average productivity of all of our citizens. If we do that, if we raise our average annual productivity of all of our citizens, we will raise the gross domestic product of the United States.

If our productivity goes up, if mine goes up, if my neighbor's goes up, then that wealth is accumulated into our economy, and it spills over and it blends into other businesses, and it lifts their profitability. And if they are working and producing, they will have more opportunity at success.

But if they are not, if they are hanging back, if they are not responsive, if they have a bad attitude about how they do their work, the customers will stay away from them. Their businesses will not thrive. The bosses who are able to hire good people because they want to pay good wages and good benefits to good people can go off and cherry-pick from those bosses that don't pay good wages and don't provide good benefits and don't respect their employees.

I have been in this business, in the construction business, for nearly three decades writing payroll checks and investing money in heavy equipment and going out and doing jobs, and we have always looked out across the available labor pool and tried to find the best people we could find.

And we wanted to pay them a good, going wage, and we wanted to give them the kinds of benefits and the package so they could have what they needed. They wanted a job that they can go to, that they can take pride in, that they can continue to develop their skills in, and they want to have the kind of environment where they can raise their family and take care of them and have some time to spend with them so that it's really worth the trouble.

This is what a free enterprise economy does. If you allow the businesses to succeed, they will then take advantage of that and succeed.

If this Government taxes them out of existence, that's exactly what will happen. Our businesses will diminish, and they will spiral downward out of existence.

If we regulate our businesses too much, then we will diminish their effectiveness and put a burden on the overhead that is a fixed cost that weighs down everything they do and makes it harder for them to compete against their domestic competitors

here in this country and harder for them to compete against foreign countries as well.

And if we weigh down existing businesses with taxes and regulation, the emerging entrepreneurs, the budding businessmen and women, the people that have the idea, the people that have the dream, the people that want to someday be the one that signed the front of the paycheck instead of the back of the paycheck, create as many jobs as possible, pay as many people as possible, that group of people takes a look at the regulation and the burden of government and too often they decide the juice isn't worth the squeeze, that going to work for the government is the better choice because, after all, the government check will always be there, the benefits will always be there. The stress load there is probably not going to be as great.

Probably you can't measure your achievements the same way you can measure them in the free market system, but if you want to raise your family and come back home and crack a beer and watch the news at night, maybe a government job is for you. We need good people in government, too. But when we raise the salaries and benefits package and we lower the responsibility level, and when we fail as a government to measure the productivity, the output of government employees, then we are creating a scenario by which people are not excelling to the level that they might if they were in a competitive environment.

But business has to produce in a competitive environment; government does not. Government has a monopoly.

Now, to thread an analogy in here, or I should say an anecdote, in a fairly recent trip down to Mexico City, and I sat with a number of government officials and business leaders there, at one point I was sitting at a diplomatic table. And as I looked around the room and each one introduced themselves, I realized that there were many representatives of the monopolies in Mexico sitting at the table.

And they all wanted to make sure that they were not a political target, but the richest man's name in the world is Slim, S-l-i-m. Doesn't sound like a Mexican name to me, but he is from Mexico. The reason he is the richest man in the world is because he has a monopoly on the telecommunications in Mexico. He gets paid for every phone call that gets made in that entire country.

And with the capital that he makes from that, he can invest in other telecommunications in other places around the world. So he's got a protected market that's a monopoly.

And some years ago the Mexicans understood that their state-run enterprises were a burden and that they were inefficient because they were monopolies. They were government monopolies. So I would look at a situation like that, and I would follow the Margaret Thatcher model.

I would take it further than she did. I think she took it as far as she could in that environment at that time. I would follow the Margaret Thatcher model, and I would start to privatize these government monopolies. Well, that first part of the equation worked for the Mexicans. They understood that.

They understood that they needed to privatize the government-run monopolies like telecommunications, let's say cement manufacturing, certain retail outlets, the list goes on, utilities. I think utilities of all kinds. They came to the conclusion they wanted to privatize because government itself was inefficient, how a government monopoly was utterly inefficient, that it begged for corruption—and they had plenty of corruption, still do—but they only went half as far as they needed to go.

When they privatized, they privatized the government-run monopolies into private-sector monopolies so that people like Mr. Slim could run the entire telecommunications industry in Mexico and take the capital and invest across the world.

Now, the shortfall of this is that a government-run monopoly is almost the most inefficient kind of a business model that you can produce if you want to provide services to people at a competitive price so that they can live a good lifestyle and they can have some disposable income to spend somewhere else.

The second to the last thing you would ever want would be a government-run monopoly, because they are inefficient, and there is not an incentive there to compete. But the Mexicans stopped short of where they needed to go, and they just transferred these government-run monopolies into private-sector monopolies, which is the only thing I can think of which is worse than a government-run monopoly.

If you hand someone a monopoly in a market that is not a regulated market and he has the entire market, he has cornered everyone, and he can set the price for a phone call, or they can set the price for a cubic yard of cement, or they can set the price for the electricity that's generated without any check or balance on it.

And so a privatized monopoly is worse even than a government-run monopoly because it incorporates so many of the—there are no restrictions there, and the desire for profit, actually the need for profit, gets added on to the government entity.

So we are here now with an economy that is being shifted dramatically by a majority of Democrats in the House of Representatives, a majority of Democrats down this hallway in the United States Senate, and a President who was elected, I think, with having been rewarded for the most masterful skills in the history of America, of the language of ambiguities.

□ 2100

As I listened to the President speak here in this Chamber, not that long ago, speaking before a joint session of Congress, and as I listened to him speak before our conference, I looked through the speech, and as I marked it up, sitting back here about 20 feet from where I stand right now, Mr. Speaker, I found seven or eight clear ambiguities in the President's speech—the kind of phrase that, if you believe we ought to produce energy in order to have an economy that can compete, you could hear in the President's words that's what he wants to do.

But if you believe you wanted to shut down the energy production in America in order to drive the prices up so that industry would use less, the consumers would use less, so that our economy would be constricted and chase the jobs overseas and all of this fallout that some of the people on that side of the aisle don't seem to understand but cannot hardly deny, but if you're one of those environmental extremists that wanted to shut down energy production, you could find that in the President's speech, the same phrase that I could find that we need to produce more energy.

Now that's just one example. There were seven or eight of those. The master of ambiguities is now the resident of the White House and the leader of the Free World and the Commander in Chief of our military and the mastermind behind the economic changes that are taking place here in the United States. The man who said that—well, he said that he wants to reach out—here's what he said, Mr. Speaker—one of the things that he said.

He said, ''Under my plan of cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. They will pass that money onto consumers.'' Necessarily skyrocket, Mr. Speaker, my plan of cap-and-trade. It's the President's plan of cap-and-trade. These are exactly the words that he used back when I don't think he expected to be elected President, in January of 2008, meeting with the editorial board of the San Francisco Chronicle.

Now I can imagine what that's like. You would be sitting in San Francisco, tempted to say things to the San Francisco Chronicle that you thought the people in San Francisco would agree with and probably that the Speaker of the House from San Francisco would agree with. And I'm convinced that our Speaker of the House would maybe not agree with this analysis but would agree with the plan of cap-and-trade system.

But here's what's predicted: Electricity rates will necessarily skyrocket, and that will cost money. And it will be put onto the backs of consumers.

Well, that wasn't an ambiguity. That was before the ambiguities had been completely mastered by the now-President of the United States.

This man is driving the reaction to the economic downward spiral. This man is driving the cap-and-trade argument. This man is pushing a hardcore leftist agenda.

Cap-and-trade; what is it and why do we have it, and can you find anyone on the street who can explain the science? I would like to see investigative reporters of all stripes—the San Francisco Examiner, Sean Hannity—you name them. Reporters from Chicago or L.A. or Dallas or Des Moines go out on the streets with an action cam and carry that camera around with a microphone and ask people to explain this idea of global warming. Explain the science.

If you remember, sometimes they will walk along and they will interview people—often on the streets of New York City—and they will say, Who's the Vice President of the United States? And they will give every name except JOE BIDEN, today. He is a little hard to find. I understand why they might not know. But after 8 years of Dick Cheney, you think they would have known. A lot of them didn't. They don't have the basics there.

But I'd like to go to Central Park and put the action cam out with a microphone, Mr. Speaker, and ask them, I don't understand the science around this global warming. Can you explain this to me? And I would like to know how many out of a thousand would even try, but I would be willing to lay a wager that none of them could succeed in making a scientific explanation as to why their emissions of greenhouse gases by man can be a significant contributing factor to the Earth's warming. Which, by the way, even the global warming people, even the Al Gores of the world, have changed the language now. They can't say global warming any more because the Earth's been actually cooling since 2002.

So when you find yourself out there on the end of a limb and you've been saying, Global warming, global warming, global warming, and you've been doing that for 15 or 20 years, and you find out, whoops, I have been making this argument long enough; that the Earth is actually cooling, and maybe the scientists who back in about 1970 predicted there was a coming ice age that couldn't be averted, maybe they were actually right.

I don't know if they were right or not, Mr. Speaker, but I know one of those expert scientists in 1970 that said an ice age is imminent is now an expert on global warming, and he is saying global warming is imminent, and it will happen. But they don't actually use the global warming argument any more. They use climate change.

That's a safe term. I bet they wish they would have started out with a climate change kind of a label rather than global warming, because one thing we know about climate, it's always going to change. It's been changing for thousands of years, millions of years, and it will change again and again and again, and it will change tomorrow.

But the climate change people that were former global warming people that are now climate change people are going to argue that the Earth is going to get warmer, and there's all kinds of calamities that come out of a warmer Earth. And the Earth can get—what's the most extreme—4.6 degrees Fahrenheit warmer over the next 100 years. Maybe only .15 degrees or so. Depends on which model.

But they didn't make a model 10 years ago that can predict where it is 10 years today or they would have never used the term global warming in the first place. If they had a model 10 years ago, if they had a model in the middle of the Al Gore era.

Let me take us back to—Al Gore was competing for President in 1992. He didn't win that nomination. But when he debated as a Vice Presidential candidate, he matched up against—let me see, Dan Quayle. Dan Quayle said, You are asking for $100 billion a year to be spent on global warming, on environment, on this climate change piece. And Al Gore said, No, I didn't say that.

And I don't remember the page number anymore, but I'm going to guess, Mr. Speaker, because I remember former Vice President Dan Quayle saying, Yes, you did, Mr. Gore. It's right here in your book.

And he pulled the book out, ''Earth in the Balance.'' He gave a page number. I think that page number was 204. I don't remember for sure. But I went out and bought the book. And I went to the page number that was pointed out by Dan Quayle, and there was the exact language calling for $100 billion to be spent then back in that year, which I believe was 1992.

So the call for this reaction to global warming in 1929 must have been modeled on something. It must have been modeled on a computer model that had checked the temperatures around the globe and made the adjustments for atmospheric and the greenhouse gases that are there. It must have had some sound science behind it.

And so where is that computer model today? If that model predicted the Earth would get warmer, and we chugged along, and now we're 17 years later and the Earth has gotten cooler over the last 7 years. It was supposed to get warmer over the last 17. Got a little warmer for the first 10 or so, then it got cooler over the last 7 or 8.

How does this happen? Does anybody go back to the computer model that must have been the basis for the science that was driving Al Gore at the time? I don't know that anybody did. They keep telling me they have got better and better models and they're doing a better and better job of monitoring the temperatures on the globe.

I remember also another book that was published I believe that same year, and it was called ''Trashing the Planet'', written by former Governor of the State of Washington, Dixy Lee Ray. She starts her book out by saying, In the year 1900, the Earth was a very smelly and dangerous place. And she wrote about the disease and the pollution that was there, the garbage that got dumped out of the windows onto the streets, how the sewage ran in the streets, and how disease was rampant, and the water wasn't clean, the air wasn't clean, the soil wasn't clean.

But as that all took place, she compared 1900 with the late 1980s or so, as the book was put together and drafted and I think published around 1990. Dixy Lee Ray.

She made several statements, God rest her soul, she had a clear idea on this. And she said that technology always improves our quality of our life and our lifestyle. All the improvements that we have—we figured out how to drill for wells and purify water and put it in pipes—clean, sanitized pipes, and send it off into all of our houses. We didn't have water at the turn of the century, 109 years ago. We surely did the latter part of the 20th century.

And clean water was a big thing that ensured a lot more health because people weren't drinking bacteria and nitrates and catching a disease from their drinking water.

I remember going up to Fort Niagara up near Niagara Falls on one of the Great Lakes there. We were in a redoubt that had had several flags fly over it, including the British flag, and they told about how the men slept there in this redoubt, this little fort. The beds were so short.

I said, How come the beds are so short? Well, they were not actually as tall as we are today, but the shorter beds were because they didn't sleep laying down. They had respiratory diseases, respiratory illnesses, so they slept kind of sitting up, propped up.

Another thing they did, they had a chamber pot. And they sent the lowest-ranking troops down the hill to the lake with this chamber pot. So that was the one they used at night when they didn't want to go outside, and it was cold. So they carried the chamber pot down, dumped it out—I don't know where they dumped it out. I presume they washed it out. But they used the same pot and carried it back up and they used that for drinking water during the day.

The British, nor did anybody in the world, understand about diseases back in the mid to late 1700s. But that water cleanliness was a big part. Sanitary sewers were a big part. We got rid of the outhouses and flushed it down to the sewer treatment plant.

I want to thank Lady Bird Johnson. Kids my age grew up shooting rats at the dump. We don't do that any more because we have sanitary landfills and we cleaned this up. We cleaned up a lot of things. We are a lot safer and a lot more healthy because of technology, because the modern world has marched along.

But the technology of calculating global warming doesn't hold itself up.

There was a conclusion that was drawn by Al Gore and others—now he has a Pulitzer Prize—there was a conclusion that was drawn by him back in some year—some year perhaps in the Eighties, and I do not know, Mr. Speaker, what the catalyst was, but I do know environmental groups came quickly and strongly and financially behind Al Gore at a certain time in the late Eighties—almost overnight. And he drew a conclusion that has yet to be shaken by the temperature that's going down incrementally on this planet.

Now this is always mysterious to me, Mr. Speaker. How is it that a conclusion can be drawn that the Earth is getting warmer and we must do something, cut down on greenhouse gas emissions. We can't really explain the science to you because you're just a regular old citizen and you can't comprehend this. Instead, you just have to take the word of the environmental extremists that the Earth's going to get warmer unless we follow them. Follow them down this path of shutting down our production of energy in the United States, closing down the CO_2 emissions, doing the cap-and-trade that is proposed here so that it would skyrocket our electrical costs.

Why is it that no amount of science has shaken them? Why is it that, of all the things that we have collected for data throughout this time, they haven't really stepped up and said, Well, here's the adjustments we have to make now because we know more than we did then. It's as if science didn't march on for the last 17 years, but the politics have marched together in a huge army of politicians and their environmentalist supporters that keep making the case we must do something.

It's as if this Earth is going to keep getting warmer even though it's been getting cooler—and the only thing we can do about it is reduce the amount of CO_2 emissions in the United States. Now how does this work?

And so I have some new numbers that the world has never seen. They are just produced in a spreadsheet in my office indexed back to real facts. I know the doctor from Georgia is going to be very interested in these facts.

□ 2115

And it starts out this way, when there is something going on and somebody says this is the science of it, I usually go out and I ask, what are the big questions so you can lay out the parameters for me, Mr. Speaker?

The first question I would ask is, if we have global warming, and it is because the industry emissions are contributing to the atmosphere, the first question I would have is, okay, how big is our atmosphere? How do you measure all this volume of gases that have settled down to the gravitational pull, come out of outer space and settled down to the gravitational pull of Earth, all that God breathed on and those little molecules added to it, how much is that? Well they measure that in tons. So the weight, if you could put a scale on all the Earth's surface and weigh this atmosphere, you would find out—we are pretty close on this—5 quadrillion 150 trillion metric tons is the full weight of the atmosphere of the Earth, 5 quadrillion metric tons. That is all the air, the weight of all the air.

Now we are measuring greenhouse gases in tons, in metric tons. So I ask the question, what is the weight of all the greenhouse gas that is in this atmosphere that is 5.15 quadrillion tons? Well, let's take it to the CO_2, because that is the only thing that Waxman-Markey addresses is CO_2. So the weight of all the CO_2 gases in the atmosphere is 3 trillion, try that, 3 trillion metric tons. Three compared to 5.15 quadrillion. So I will tell you this. If all the atmosphere is 100 percent by weight, then the CO_2 in the atmosphere is .0591. That is the CO_2. Now a lot of the CO_2 is there naturally. We don't charge that against industry in the world.

So I take this thing down to what do we charge against this? What do we measure? So I will just take you to the net CO_2 emissions in the United States. I'm sorry, I don't have the numbers from 1600 or 1700. But I do have the numbers from 1800 until 2005, two centuries plus 5 years. So that is pretty much the dawn of the industrial revolution contributed all the way up this way. The net CO_2 from U.S. emissions over the last 205 years, that is hanging in the atmosphere, is 178 billion 792 million metric tons.

So, Mr. Speaker, if you are listening closely, we have an atmosphere of 5.15 quadrillion metric tons, we have a total CO_2 of 3 trillion, and we have the CO_2 contributed by the United States of 178 billion 792 million, is all that is, so the U.S., this is the net, because 45 percent of it goes into sinks, the net greenhouse gas that is contributed in the form of CO_2 contributed by the United States to this overall atmosphere, the net that is hanging out in the atmosphere today is .00347 percent of the overall atmosphere.

Now here is the picture I want to draw and put in the minds of people just immediately before I intend to yield to the gentleman from Georgia, and that is this: if you lay this out in a picture form, in a poster form, and most everybody knows what a 4.8 sheet of plyboard looks like. For me, if I reach up, I reach about 7 feet, a little more, so 1 foot above my hand would be the height of a 4 x 8 sheet of drywall, let's put two of those side by side, 8 feet out this way, 8 feet this way, draw a circle the full diameter of 8 feet by 8 feet, that would be a 48-inch radius, whoop that circle around there, a great big circle would be the height of most walls in a person's living room. That would represent the full atmosphere of the Earth. It is volume measured in metric tons of all the atmosphere of the Earth.

Now what are we trying to control here with Waxman-Markey? How big is this piece of the atmosphere that we are trying to affect a part of by reducing its emissions? The total accumulation from the last 205 years, the industry of the United States comes down to a radius, I will just give you the diameter, the diameter would be .56 inches, that is how big the circle is, that is all the complete contribution of U.S. CO_2 emissions in the last 205 years altogether that is hanging out there in the atmosphere. You have an 8-foot circle, imagine the size of the 8-foot circle, but the little circle in the middle is the part that we can control. If you shut it all down, the entire sum total of the accumulated total is the diameter of a lug on your tire. Not the nut. Take the nut off. It is the stud that goes inside the nut. Usually those are a half inch thread. That is what we have got. The size of my little finger is the size of the circle that would represent the complete volume of the accumulated CO_2 admitted by the United States inside of that, inside a circle 8 feet in diameter. And we are going to try to control the Earth's temperature over 100 years by fooling around with that tiny little circle that is a half inch in diameter?

What utter arrogance. What utter vanity. I think we have gone into a new level of vanity here. I talked about the Utopian philosophers that emerged from Western Europe over the centuries that thought they could manage humanity. We have Utopian scientists here who believe they can control the Earth's temperature by fooling around with a tiny little circle that is just .56 inch in diameter. What does a 50-caliber bullet look like? Just about that. A little bit of expansion and you have got it. So we are dealing with, if you have an 8-foot circle, and you put a .45 caliber bullet into the center of that, you are going to be pretty close to the size of the hole that would represent the circle that would be all of the CO_2 that the U.S. has put into the atmosphere that has accumulated in 205 years.

What utter vanity, Mr. Speaker. And I will expand on this thought much more until the American people understand that we cannot be handicapping our economy based upon a science that can't be substantiated. And we can't find anybody in this Chamber that can argue the science even with that single fact that I have laid out there. And so, Mr. Speaker, I make that point.

There is a whole other point to be made on the disaster that will be caused to our economy. But there is a significant point to be contributed by the gentleman from Georgia (Mr. BROUN), Dr. BROUN, Congressman BROUN, whom I would be very happy to yield to and call my friend at the same time as much time as he might consume.

Mr. BROUN of Georgia. I thank the gentleman for yielding. And you bring out a great point.

Mr. Speaker, cap-and-trade is not about the environment. And, in fact,

the President recently said that if this is not passed into law, then he will not have the revenue to foster or pay for the Big Government that he is trying to force down the throats of the American people. This is not about the environment. Mr. KING, you brought that out very clearly. This is about greater revenue. It is a about a tax, cap-and-tax. I call it ''tax-and-cap'' because tax is what this is all about.

And your chart right there brings out a very strong point. Even the President says that electricity rates will skyrocket. Every single energy source in this country will skyrocket. That means that everything is going to go up in price, food, medicine, health care, all goods and services are going to go up. Why? Because the leadership in this House, the leadership in the U.S. Senate, the administration, wants to continue down a road towards total government control of everything that people do. There is a word for that. It is called ''socialism.'' And that is exactly what they are doing. They are driving a steamroller of socialism that is being forced down the throats of the American people. And it is going to strangle our economy. It is going to hurt the people that our Democratic colleagues say that they represent the most. Electricity costs and heating costs are going to affect the retirees, people on limited income and the poor people more than anybody else.

My good friend from Iowa made some excellent points. And I just want to reiterate what you said. It is going to cost the American people a tremendous amount of money. The American Association of Manufacturers has estimated that every single family in this country is going to pay $3,128 more in taxes. Everybody is going to have that tax burden placed on them plus the increased cost of all goods and services. And it has to stop.

The American people can do something about it. They can tell their Members of Congress, We don't want this tax-and-cap bill to pass. And it is absolutely critical for the people all over this country to call their Congressman, call their Senators and say ''no'' to this crazy cap-and-trade policy that is being forced down their throats. And it has just got to stop because it is going to kill our economy. It is going to hurt everybody in this country. And I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman. And I regretfully yield back the balance of my nonexistent time.

THE GREENING OF OUR ENERGY THINKING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 10 minutes.

Mr. TONKO. Mr. Speaker, we are at the threshold of energy policy that can transform not only our energy thinking but respond to the economic crises that are gripping this Nation. With the leadership of a new administration, with a President who has expressed the boldness of a vision for energy generation, energy transmission and energy storage, an innovation economy sparked by that source of greening up of our energy thinking can be just what the doctor ordered in curing our economic ills and allowing us to go forward with a stronger sense of security, security that is expressed by our energy security, our job security, our economic security and certainly for those measures, our national security.

It is no wonder that our gluttonous dependency on a fossil-based economy has caused us to rely on importing, from some of the most troubled spots in the world, our energy supplies. These are countries that have unstable governments that have ruled the day for our economy.

And certainly when we look at the failed measures of the previous administration, the average household has been paying, or the average citizen has been paying $1,100 more in energy costs because of the failure of that energy policy during the Bush-Cheney administration. So it is a challenge to us and a dictate to the American public to go forward with a new vision, a boldness of greening up our energy thinking so as to spark this innovation economy.

When we look at what can happen in this country, there are many promising statistics. We can understand that some 5 million jobs can be created in the clean energy economy if we were to enhance by 25 percent our renewable energies. And just for the electricity supplies we require and the transportation needs that we have, if we advance a 25 percent improvement by the year 2025, we could realize those 5 million additional jobs in the economy. And dollar for dollar, it is calculated that four times the job growth is realized in the clean energy economy than is realized in the dependency and the continuation of the oil and petroleum economy.

So those statistics speak nobly to the challenge that befalls us, that we need to move forward with a new order of thinking, that we can, as we enhance our energy security, grow American jobs that produce American power for America's energy needs.

Now that is a strengthening of our economy in a way that will put new jobs, job opportunities, on to the grid that have not previously been there. It allows us to cover the array of job opportunities from the trades that are involved on over to the engineering, the inventor, the innovator types that can produce the prototypes and then pulling them into the manufacturing and commercial sectors of emerging technologies that will allow us to very cleverly encourage new generation formats, new storage formats and new transmission opportunities in the realm of energy.

□ 2130

The transitioning will allow us to impact industries from manufacturing to engineering to all sorts of lab opportunities for our given communities.

When we look at situations in New York State alone, we are looking at some 132,000 or so jobs that could be created in a clean energy opportunity in New York State. Obviously with an unemployment rate that is above 8 percent in New York State, that would be a welcomed bit of opportunity.

We need to simply look at the practicality of some of the experiences out there that have enabled us to move forward, to move forward in a way that allows us to utilize the strength of our intellect as a Nation and use that brain trust and invest in our future.

Recently when we were visiting with a former energy minister for the country of Denmark, he had visited with the SEEC caucus that has been formed here in Congress of which I serve as Chair, the Sustainable Energy and Environment Caucus has entertained guests who will share with us their ideas and their success stories.

Denmark has done well by changing its format of energy design. It was important to note that they have very boldly stepped forward and invested with some ideas that actually came from the United States and perhaps even patents that originated here. So it behooves us to move forward and utilize this American think tank and put it to work here in our country to meet our energy needs. While I was at NYSERDA where I served as president and CEO of the New York State Energy Research and Development Authority, we were able to advance several new ideas: kinetic hydro that allowed us to utilize the turbulence of the East River along the Manhattan shoreline, and just utilizing that turbulence allowed us to do subwater surface energy creation, energy generation simply by the motion of the water.

We have several opportunities with the many bodies of water in New York State, and with turbulent bodies as such, to perhaps achieve as much as 1,000 to 1,100 megawatts worth of power.

The demonstration project, funded through the assistance of NYSERDA, made modifications possible through Denver, through the Department of Energy labs, and we have reformulated the design of the energy turbine blades. We have recalculated the assembly, the core assembly of such a turbine, and we are able to go through with these improvements that now offer great hope for the kinetic opportunities.

That is just one sampling of cutting-edge technology, emerging technologies that can strengthen our American economy and our energy consumers' future here in this country.

I think also of the geothermal applications that we have made with campuses like the Culinary Institute of America where the geothermal applications are used now to heat and cool six

new dormitory areas, lodges as they are referred to, at the CIA. This is another practical application that allows us to create a sustainable future, one that is working in a benign fashion with the environment and utilizing the resources of our air, our water, and our soil to respond to our energy needs.

This is the boldness of vision that has been imparted by President Obama and his administration. It is the boldness of vision embraced by Speaker PELOSI in the House, and other leaders; our Energy and Commerce Chair, HENRY WAXMAN; and BARTON GORDON of Science and Technology, to name just a few. But as we go forward, we will continue to advance this progressive order of policies and the resources required to advance the development that we require.

I think it is important for us as a society to invest well beyond the prototype. The prototype is the idea that comes to life in the research labs across the country, but that is not where we should end with the story. We need to deploy that magic into the manufacturing and commercial sectors so we can take full advantage of the earlier investments into prototypes.

Just this week I was able, Mr. Speaker, to travel to the GE Research and Development Center in my district. They announced their plans for new battery technology, battery technology that will enable us to add to the diversity of battery types of the future. There are efforts within the stimulus package advanced by the White House and approved by the House and the Senate on the Hill that was recently signed into law as the Recovery Act for America that will invest billions of dollars into cutting-edge thinking in battery application. It was at GE that they announced this formulation of a sodium chloride and nickel mix that allows for us to deal with heavy-duty equipment, the more stressful vehicular applications. It also holds promise for energy generation and energy storage, very key and critical to the intermittent nature of several of our renewable sources.

So with all of that being said, there are samplings out there that today are speaking to the progress that can be made. And it is that source of job creation that is inspired by the efforts made by researchers and engineers and inventors and innovators that then allow for trade application in the practical applications as we retrofit our schools, our businesses, and our homes in a way that allows us to meet our energy needs.

So with all of that, I call upon this House to continue to move forward and advance the agenda of green energy policy that will transform our economy, strengthen our job market, and allow for us to have a stronger sense of energy security and national security.

I thank you, Mr. Speaker, for the opportunity to share my thoughts.

CLEAN ENERGY IN THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. HODES) is recognized for 5 minutes.

Mr. HODES. Mr. Speaker, I thank my colleague, Mr. TONKO, and I join him in voicing my support for President Obama's plan to limit dangerous carbon emissions, put us on a path to energy security, and create millions of American clean energy jobs. Right now Americans realize that our American energy policy is not working. The last administration gave billions of dollars in tax subsidies to oil companies despite the fact that they were earning record profits, and despite their willingness to gouge the American people.

We clearly need a new energy policy that invests in renewable energy that will be cheaper for American families and will be homegrown, American energy that will create jobs and lead the world in a 21st century energy economy.

Right now we are facing the most severe economic crisis in a generation, the most severe economic crisis since the Great Depression; and at the same time, our scientists are clearly telling us that our inaction is threatening the planet.

Fortunately, by Congress taking one single action and passing what will come to the floor as climate legislation, we will take a giant leap towards mending both of our problems. The President has laid out an ambitious agenda, recognizing that as Americans we can do great things when we come together and work together for the common good. The President has presented us with a clean energy jobs plan that will: create new, 21st century American jobs throughout the product-supply chain; protect existing jobs; reduce our dependence on foreign oil; save money on energy costs for American taxpayers in the long run; reduce carbon pollution, and, with it, combat the dangerous effects of climate change.

By forcing those who have long polluted our air and water for free to finally pay for their carbon pollution, we will begin to shift away from our dependence on dirty, outdated, obsolete energy technology.

Instead, we will provide incentives for American business. We are going to unleash the American entrepreneurial spirit and create clean energy jobs. We will lead the world in technology and manufacturing that will drive a new, much more prosperous energy economy.

Think of the cost savings. This plan to shift American energy production to domestic alternative sources like solar and wind and biomass, which means wood in New Hampshire where I come from, will be cheaper and cleaner and will save Americans billions of dollars in the long run.

By forcing our Nation to tackle climate change and develop new energy, the plan will create millions of new jobs and whole new industries here in the United States, employing everyone from construction workers to secretaries to salespeople to engineers. It will open new markets for us. Just imagine what it is like if we can become the world leaders in renewable and alternative energy. Think of the products and services we can sell around the globe and the goodwill we will get.

Inaction is no longer an option. Doing nothing about climate change will cost exponentially more than the President's plan. One respected study on this says that inaction could end up costing between 5 and 20 percent of the total world GDP. We must act.

Now, my friends on the other side of the aisle are either scared of change, pessimistic about the American entrepreneurial spirit, or are denying the scientific consensus because they rely on campaign funds from oil and coal interests. The truth remains, we must act.

President Obama's plan provides the support and incentives needed to help the American can-do spirit of innovation and creativity to build the new clean technologies of the future.

Just as we led the world in developing the automobile and the computer, we will once again lead the world in developing new, cheaper, cleaner technologies to lead the world for the 21st century. In addition, we will provide lower-income Americans with a clean energy tax credit to assist them in this transition to a prosperous new clean energy economy.

I have proposed we have a commission to make sure that Congress knows the impact on small businesses and low- and moderate-income folks of the climate change legislation that we are going to pass.

We are already feeling the effects around this country of a changing climate. We ignored the warnings of the experts of the risks for far too long. We have learned the dangers, and the costs are mounting to clean up the mess after the crisis has hit. We need to act as good stewards of the Earth. The American people are trusting us to act to protect our children and our grandchildren and to be stewards of the public trust. We need to remember that there will be tremendous unsustainable economic costs of dealing with the impacts of climate change once they have occurred because Mother Nature doesn't do bailouts.

So let me conclude by rejecting the charge of those who would defend the polluters and put our kids at risk. They are simply wrong. President Obama's clean energy plan is the opposite of a tax increase. It is regulating polluters to protect our country, protect our environment, create jobs, invest in American business, and save American families money via a direct tax credit and increased energy efficiency.

It is time to act. Congress will have the legislation before us. We will create a new economy for the 21st century. We will create jobs. We will protect this country.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
Washington, DC, May 12, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 12, 2009, at 9:33 a.m.:

Appointments: United States-Russia Interparliamentary Group. Advisory Committee on the Records of Congress. Canada-United States Interparliamentary Group.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIMES (at the request of Mr. HOYER) for today from 10 a.m. to 3:30 p.m. on account of attending a funeral.

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. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mrs. LUMMIS) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 20.

Mr. JONES, for 5 minutes, May 20.

Mr. PAUL, for 5 minutes, May 14 and 15.

Mr. POSEY, for 5 minutes, today.

Mrs. LUMMIS, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today, May 14, 15, 18, 19 and 20.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. HODES, for 5 minutes, today.

ADJOURNMENT

Mr. HODES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, PANAMA, COLOMBIA, AND BRAZIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 11, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steny Hoyer	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Roy Blunt	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Norman Dicks	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Lucille Roybal-Allard	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Elijah Cummings	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Gregory Meeks	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Debbie Wasserman Schultz	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Adrian Smith	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Gerald Connolly	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Aaron Schock	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Mariah Sixkiller	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Katie Grant	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Brian Diffell	4/3	4/5	Mexico		1,063.00		(3)				1,063.00
Hon. Steny Hoyer	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Roy Blunt	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Norman Dicks	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Lucille Roybal-Allard	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Elijah Cummings	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Gregory Meeks	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Debbie Wasserman Schultz	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Adrian Smith	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Gerald Connolly	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Aaron Schock	4/5	4/6	Panama		312.00		(3)				312.00
Mariah Sixkiller	4/5	4/6	Panama		312.00		(3)				312.00
Katie Grant	4/5	4/6	Panama		312.00		(3)				312.00
Brian Diffell	4/5	4/6	Panama		312.00		(3)				312.00
Hon. Steny Hoyer	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Roy Blunt	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Norman Dicks	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Lucille Roybal-Allard	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Elijah Cummings	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Gregory Meeks	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Debbie Wasserman Schultz	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Adrian Smith	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Gerald Connolly	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Aaron Schock	4/6	4/8	Colombia		625.00		(3)				625.00
Mariah Sixkiller	4/6	4/8	Colombia		625.00		(3)				625.00
Katie Grant	4/6	4/8	Colombia		625.00		(3)				625.00
Brian Diffell	4/6	4/8	Colombia		625.00		(3)				625.00
Hon. Steny Hoyer	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Norman Dicks	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Lucille Roybal-Allard	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Elijah Cummings	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Gregory Meeks	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Debbie Wasserman Schultz	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Adrian Smith	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Gerald Connolly	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Hon. Aaron Schock	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Mariah Sixkiller	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Katie Grant	4/8	4/10	Brazil		1,232.00		(3)				1,232.00
Brian Diffell	4/8	4/10	Brazil		1,232.00		(3)				1,232.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, PANAMA, COLOMBIA, AND BRAZIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 11, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee totals											40,784.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. STENY H. HOYER, Chairman, May 4, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, INDIA, DUBAI AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 23, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Lewis	2/14	2/15	Turkey								417.00
Hon. Jim McDermott	2/14	2/15	Turkey								417.00
Hon. Loretta Sanchez	2/14	2/15	Turkey								417.00
Michael Collins	2/14	2/15	Turkey								417.00
Jamila Thompson	2/14	2/15	Turkey								417.00
Brenda Jones	2/14	2/15	Turkey								417.00
Michael Stanely	2/14	2/15	Turkey								417.00
Hon. Al Green	2/14	2/15	Turkey								417.00
Hon. Sheila Jackson-Lee	2/14	2/15	Turkey								417.00
Hon. Spencer Bachus	2/14	2/15	Turkey								417.00
Hon. John Lewis	2/15	2/17	India (New Delhi)								536.00
Hon. Jim McDermott	2/15	2/17	India (New Delhi)								536.00
Hon. Loretta Sanchez	2/15	2/17	India (New Delhi)								536.00
Michael Collins	2/15	2/17	India (New Delhi)								536.00
Jamila Thompson	2/15	2/17	India (New Delhi)								536.00
Brenda Jones	2/15	2/17	India (New Delhi)								536.00
Michael Stanely	2/15	2/17	India (New Delhi)								536.00
Hon. Al Green	2/15	2/17	India (New Delhi)								536.00
Hon. Sheila Jackson-Lee	2/15	2/17	India (New Delhi)								536.00
Hon. Spencer Bachus	2/15	2/17	India (New Delhi)								536.00
Hon. John Lewis	2/17	2/20	India (Mumbi)								565.00
Hon. Jim McDermott	2/17	2/20	India (Mumbi)								565.00
Hon. Loretta Sanchez	2/17	2/20	India (Mumbi)								565.00
Michael Collins	2/17	2/20	India (Mumbi)								565.00
Jamila Thompson	2/17	2/20	India (Mumbi)								565.00
Brenda Jones	2/17	2/20	India (Mumbi)								565.00
Michael Stanely	2/17	2/20	India (Mumbi)								565.00
Hon. Al Green	2/17	2/20	India (Mumbi)								565.00
Hon. Sheila Jackson-Lee	2/17	2/20	India (Mumbi)								565.00
Hon. Spencer Bachus	2/17	2/20	India (Mumbi)								565.00
Hon. John Lewis	2/20	2/21	Dubai								555.00
Hon. Jim McDermott	2/20	2/21	Dubai								555.00
Hon. Al Green	2/20	2/21	Dubai								555.00
Hon. Shelia Jackson-Lee	2/20	2/21	Dubai								555.00
Hon. Lorretta Sanchez	2/20	2/21	Dubai								555.00
Michael Collins	2/20	2/21	Dubai								555.00
Jamila Thompson	2/20	2/21	Dubai								555.00
Brenda Jones	2/20	2/21	Dubai								555.00
Michael Stanely	2/20	2/21	Dubai								555.00
Hon. John Lewis	2/21	2/22	Italy								565.00
Hon. Jim McDermott	2/21	2/22	Italy								565.00
Hon. Loretta Sanchez	2/21	2/22	Italy								565.00
Michael Collins	2/21	2/22	Italy								565.00
Jamila Thompson	2/21	2/22	Italy								565.00
Brenda Jones	2/21	2/22	Italy								565.00
Michael Stanely	2/21	2/22	Italy								565.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN LEWIS, Chairman, May 4, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry Cuellar	2/16	2/18	Mexico		600.00	(3)					600.00
	2/18	2/20	Nicaragua		412.00	(3)					412.00
	2/20	2/22	Jamaica		522.00	(3)					522.00
Hon. Mark Souder	2/16	2/18	Mexico		600.00	(3)					600.00
	2/18	2/20	Nicaragua		412.00	(3)					412.00
	2/20	2/22	Jamaica		522.00	(3)					522.00
Committee total					3,068.00						3,068.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. BENNIE G. THOMPSON, Chairman, May 1, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rachel Leman	1/26	1/30	Kosovo		796.00		10,063.73				10,859.73
Rachel Leman	1/30	1/31	Austria		361.00						361.00
Rachel Leman	2/16	2/20	Peru		1,214.00		5,825.95				7,039.95
Hon. Virginia Foxx	2/16	2/18	Mexico		290.00						290.00
Hon. Virginia Foxx	2/18	2/20	Nicaragua		224.00						224.00
Hon. Virginia Foxx	2/20	2/22	Jamaica		402.00						402.00
Hon. Jared Polis	4/5	4/6	Kuwait		109.00		8,387.74				8,496.74
Hon. Jared Polis	4/6	4/7	Baghdad								
Hon. Jared Polis	4/7	4/8	Kuwait		109.00						109.00
Hon. Jared Polis	4/8	4/9	U.A.E.		137.00						137.00
Hon. Jared Polis	4/9	4/10	Afghanistan		28.00						28.00
Hon. Jared Polis	4/10	4/11	U.A.E.								
Committee total					3,670.00		24,277.42				27,947.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE McINTOSH SLAUGHTER, Chairman, Apr. 30, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1778. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Morpholine 4-C6-12 Acyl Derivatives; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0105; FRL-8409-1] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1779. A letter from the Acting Assistant Secretary Legislative Affairs, Department of the Treasury, transmitting a draft bill ''To authorize an amendment to the Articles of Agreement of the International Bank for Reconstruction and Development increasing the basic votes of members''; to the Committee on Financial Services.

1780. A letter from the Interim Assistant Secretary Office of Financial Stability, Department of the Treasury, transmitting the Department's report entitled, ''Sixth Tranche Report'', pursuant to Section 105(b) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1781. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Amendment of the Temporary Liquidity Guarantee Program To Extend the Debt Guarantee Program and To Impose Surcharges on Assessments for Certain Debt Issued on or After April 1, 2009 (RIN: 3064-AD37) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1782. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments (RIN: 3064-AD35) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1783. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments (RIN: 3064-AD35) received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1784. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1785. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Iowa Municipal Solid Waste Landfill Permit Program [EPA-R07-RCRA-2008-0849; FRL-8899-7] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1786. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting American Recovery and Reinvestment Act of 2009 (Recovery Act) Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8899-1] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1787. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Transportation Conformity Requirement [EPA-R03-OAR-2008-0898; FRL-8898-4] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1788. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R03-RCRA-2009-0916; FRL-8898-7] received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1789. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2009 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2008-0009; FRL-8899-5] (RIN: 2060-AO78) received April 31, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1790. A letter from the Acting Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's Annual Analysis of the Effectiveness of the National Youth Anti-Drug Media Campaign, pursuant to Public Law 109-469; to the Committee on Energy and Commerce.

1791. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Investigation of the Spectrum Requirements for Advanced Medical Technologies; Amendment of Parts 2 and 95 of the Commission's Rules to Establish the Medical Device Radiocommunication Service at 401-402 and 405-406 MHz; Dexcom, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules; Biotronik, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules, ET Docket No. 06-135. [[ET Docket Nos.: 06-135] [RM-11271] [ET Docket No.: 05-213] [ET Docket No.: 03-92]] received April 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1792. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the production of significant military equipment in Turkey (Transmittal No. DDTC 024-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1793. A letter from the Secretary, Department of Commerce, transmitting certification that for calendar year 2008, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States were not significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on Chemicals; to the Committee on Foreign Affairs.

1794. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on the results of the efforts of the United States and Republic of Korea governments to completely account for defense articles the United States provided to the ROK from 1950 to the early 1980s under the Military Assistance Program (MAP), pursuant to Section 505 of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1795. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's weekly reports for the February 15, 2009 to April 15, 2009 reporting period on matters relating to post-liberation Iraq, pursuant to Public Law 107-243 and Public Law 105-338, section 7; to the Committee on Foreign Affairs.

1796. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Country Reports on Terrorism 2008'', pursuant to 22 U.S.C. 2656f, section 140; to the Committee on Foreign Affairs.

1797. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 0812171612-81615-

01] (RIN: 0648-XM21) received March 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1798. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting [Docket No.: 0812011537-9145-01] (RIN: 0648-AX45) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1799. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Opening Directed Fishing for Pacific Cod by Catcher Vessels Greater Than or Equal to 60 feet (18.3 m) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands management area [Docket No.: 0810141351-9087-02] (RIN: 0648-XN54) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1800. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XN45) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1801. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 071106673-8011-02] (RIN: 0648-XM68) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1802. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XN19) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1803. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek Supreme Court review of the interlocutory decision of the United States Court of Appeals for the Ninth Circuit in the case Witt v. Department of the Air Force, 527 F.3d 806; to the Committee on the Judiciary.

1804. A letter from the Assistant Secretary of State, Department of State, transmitting a report on the Secretary of State's decision to revoke the designation of an entity and its aliases as a ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

1805. A letter from the Assistant Secretary of State, Department of State, transmitting a report on the Secretary of State's decision to designate an entity and its aliases as a ''foreign terrorist organization'', pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 434. Resolution providing for consideration of the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. (Rept. 111–107). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RYAN of Ohio (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. JONES, Mr. DEFAZIO, Mr. WILSON of Ohio, Mr. BURTON of Indiana, Mr. MICHAUD, Mr. SOUDER, Mr. SHULER, Mr. MCHUGH, Mr. COBLE, Mr. BARRETT of South Carolina, Mr. BOUCHER, Ms. SUTTON, Mr. PLATTS, Mr. ARCURI, Mr. HIGGINS, Mr. BOSWELL, Mr. CONYERS, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. LEE of New York, Mr. HOLT, Mr. WESTMORELAND, Mr. ROHRABACHER, Mr. SHUSTER, Mr. BRALEY of Iowa, Mr. WILSON of South Carolina, Mr. HOLDEN, Mr. OLVER, Mr. KAGEN, Mr. KILDEE, Mr. HARE, Mrs. MYRICK, Mr. VISCLOSKY, Mr. MANZULLO, Mr. ROGERS of Michigan, and Mr. BROWN of South Carolina):

H.R. 2378. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 2379. A bill to amend title 38, United States Code, to provide certain veterans an opportunity to increase the amount of Veterans' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. INGLIS (for himself, Mr. LIPINSKI, and Mr. FLAKE):

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to reduce social security payroll taxes and to reduce the reliance of the United States economy on carbon-based energy sources; to the Committee on Ways and Means, 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. CONYERS (for himself and Ms. WOOLSEY):

H.R. 2381. A bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. SHUSTER, Mr. BARROW, Mr. CARNEY, Mr. ELLISON, Mr. KAGEN, Ms. ZOE LOFGREN of California, and Mr. PLATTS):

H.R. 2382. A bill to amend the Truth in Lending Act to prohibit unfair practices in electronic payment system networks, and for other purposes; to the Committee on Financial Services.

By Mr. FLEMING:

H.R. 2383. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Natural Resources.

By Mr. FLEMING:

H.R. 2384. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2385. A bill to require the Secretary of Energy to assemble a team of technical, policy, and financial experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of action plans aimed at reducing reliance on imported fossil fuels and increasing use of indigenous clean-energy resources, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. PIERLUISI):

H.R. 2386. A bill to amend the Energy Policy Act of 2005 to include American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands in certain efforts to reduce diesel emissions; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. MACK, and Mr. MCCAUL):

H.R. 2387. A bill to require the use of long-term strategies for United States national security, diplomacy, and foreign assistance and the full use of performance-based budgeting for foreign assistance programs, projects, and activities, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H.R. 2388. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24 hours a day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. SCHRADER, Mr. ELLSWORTH, Mr. DEFAZIO, and Mr. DONNELLY of Indiana):

H.R. 2389. A bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself and Mr. SESSIONS):

H.R. 2390. A bill to provide for a Medicare prescription drug outreach demonstration program for individuals who are eligible for benefits under the Medicare Program and for medical assistance under Medicaid and who have mental disabilities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 2391. A bill to amend the Internal Revenue Code of 1986 to increase the amounts available in the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 2392. A bill to improve the effectiveness of the Government's collection, analysis, and dissemination of business information by using modern interactive data technologies; to the Committee on Oversight and Government Reform.

By Mr. MCCARTHY of California (for himself, Mr. BOREN, Mr. CANTOR, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, and Mr. TIAHRT):

H.R. 2393. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on House Administration.

By Mr. BACA:

H.R. 2394. A bill to establish the Family Foreclosure Rescue Corporation to provide emergency relief to refinance home mortgages of homeowners in foreclosure or default; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2395. A bill to enable state and local promotion of natural gas, flexible fuel, and high-efficiency motor vehicle fleets; to the Committee on Energy and Commerce.

By Mrs. HALVORSON:

H.R. 2396. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the employer wage credit for employees who are active duty members of the Uniformed Services; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 2397. A bill to amend title III of the Americans with Disabilities Act of 1990 to require a plaintiff to provide a defendant with an opportunity to correct a violation of such title voluntarily before the plaintiff may commence a civil action, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 2398. A bill to amend the Internal Revenue Code of 1986 to waive recapture of the first-time homebuyer credit for a member of the Armed Forces who sells the residence for which the member receives the credit during the 36-month period after the purchase of the residence because the member is transferred to a new duty station, is deployed overseas, or is required to reside in Government quarters during such period; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 2399. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, 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. MATHESON:

H.R. 2400. A bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. ISRAEL):

H.R. 2401. A bill to increase public safety and reduce the threat to domestic security by including persons who may be prevented from boarding an aircraft in the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself and Mrs. DAVIS of California):

H.R. 2402. A bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself, Mr. JACKSON of Illinois, Mr. SESSIONS, Mr. LATTA, Mr. KLINE of Minnesota, Mr. FORBES, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. BURGESS, Mr. CARTER, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. HINOJOSA, Mr. MCCAUL, Mr. POE of Texas, Mr. BURTON of Indiana, Mr. PENCE, Mr. KING of Iowa, Mr. SHUSTER, Mr. JONES, Mr. BROUN of Georgia, Mr. BARRETT of South Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. CHAFFETZ, Mr. GOHMERT, Mr. AKIN, Mr. MORAN of Kansas, Mr. SCHOCK, Mr. MCGOVERN, Ms. WATSON, Ms. CLARKE, Mr. SCHIFF, Ms. LEE of California, Ms. MCCOLLUM, Mrs. LOWEY, Mr. HARE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. KILDEE, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. CLYBURN, Ms. KAPTUR, Mr. KUCINICH, Mr. TOWNS, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. WATT, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Mr. CLAY, Ms. KILPATRICK of Michigan, Mr. ELLISON, Ms. WATERS, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, and Mr. CLEAVER):

H. Con. Res. 125. Concurrent resolution directing the Architect of the Capitol to design and place an educational display in the Capitol Visitor Center to explain the significance of the naming of Emancipation Hall; to the Committee on House Administration.

By Ms. WATSON (for herself, Mr. HARE, Ms. RICHARDSON, Ms. EDWARDS of Maryland, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. GUTIERREZ, Mr. CLAY, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. WATT, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Ms. WATERS, Mr. CONYERS, Mr. WAXMAN, Mr. RUSH, and Ms. WOOLSEY):

H. Con. Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself and Mr. MCHUGH):

H. Res. 432. A resolution providing for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, and for other purposes; considered and agreed to.

By Mr. NADLER of New York (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. POLIS):

H. Res. 433. A resolution recognizing the 40th anniversary of Stonewall; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Ms. CLARKE, Ms. WATSON, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. ARCURI, Ms. BALDWIN, Mr. FOSTER, Mr. COOPER, Ms. BORDALLO, Mr. SABLAN, Mr. CAO, Mr. FALEOMAVAEGA, Mr. AL GREEN of Texas, Mr. OLVER, Ms. CASTOR of Florida, Mr. PALLONE, Mrs. CAPPS, Mr. SCOTT of Virginia, Mr. NADLER of New York, Ms. TSONGAS, Ms. KAPTUR, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. DAVIS of Tennessee, Ms. KOSMAS, Mr. SPRATT, Mr. FARR, Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, Mr. LEVIN, Mrs. NAPOLITANO, Mr. REYES, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Mr. ORTIZ, Mr. KAGEN, Mr. VAN HOLLEN, Mr. TAYLOR, Mr. KIND, Mr. HILL, Mr. MOORE of Kansas, Mr. LUJAN, Mr. SIRES, Mr. BACA, Mr. RUSH, Mr. HIGGINS, Mr. WALZ, Mr. DOGGETT, Mr. TONKO, Mr. COSTA, Mr. TANNER, Mrs. MALONEY, and Ms. RICHARDSON):

H. Res. 435. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. POLIS:

H. Res. 436. A resolution mourning the loss of Bea Arthur, celebrating her life and work, and honoring her many contributions to equality and social justice for all Americans; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

44. The SPEAKER presented a memorial of the State House of Missouri, relative to Resolution No. 09–03 In Support of Missouri House Concurrent Resolution 13 Relating to State Sovereignty; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MORAN of Virginia.

H.R. 22: Ms. BORDALLO.

H.R. 52: Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, and Mr. ACKERMAN.

H.R. 104: Ms. DELAURO.

H.R. 179: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. CLAY, Mr. ENGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. PASTOR of Arizona, Ms. RICHARDSON, Mr.

THOMPSON of Mississippi, Mr. WATT, Mr. ISRAEL, Mr. SABLAN, and Mr. PAYNE.

H.R. 197: Mr. CAMP, Mr. DAVIS of Kentucky, and Mr. PETRI.

H.R. 209: Mr. HOLT, Mr. RYAN of Ohio, and Mr. CARNAHAN.

H.R. 218: Mr. LEWIS of Georgia.

H.R. 235: Mr. CLAY.

H.R. 294: Mr. MARCHANT.

H.R. 303: Ms. JENKINS.

H.R. 314: Ms. GIFFORDS.

H.R. 347: Mr. BACHUS.

H.R. 391: Mr. CANTOR.

H.R. 439: Mr. WOLF.

H.R. 456: Mr. BISHOP of Utah.

H.R. 503: Mr. ROGERS of Michigan and Mr. REICHERT.

H.R. 510: Mr. DEAL of Georgia, Mr. MANZULLO, Mr. NEAL of Massachusetts, Mr. DAVIS of Kentucky, and Mr. PLATTS.

H.R. 520: Mr. SCHIFF.

H.R. 528: Mr. POSEY.

H.R. 556: Mr. BERMAN and Mr. WAXMAN.

H.R. 564: Mr. BERMAN.

H.R. 621: Mr. MOORE of Kansas and Mr. PASTOR of Arizona.

H.R. 678: Mr. POSEY.

H.R. 690: Mr. POSEY.

H.R. 739: Mr. MOORE of Kansas and Ms. EDWARDS of Maryland.

H.R. 745: Mr. LEWIS of Georgia, Mr. BACHUS, and Mr. CAPUANO.

H.R. 816: Ms. BALDWIN, Mr. STUPAK, and Ms. ROS-LEHTINEN.

H.R. 848: Mr. CROWLEY and Ms. WATSON.

H.R. 874: Mr. DRIEHAUS.

H.R. 916: Mr. UPTON.

H.R. 927: Mr. ALEXANDER and Mr. FILNER.

H.R. 934: Mr. YOUNG of Alaska.

H.R. 946: Mr. WATT.

H.R. 949: Mr. KAGEN.

H.R. 953: Mr. MARCHANT.

H.R. 980: Mr. CROWLEY.

H.R. 983: Mr. PAULSEN.

H.R. 1016: Mr. MEEK of Florida and Mr. GONZALEZ.

H.R. 1021: Mr. BRALEY of Iowa, Mr. CARSON of Indiana, and Mr. PUTNAM.

H.R. 1030: Mr. JONES.

H.R. 1064: Mrs. DAVIS of California, Mr. SIRES, Mr. RODRIGUEZ, Mr. PASTOR of Arizona, and Ms. SCHWARTZ.

H.R. 1066: Mr. TONKO, Mr. LYNCH, and Mr. CLAY.

H.R. 1074: Mr. OLSON and Mr. DAVIS of Kentucky.

H.R. 1147: Mr. FILNER, Ms. CLARKE, Mr. MCDERMOTT, Mr. HONDA, and Ms. SCHAKOWSKY.

H.R. 1179: Mrs. LOWEY.

H.R. 1204: Mr. ETHERIDGE, Mr. EDWARDS of Texas, and Mr. LUCAS.

H.R. 1205: Mr. LEWIS of Georgia, Mr. LAMBORN, Mr. CARNAHAN, Mr. KLINE of Minnesota, Mr. SOUDER, and Mr. BISHOP of New York.

H.R. 1207: Mr. ROGERS of Alabama, Mr. MINNICK, Mr. BOUSTANY, Mr. TURNER, Mr. HUNTER, and Mr. PERRIELLO.

H.R. 1209: Ms. KILPATRICK of Michigan and Ms. BALDWIN.

H.R. 1210: Mr. PRICE of North Carolina and Mr. BONNER.

H.R. 1240: Ms. EDWARDS of Maryland.

H.R. 1283: Mr. PETERS.

H.R. 1289: Mr. KENNEDY.

H.R. 1310: Mr. FATTAH.

H.R. 1321: Mrs. CHRISTENSEN.

H.R. 1326: Mr. HASTINGS of Florida and Mr. PETERS.

H.R. 1327: Mr. WEINER, Mr. VAN HOLLEN, Mr. ISRAEL, and Mr. BRALEY of Iowa.

H.R. 1378: Mr. GORDON of Tennessee and Mr. CARNAHAN.

H.R. 1392: Mr. BRALEY of Iowa, Mr. BISHOP of New York, Mr. TIM MURPHY of Pennsylvania, and Mr. RUSH.

H.R. 1398: Mr. TIM MURPHY of Pennsylvania.

H.R. 1410: Mr. CAPUANO and Mr. PASTOR of Arizona.

H.R. 1425: Mr. ACKERMAN and Ms. HIRONO.

H.R. 1441: Mr. MCGOVERN.

H.R. 1466: Mr. FILNER.

H.R. 1479: Mr. FILNER, Ms. TSONGAS, Mr. KUCINICH, Mr. DAVIS of Illinois, and Mr. DAVIS of Alabama.

H.R. 1531: Mr. KIND.

H.R. 1547: Mr. POSEY.

H.R. 1548: Mr. EDWARDS of Texas.

H.R. 1584: Mr. BOYD.

H.R. 1585: Ms. SHEA-PORTER, Mr. BOUCHER, Mr. BISHOP of New York, and Mr. HIMES.

H.R. 1670: Mr. JOHNSON of Georgia and Mr. BISHOP of New York.

H.R. 1708: Mr. COURTNEY, Mr. GONZALEZ, Mr. CARNAHAN, and Mr. KLINE of Minnesota.

H.R. 1712: Mr. AKIN, Mr. COLE, Mr. BROUN of Georgia, Mr. HENSARLING, Mr. BARTLETT, Mr. MCCLINTOCK, and Ms. FALLIN.

H.R. 1727: Mr. COBLE.

H.R. 1744: Mr. DICKS, Mrs. MCMORRIS RODGERS, and Mr. BOREN.

H.R. 1751: Mr. HONDA.

H.R. 1803: Mr. SCHOCK and Mr. HIMES.

H.R. 1816: Mr. MCHUGH.

H.R. 1818: Mr. MARCHANT.

H.R. 1826: Mr. SMITH of Washington.

H.R. 1845: Mr. SIMPSON.

H.R. 1867: Mr. CUELLAR, Ms. GIFFORDS, Ms. TITUS, Mr. TEAGUE, Mrs. LOWEY, and Mr. TONKO.

H.R. 1872: Mr. KIND.

H.R. 1878: Mr. MCCOTTER.

H.R. 1881: Mr. KUCINICH, Mr. MAFFEI, Mr. DELAHUNT, Mr. CONYERS, Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. HOLT, Mr. BISHOP of New York, Mr. HIGGINS, Mr. RANGEL, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. KENNEDY, Mrs. CAPPS, Mr. YARMUTH, and Ms. GIFFORDS.

H.R. 1928: Mr. WELCH.

H.R. 1930: Mr. BURGESS.

H.R. 1941: Mrs. KIRKPATRICK of Arizona.

H.R. 1972: Mr. JONES.

H.R. 1977: Mr. STUPAK.

H.R. 1982: Mr. MITCHELL, Mr. BISHOP of New York, and Ms. ROS-LEHTINEN.

H.R. 1992: Mr. SCHIFF.

H.R. 1993: Mr. BACA, Mr. COHEN, and Mr. WALZ.

H.R 2006: Mr. KENNEDY, Mr. CHANDLER, Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. HONDA, and Mr. MCHUGH.

H.R. 2017: Mr. BARTLETT and Mr. BISHOP of Utah.

H.R. 2063: Mr. LAMBORN.

H.R. 2076: Mr. MCDERMOTT.

H.R. 2103: Mr. CONYERS, Mr. RANGEL, Mr. GORDON of Tennessee, Ms. EDWARDS of Maryland, Mrs. NAPOLITANO, Ms. NORTON, Mr. MARSHALL, Ms. WOOLSEY, and Ms. VELÁZQUEZ.

H.R. 2106: Mr. WILSON of South Carolina and Mr. DENT.

H.R. 2123: Mr. GORDON of Tennessee, Mr. ARCURI, Mr. WOLF, and Mr. FORTENBERRY.

H.R. 2141: Mr. SESTAK and Mr. GUTIERREZ.

H.R. 2144: Mr. SAM JOHNSON of Texas.

H.R. 2177: Mr. POLIS.

H.R. 2194: Mr. SIRES, Mr. ADLER of New Jersey, Mr. UPTON, Mr. LANCE, Mr. LATTA, Ms. GIFFORDS, Mr. RUSH, Mr. CONNOLLY of Virginia, Mr. ADERHOLT, Mr. DEFAZIO, Mr. HARE, and Mr. SMITH of Nebraska.

H.R. 2201: Mr. LOEBSACK.

H.R. 2205: Mr. ABERCROMBIE.

H.R. 2213: Mr. WELCH.

H.R. 2243: Mr. RODRIGUEZ.

H.R. 2246: Ms. MCCOLLUM.

H.R. 2254: Mr. RODRIGUEZ, Mr. KILDEE, Mr. HINCHEY, Mr. MCMAHON, Mr. COURTNEY, Mr. MCGOVERN, Ms. PINGREE of Maine, and Mr. BRALEY of Iowa.

H.R. 2273: Mr. HOLDEN.

H.R. 2287: Mr. LAMBORN, Mrs. MYRICK, Mr. BILBRAY, Mr. ROGERS of Kentucky, Mr. MCHUGH, and Mr. HELLER.

H.R. 2294: Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. ROSKAM, Mr. ROGERS of Kentucky, Mr. PAULSEN, Mr. MORAN of Kansas, Mr. LATHAM, Mr. WAMP, Mr. GALLEGLY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONAWAY, Mr. LAMBORN, Mr. MARIO DIAZ-BALART of Florida, Mr. LUCAS, Mr. TERRY, Mr. YOUNG of Alaska, Mr. ISSA, Mr. WILSON of South Carolina, Mr. GOODLATTE, Mr. DEAL of Georgia, Mr. SENSENBRENNER, Mr. DENT, Mr. BURGESS, Mr. LATTA, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. SCALISE, Mr. COBLE, and Mr. PUTNAM.

H.R. 2296: Mr. BONNER, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. MACK, and Mr. CAMP.

H.R. 2312: Mr. BOUSTANY.

H.R. 2321: Mr. LATTA and Mr. CONAWAY.

H.R. 2329: Mr. MINNICK, Mr. WU, Mr. MCGOVERN, Mr. WALZ, Mr. MICHAUD, and Mr. KIND.

H.R. 2345: Mr. ANDREWS, Mr. SIRES, and Mr. LANCE.

H.R. 2360: Mr. CARNEY, Mr. CHILDERS, Ms. MARKEY of Colorado, Mr. TIM MURPHY of Pennsylvania, and Mr. LATOURETTE.

H.R. 2364: Mr. LARSEN of Washington.

H.R. 2365: Mr. KANJORSKI and Ms. SCHAKOWSKY.

H.R. 2368: Ms. MATSUI and Mr. SCHIFF.

H.R. 2371: Mr. PALLONE.

H.R. 2375: Mr. ROYCE.

H. Con. Res. 18: Mr. POSEY, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. PITTS, Mr. LUCAS, Mr. FLEMING, Mr. SHADEGG, Mr. POE of Texas, Mr. KLINE of Minnesota, Mr. LEE of New York, Ms. FOXX, and Mr. ANDREWS.

H. Con. Res. 105: Mr. ABERCROMBIE, Mr. MITCHELL, and Mr. BILIRAKIS.

H. Con. Res. 108: Mr. VAN HOLLEN and Mrs. DAVIS of California.

H. Con. Res. 124: Mr. GALLEGLY.

H. Res. 111: Mr. WILSON of South Carolina and Mr. RANGEL.

H. Res. 130: Mr. SIRES.

H. Res. 232: Mr. BROWN of South Carolina and Mr. OLSON.

H. Res. 317: Mr. LUETKEMEYER.

H. Res. 327: Mr. SERRANO.

H. Res. 333: Mr. CARSON of Indiana.

H. Res. 347: Mr. CARDOZA and Mr. NYE.

H. Res. 374: Mr. AL GREEN of Texas, Mr. FLEMING, Mr. COSTELLO, and Mr. MORAN of Kansas.

H. Res. 377: Mr. DAVIS of Alabama.

H. Res. 390: Mr. BACHUS and Mr. COBLE.

H. Res. 397: Mr. MCHENRY and Mr. ROGERS of Kentucky.

H. Res. 404: Mr. BACHUS.

H. Res. 407: Mr. TERRY, Mr. HINOJOSA, Mr. RUSH, Mr. MASSA, Mr. RYAN of Ohio, Mr. COHEN, Mr. MEEK of Florida, Mr. FARR, and Mrs. NAPOLITANO.

H. Res. 411: Mr. EHLERS.

H. Res. 416: Mr. BRADY of Pennsylvania.

H. Res. 428: Mr. YARMUTH, Mr. CUMMINGS, Mr. HUNTER, Mr. LAMBORN, Mr. ROGERS of Michigan, Mr. COBLE, Mr. COLE, Mr. BRADY of Texas, Mr. JONES, Mr. WAMP, Mr. HASTINGS of Florida, Mr. LUCAS, Mr. LANGEVIN, Ms. FALLIN, Mr. HEINRICH, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. BUTTERFIELD, Mr. ROSS, Mr. TAYLOR, and Mr. GERLACH.

H. Res. 430: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, and Ms. BORDALLO.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Chicago City Council, relative to a resolution urging the United States Congress to

include in the American Recovery and Reinvestment Act of 2009 provisions that will allow state and local grant recipients to follow state and local procurement practices rather than federally required laws and rules for grant recipients, including without limitation the using of M/WBEs rather than DBEs; to the Committee on Oversight and Government Reform.

35. Also, a petition of the Community Board No. 1 of New York, NY, relative to a resolution supporting the 9/11 Health and Compensation Act of 2009 (H.R. 847), which would provide necessary services to those directly affected by the terrorist attack in New York on September 11, 2001, including those who lived, worked, volunteered and attended school in Lower Manhattan; jointly to the Committees on Energy and Commerce and the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father and our God, we hold before You the fears and hopes of our hearts. We confess that we haven't loved and trusted You as we ought, for You give perfect peace to those who keep their minds on You.

Lord, impart wisdom to our Senators. Help them remember that they aren't orphans beneath the sky but Your children and that all their ways are held in Your care. Give our lawmakers the glorious liberty that comes from knowing they are heirs of celestial blessings and that nothing can separate them from Your love. Let Your peace that passes understanding keep their hearts and minds in the knowledge and love of You. May they yield their attitudes and dispositions to Your control so that they might work effectively with each other.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH 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, May 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of David Hayes to be Deputy Secretary of Interior. There will be up to 1 hour for debate, equally divided and controlled between the two leaders or their designees, prior to a cloture vote on that nomination. The Senate will recess from 12:30 to 1:30 to allow for a special Democratic caucus meeting.

The reception for the spouses dinner at the Botanic Garden begins at 6:30 tonight, and Senators are encouraged to attend. This is a nice event. We don't have an opportunity to get together very often, so this is something we all look forward to, and I am confident it will be a very good evening for us all.

NOMINATION OF DAVID HAYES

Mr. REID. Senators with good intentions can disagree on issues. They can disagree with our Nation's leaders. But we should all be able to agree that the President and his Cabinet deserve a complete lineup when that team takes the field on the most important issues we face. The American people deserve the leaders they asked for in November when they demanded we clean up the mess the last administration left behind.

One of those key players is a man by the name of David Hayes, the man President Obama has nominated to be Deputy Secretary of the Interior. Mr. Hayes served successfully in this same position during the Clinton administration and understands better than probably anyone else what it takes to effectively run a department of about 70,000 people; that is, the Department of Interior. As Deputy Secretary of Interior, Hayes would work closely with our former colleague, Secretary Ken Salazar, on important decisions about many issues.

No two States understand the importance of the Secretary of Interior more than Alaska and Nevada. Eighty-seven percent of the State of Nevada is owned by the Federal Government. Alaska is second. Other States have large amounts of land controlled by the Federal Government and the Secretary of Interior, and consequently his deputy would have some say over it. Secretary Salazar must make important decisions about developing renewable energy resources that will create jobs, protecting our wildlife, preserving our public lands for future generations, and keeping our water clean and accessible. David Hayes will play a central role in correcting the mistakes of the past and making important decisions for the future.

The past 8 years of the Interior Department were marked by mismanagement and scandal. Secretary Salazar's Department has inherited the unenviable task of getting the American people to once again trust an agency that manages one-fifth of the Nation's landmass and 1.7 billion acres off our coasts.

The Department is also moving us forward in critical ways. Secretary Salazar has made it clear that he will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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take dramatic strides to move our country toward energy independence. With David Hayes' help, he will ensure that our country is harnessing the wind, the Sun, and the geothermal potential that will set us free from our dangerous dependence on foreign oil. Secretary Salazar deserves the opportunity to have the best and most knowledgable people around him to make this energy revolution happen.

On Secretary Salazar's list, the first is David Hayes. He is a graduate of Notre Dame University, Stanford Law School. He is experienced, pragmatic, and creative. For 30 years, he has worked in natural resources and environmental law. He has written dozens of articles and book chapters about water supply issues, clean energy, and land conservation, among other important topics. He has a long and impressive track record of negotiating the kinds of difficult issues the Department of Interior deals with every day. But he can't get this work done until this body confirms him.

In a repeat of a scene we have unfortunately become far too familiar with lately, Republicans are standing in the way. I know those holding up Mr. Hayes' nomination feel passionately about their priorities, but I also know that Secretary Salazar and Mr. Hayes believe just as strongly about finding common ground that serves all of our interests.

The real issue is the fact that in the last minutes of the Bush administration, the waning minutes, Secretary Kempthorne issued 77 oil and gas leases. These leases are next door to national parks. It was a concern of the National Park Service when it was done. The environmental community is up in arms. The people of Utah don't like it. No one else would. We have one national park in Nevada, Great Basin National Park. I know how the people of Nevada would feel if they had started bringing in oil rigs next to Great Basin National Bark. They wouldn't like it. Ken Salazar, when he became Secretary of the Interior, withdrew those regulations. He didn't terminate them, he withdrew them for further study, further review. We have here an issue of the people of the State of Utah versus oil companies. For far too long, the oil companies have always won. Let's make it so that the people win for a change.

Every State has unique challenges. Mr. Hayes is prepared to travel across the West to confront them head-on, not so he can tell States what to do but, rather, so he can work with them to address each issue thoughtfully and respectfully. Working together toward such solutions is the answer. Robbing a Cabinet Secretary of his right-hand man is not.

Secretary Salazar knows the Senate, and his door is open to every Member of this body. Could you find a nicer person in the world than Ken Salazar? I don't think so. Mr. Hayes has his backing and his background. Mr. Hayes will continue doing what Secretary Salazar directs him to do. Now is the time to move forward, not to drag our feet or posture or to try to score political points. Ask anyone who knows him. They will tell you that among the many skills he has is the ability to work cooperatively and in a bipartisan fashion on the most complex issues. I wish our Republican colleagues would show the same spirit on at least confirming such a clearly qualified candidate for such a political job. No one questions his qualifications. He is a man of high moral standards. He has an excellent academic background. No one questions his capabilities. The real issue is these oil and gas leases. He is a good and honest man. He is bright, successful, and a proven leader. Our country is fortunate that he has one again answered the call to serve.

I understand at their meeting yesterday there was a plea: We have to stop Democrats from confirming this man. I say to my friends: David Hayes will be confirmed. If I have to wait until Al Franken comes, he is going to be confirmed. We are going to confirm David Hayes. Everyone should understand that. If we happen to lose this today, I will just move to reconsider until we have the votes. Ken Salazar is going to have David Hayes working with him. Everyone should understand that. Secretary Salazar has bent over backward to answer the questions of Senators who are questioning these oil and gas leases and a few other things. Salazar is a man who is known for his ability to compromise. He is a consensus builder. I hope people will allow this nomination to go forward. If there were some question about Mr. Hayes having written a law review article where he is calling for something that is outlandish or if he had done something in the past that was out of line—I have never heard a single word about his qualifications. He is a man who is qualified for this job. The President has nominated him.

In fairness, I ask unanimous consent that my time be charged against the majority time, whatever time I used.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRUSTEES REPORT

Mr. MCCONNELL. Mr. President, yesterday afternoon, the trustees of the Social Security and Medicare trust funds released their annual report. After reviewing its findings, it is clear that the future of Social Security and Medicare can be summed up in one word: unsustainable.

Even before the report was issued, we knew these programs could not remain solvent for long under current conditions. Last year's report predicted that Social Security would start paying out more than it takes in by 2017, and that it would be bankrupt about two decades after that. Last year's report also predicted that Medicare would start paying out more than it takes in within a year and that the trust fund for this vital program would go bankrupt about a decade after that.

The report that was released yesterday presents a far graver scenario.

As a result of the current recession, Social Security will start paying out more than it takes in by 2016, and it will go bankrupt 4 years earlier than previously expected. The situation for Medicare is even more serious. Medicare is already paying out more than it takes in, and it will be bankrupt in just 8 years, 2 years earlier than expected, according to yesterday's report.

It would be irresponsible for Congress to wait any longer before addressing this problem. Some say we haven't reached a point of crisis yet, so we can continue to kick the problem down the road until these programs actually go bankrupt. They seem to think that if the house is on fire, it is OK to wait until the whole place burns down before you call the fire department.

Most Americans disagree. Most people think that if a program they depend on is falling apart, or is about to fall apart, then their elected representatives in Washington have an obligation to tell them about it, and to do something. The time to act is now, before these programs go bankrupt—not after.

The warning signs about Social Security and Medicare have been around us for years, and the problems with these programs are also at the core of the current record levels of government spending and debt. At the moment, programs like Social Security, Medicare, and Medicaid, as well as the interest we pay on the national debt, consume nearly seven out of every 10 dollars the Federal Government spends—Medicare, Social Security, Medicaid, and the national debt. Soon we will have little money left for anything else, including vital priorities such as defense, health care, transportation, and programs that fuel job creation.

Reform has been put off for too long. Take Medicare reforms, for example. By law, the President is required to submit legislation to lower Medicare spending levels if the cashflow of this program falls below a certain level. So last year, when Medicare cashflow fell below that level, the President submitted legislation to lower spending. Unfortunately, this legislation did not move forward in Congress.

Real leadership on entitlement reform will require action from both parties. And yesterday's report is the wake-up call. Reform is no longer just a good idea—it is absolutely necessary. It is the only way to restore these programs to fiscal health, and to get at

the root of our larger fiscal problems. Unless we act now, these programs will no longer be sustainable, and spending and debt will continue to spiral out of control.

The good news is that a solution actually exists. As I have said many times before, the best way to address this crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing the long-term challenges of entitlement spending and our unprecedented national debt—challenges that the Democratic budget and their economic policies of the past few months completely ignore.

There has never been a better time to adopt this sensible bipartisan proposal. This week we learned that the deficit for the current fiscal year will be nearly $90 billion higher than previously estimated—bringing the deficit for this year to $1.8 trillion. This is nearly four times—four times—higher than the record set last year. It also means that this year's deficit is higher than those of the past 5 years combined.

The danger of all this debt is simple: higher inflation that threatens to derail an economic recovery, and trillions in debt that our children and grandchildren will have to repay to countries such as China and nations in the Middle East.

Secretary Geithner said yesterday that when it comes to reforming Social Security, the administration will build a bipartisan consensus to ensure Social Security remains solvent. I welcome the statement, and I urge the administration to support the Conrad-Gregg proposal which is the best way and, I would argue, the only way to address entitlement spending and our unprecedented national debt. After yesterday's report, it is clear we cannot wait any longer to address this crisis.

Americans have relied on programs such as Medicare and Social Security for decades. It would be dishonest and unfair not to tell them the truth about these programs—that they are near collapse and that urgent reform is needed to bring them back to sustainability. More than 800,000 Kentuckians receive Social Security benefits, and nearly that many are enrolled in Medicare. They deserve our honesty. And they deserve action from lawmakers on both sides of the aisle. We need to make sure programs such as Social Security and Medicare remain viable for them and for their children and their grandchildren.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES TO BE DEPUTY SECRETARY OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided and controlled between the two leaders of their designees.

The Senator from Utah.

Mr. BENNETT. Mr. President, I rise in opposition to the Hayes nomination. I am here with the Senator from Alaska, and I wish to be told after I have consumed 15 minutes so the Senator from Alaska and I can coordinate our presentations.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. BENNETT. Mr. President, I listened with interest to the statement of the majority leader with respect to David Hayes, and I agree with much of what he had to say. I feel compelled to correct some of the things he had to say because they are some of the same things the Department of the Interior has been saying that I find are, in fact, not factual.

I agree with him that the President should be entitled to appoint whomever it is he wants. And I agree with him that David Hayes is qualified for this position. I also believe, however, that Members of this body, who have the responsibility of the confirmation vote, are entitled to clear answers to their questions before the confirmation should proceed.

It is my opinion we have been asking for clear answers to those questions—to legitimate questions—and those answers have not been forthcoming. Therefore, I am not willing to proceed with the confirmation vote until we get those answers.

This is not to say I am opposed to David Hayes and will do everything to see to it he is not confirmed. Indeed, I want to do everything I can to see that he is confirmed as rapidly as possible. But ''as rapidly as possible'' does not mean I must give up my rights to receive clear answers to legitimate questions.

Let me go to some of the items the majority leader covered in his statement because they are the same items the Secretary of the Interior has used, and that others have used in press releases, that I believe need to be set straight. They are simply not factually true.

Let's start with the question of leases. Numbers. How many leases were put up and sold by the BLM in the last month of the Bush administration in the State of Utah? The answer to that question is 128. Not 77; 128. All of those 128 leases were subject to exactly the same kind of procedure. All of them went through the same kind of review. All of them were handled by the same team of experts: career people within the Department. And all of them ultimately were sold.

The majority leader said this happened in the midnight hours of the Bush administration, as if this whole thing were cobbled together in the last minute. In fact, much of the activity dealing with the sale of these leases occurred over a 7-year period. Why? Because all of the parties involved wanted to make sure they complied with all of the rules. If it had been handled in a ''rush it through,'' ''get it done during our political circumstance'' sort of manner, they could have been granted in 2004 or 2007; it did not have to wait until the last months of 2008. The reason it waited until the last months of 2008 was because the plans were so meticulously reviewed to make sure they complied with every rule that it took that long. So let's get rid of the idea that this was a political decision on the part of the Bush administration. The record is very clear it was not.

All right. After the Obama administration took over, out of the 128 leases that were granted, suddenly 77 were withdrawn by the Secretary of the Interior. Why? If there was a flaw in the way these leases were handled, the entire 128 should have been withdrawn because they were all handled in exactly the same manner. The 77 were withdrawn because an environmental group filed a lawsuit. The environmental group decided which leases should be challenged, not the Department of the Interior. It was not a review by any career officer in the Department of the Interior that said these leases were flawed. It was a political decision by an environmental group that said we are going to file a lawsuit; and in response to that lawsuit, the Secretary of the Interior said: I am going to pull these 77 leases, and then gave the same justification for his actions that the majority leader has given here on the floor today; that is, they are right next door to the national parks and no one wants an oil rig next to a national park.

No. 1, most of the leases are natural gas; there are not oil rigs involved at all. And, No. 2, they are not right next door to the national parks. Some of them are as far as 60 miles away.

Let's look at a map I have in the Chamber and see where these leases are. On this map, shown in yellow are the national parks. This one is Arches National Park, and this one is Canyonlands National Park. Shown in green is existing oil and gas leases that were in place long before the December lease sale. Shown in red are the leases that were granted in the so-called midnight hours of the Bush administration.

A quick glance at the map makes it very clear that the challenged leases

alleged to be ''right next door to a national park'' are surrounded by existing leases that are closer to the national park than the leases that are being challenged.

The facts simply are not there to support the position the Secretary of the Interior has taken and the majority leader has repeated here today. The majority leader has depended upon the Secretary for his facts. The majority leader made a mistake in depending on the Secretary because the Secretary is wrong. That is one of the things that has caused me to raise this issue.

What is the real motivation behind this? Because to say the motivation is ''they are too close to the national parks'' simply does not apply.

There are some leases shown in red on the map that do not have any existing leases between them and the national park. But they do have a highway. If you are concerned about the national park experience being degraded by having leases where there may be some natural gas activity going on—that this activity will somehow that will destroy your experience in the national park—how about a highway destroying the experience of a national park? They are separated from the national park by a highway.

Let's look at another map, this one having to do with the Dinosaur National Monument. This is the one where some leases are 60 miles away. Yet the Secretary of the Interior would have you believe they are right next door, that they abut the existing boundaries of a national park.

Look at the green on the map which does, in fact, abut the boundaries of the Dinosaur National Monument. No one has ever complained about that. This was a purely political decision based on the lawsuit filed by an environmental group rather than by any kind of review.

I have asked the Department of the Interior: Justify your actions. Appoint a team that will give us the information we need and will tell us why these 77 leases are different than the rest of the 128 leases.

This is the reaction, this is the response I have received from the Department of Interior to my questions.

The first response that came from David Hayes was a supplemental answer to one of my questions regarding the review Secretary Salazar had committed to undertake. The next day, David Hayes followed up with a letter that came on Department of the Interior letterhead, and he signed it: David Hayes, Deputy Secretary Designee. This is as official a statement as we are going to get, and this is what he says in his response: ''If confirmed, David Hayes will have overall responsibility for undertaking the review of the 77 parcels that were withdrawn from the Utah lease sale. Pending Mr. Hayes' confirmation''—not dependent upon, but pending Mr. Hayes' confirmation—''the review team will consist of the Acting Assistant Secretary for Policy, Management and Budget, the Acting Directors of the BLM and the National Park Service, and their designees. The Acting Solicitor, Art Gary, will provide legal support to the extent needed.''

In the document where this team was named and laid out, the commitment was made that there would be preliminary work done on the report by the first of May and that the entire matter would be resolved by the 29th of May. And when the first of May came along, and we expected some kind of preliminary report from the Department, Secretary Salazar said: ''We have done nothing, and we can do nothing until David Hayes is confirmed''—directly contradicting the statement we have in writing over the signature of David Hayes. I think we are entitled to raise a question about this kind of procedure.

The majority leader talked about the real issue in this matter. The real issue in this matter is the credibility of the Department of the Interior. If we are going to deal with the Department in the coming 4 or 8 years—whatever the electorate decides—we need to have some confidence that when the Department sends us a document and makes a promise, and names the specific people who will be involved in fulfilling that promise, that will happen. One final comment. The majority leader and the Secretary have said this happened without consulting the National Park Service. On that I have two points. No. 1, it is a matter of law that the BLM is not required to consult with the National Park Service on lease sales. They could have done this whole thing without talking to anybody at the National Park Service and been completely proper in terms of the law. They went beyond the requirements of the law and consulted with the Park Service to make sure there was no interference with national parks.

Here is what Mike Snyder, the National Park Service Regional Director for the Intermountain Region, had to say about that kind of cooperation and coordination:

> I would like to personally extend my appreciation to the BLM field office managers who worked with the Park Service on the parcel-by-parcel review of these oil and gas lease parcels. They did an outstanding job working in collaboration with us.

Secondly—Mr. Snyder said:

> Working with Selma Sierra, the BLM Utah State Director, has resulted in the kind of resource protection that Americans want and deserve for their national parks.

The BLM didn't consult with the national parks? The BLM did not discuss this with the national parks, when the National Park Service makes a statement of this kind for the record?

I repeat: The problem has to do with the credibility of the Department of the Interior. They have made a series of statements that are not true. They say these leases are too close to the national parks. Sixty miles away is not too close. They say there was no consultation with the National Park Service. The National Park Service is on record as saying it is done. They made a promise on official letterhead from the Department of the Interior that a team would be appointed and a date would be met and the team was not appointed and the date was not met.

I am perfectly willing to vote for the confirmation of David Hayes as soon as the Department of the Interior lives up to the promises they have made and acknowledges that the statements they made about these leases are factually incorrect. It is not a matter of interpretation. It is not a matter of opinion. The maps are here. The documents are here. The statements are here. Let's have an honest discussion of it, and when that discussion is taken care of and a commitment made by Mr. Hayes on Department of the Interior letterhead is met, I will be happy to remove my hold and vote for his confirmation and urge all my colleagues on this side of the aisle to do the same. That is the issue with which we are faced.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to follow my colleague from Utah, as he has so clearly laid out the grounds upon which he has placed a hold on the Department of the Interior nominee, David Hayes. I wish to make a comment at the outset: I don't think that either the Senator from Utah, and certainly not myself, in also placing a hold—this is not a situation where there is disagreement about Mr. Hayes' qualifications. This is not a personal matter or anybody out to get Mr. Hayes, if you will. This is about what is happening within the Department, as my colleague from Utah has mentioned, about the credibility within the Department of the Interior at this moment in time. The actions taken by Senator BENNETT in placing a hold and subsequently my actions in also placing a hold on Mr. Hayes and his nomination are strictly in keeping with the practice of being able to ask a potential nominee—whether it is within the Department of the Interior or any other position within the administration—questions and expecting to receive a response from that individual.

So I, too, rise to oppose the cloture motion for the nomination of David Hayes to be the Deputy Interior Secretary. From my perspective, this vote is over a very simple issue and it can be distilled quite easily and that is: Will this administration answer legitimate questions from Republican Senators? Before I give the background of my situation, I also wish to say I do regret being on the floor at this moment and having to make this statement. I believe this whole process we have gone through has been unnecessary, and at any point leading up to this, the Department of the Interior could very easily have cleared the way for this nominee without having to force a cloture vote. I will explain why.

It was 2 weeks ago that I added my name to the procedural hold placed by the junior Senator from Utah on this nominee, and I did so very reluctantly. I did not do it to be obstructive, to be an obstructionist in any way but, rather, to constructively obtain an understanding of the actions by the Department of the Interior that seemed to be, at least in my opinion, dramatically at odds with statements made by Secretary Salazar and President Obama regarding domestic energy production. I will make a statement for the record that neither I nor Senator BENNETT have asked the Department of the Interior to adopt or to repeal any specific rule or policy or take or repeal any specific administrative action.

The Senator from Utah has laid out, very clearly, his concerns, and I will only summarize for those who are listening to what we are talking about that the Interior Department, very shortly after the beginning of this administration, canceled the 77 oil and gas leases in Utah and gave factually incorrect justifications for its actions. All the Senator from Utah is asking for is a review of this very same issue.

Following the decision on the Utah leases, the administration announced a 180-day delay of the 5-year Outer Continental Shelf leasing plan. There was also a delay of the scheduled round of oil shale research, demonstration, and development leases. There was also a finding for justification of listing the yellow-billed loon, whose range extends through major oil and gas regions in my State in Alaska. There was also the determination that the Bush administration's mountaintop coal mining rule is considered legally defective. Finally, there was the unilateral reversal of the previous administration's Endangered Species Act consultation rules, and this was done without public hearing and without public comment.

It was this last issue—this issue that relates to the Endangered Species Act—that, in my opinion, was the straw that broke the camel's back. When the Bush administration listed the polar bear as a threatened species due to loss of sea ice, the world changed insofar as there had to be clear guidelines for keeping normal activities out of the purview of a huge and impossible regulatory scheme. We have cautioned against an overbroad interpretation of the polar bear rule, and Interior, to their credit, has taken the correct path on some of the most important rulemakings. I truly do appreciate that, and I have had an opportunity to convey my appreciation to Secretary Salazar. We are thankful for that. However, my larger concern remains that consultations could still be required for a host of energy projects, and in any event, that the Endangered Species Act's citizen suit provisions are still going to give rise to a multitude of lawsuits on when and where consultation with the Fish and Wildlife Service is mandated.

All this combined—all these various actions within the Department of the Interior within a very short time period—caused great concern about the direction of our Nation's energy policy.

I have been very pleased about some of the comments I have heard from the President and from Secretary Salazar. They, themselves, have very clearly stated we do need oil and gas, and we should be producing more of it domestically. But what has been happening is the statements that have been made and the rulemaking and the policy directives have been at odds with one another. I will give a couple quotes from both the Secretary and the President.

Secretary Salazar has said: There is no—he was talking about renewable energies, but he goes on to state:

There is no question that the Nation will need to continue to produce oil and gas as a bridge to this energy future.

I absolutely agree with the Secretary.

The President a couple of weeks ago said:

As I've often said, in the short term, as we transition to renewable energy, we can and should increase our domestic production of oil and natural gas. We're not going to transform our economy overnight. We still need more oil, we still need more gas. If we've got some here in the United States that we can use, we should find it and do so in an environmentally sustainable way . . .

That is the end of the President's quote. I couldn't agree with him more.

But there is an inconsistency, as I have said, in the statements that have been coming from the administration and the actions as evidenced through the rulemaking or the policy directives.

I still have questions about whether this administration does indeed want to include increased domestic conventional energy production as one of the legs of our comprehensive energy policy or if the administration is going to say one thing and do another. If this President and his Interior Department want to scale back production, that is their prerogative, and we can certainly talk about that, but that is something I need to know, both as the ranking member on the Energy Committee and as a Senator coming from the State that has the greatest onshore and offshore oil and gas prospects left in North America. This is important that we know and understand where this administration is coming from.

I sent a letter to the Secretary when I placed a hold on Mr. Hayes, and I outlined my concerns. All my questions in that letter focused on how Interior will implement the policies it has announced and how it will defend against things such as the third-party lawsuits to which we believe they have made themselves pretty vulnerable. The White House and the Interior Department have communicated with me and my staff since I wrote that letter. Initially, we were told DOI doesn't want to answer the questions because they are too hard, there are too many of them, and they are too mean. Since that time, my staff has received a draft of a letter. I received it last night about 7 o'clock. I appreciated their response, but in many ways it avoids many of the specific questions. I think there is an opportunity for us to go through my series of questions, have that discussion in a meaningful way, and get the clarity I am seeking which, as a Senator, I believe I am entitled to.

I will ask: If we can presume the Interior Department has been making its decisions and policies based on rational and well-thought-out facts and science, how hard can it be to question the decisions and the policies behind it?

Mr. President, I ask unanimous consent to submit for the RECORD the letter I sent to Secretary Salazar. I think my colleagues will see there are indeed some very hard questions contained in my letter, but at this level of Government, I would suggest there aren't very many easy questions left.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC.

Hon. KENNETH L. SALAZAR,
Secretary, Department of the Interior,
Washington, DC.

DEAR SECRETARY SALAZAR: I appreciate the comments that you and other members of the Department of the Interior have made on the importance of domestic energy production. As you are aware, however, this past Thursday, April 30th, at a business meeting held by Senate Energy and Natural Resources Committee, I expressed my strong concern over the widening disparity between those statements and the Interior Department's actions. At that meeting I announced my procedural hold on the nomination of David Hayes for Deputy Secretary of the Interior.

I trust my announcement was not a surprise. On Friday April 24th, Will Shaffroth, your Principal Deputy Assistant Secretary for Fish, Wildlife and Parks met with my staff regarding potential repeal of regulations for consultations under the Endangered Species Act (ESA). My staff noted that these regulations were adopted in full compliance with the Administrative Procedure Act, including public hearings and extensive public comment. Staff strongly urged Mr. Shaffroth that if you were determined to repeal the regulations, you also comply with the Administrative Procedure Act. Instead, you and Secretary Locke chose to repeal the regulations without public hearings or public comment. Last week, prior to my announcement, my staff talked to yours and informed them what would happen at the hearing.

It is my sincere hope and expectation that we can advance our respective understandings of the issues set out in this letter as quickly and honestly as possible. My intention is not to make your job more difficult. My intention is, however, to get clear answers and commitments with regard to what I and the American people should expect from our Interior Department when it comes to the pressing and fragile issues surrounding the stewardship of energy and natural resources on federal public lands under your jurisdiction and mine.

In my official statement on April 30, I expressed my cumulative frustration with, among other things, the cancelation of the 77 oil and gas leases in Utah; the 180–day delay of the 5–year outer Continental Shelf leasing plan; the delay of the new round of oil shale research, demonstration, and development

leases: the finding for justification of listing the yellow billed loon only one day after Tom Strickland's confirmation hearing; the determination that the Bush Administration's mountaintop coal mining rule is ''legally defective''; and, finally, the reversal of the previous administration's Endangered Species Act consultation rules.

In reality, my decision to place the hold on Mr. Hayes is a reflection of concerns that extend beyond these publicly-stated issues and include my dissatisfaction with the questions for the record which I submitted to Mr. Hayes, as well as Mr. Strickland and Ms. Hilary Tompkins, the designate for Solicitor General. I have attached several examples of what I consider to be vague, equivocal, and ultimately meaningless responses to substantive questions which deserved and frankly require significantly more thought, effort, and specificity.

Finally, I am troubled by Interior's lack of a swift and assertive response to the DC Circuit Court's decision on April 17th to vacate your department's outer Continental Shelf Leasing Program. This decision alone could, depending on its interpretation, have sweeping impacts upon the Obama Administration's stated policy of including increased oil and gas production as a meaningful part of the nation's comprehensive energy policy.

The compounding nature of these acts and omissions demonstrates a consistent pattern of steps that are nearly certain to make domestic energy production more difficult, more time-consuming, and more expensive. This is fundamentally inconsistent with the repeated promises of the President and yourself to actively advance increased production of conventional energy sources. You are aware of my full support for and strong record of aggressively pursuing the technologies and infrastructure necessary to dramatically increase America's renewable energy capacity, but I am concerned that elements within the Administration are meanwhile acting upon a misguided belief that quietly but systematically and rapidly scaling back—or shutting down—domestic oil, gas, and coal production will somehow force a faster and smoother transition to a clean and secure energy future. It will not, and I trust you agree that the ultimate consequences of such a policy would be devastating to our Nation's economy and security, as well as the world's environment.

Given this fact pattern. I worry about what might be next. So, I am left with no option other than exercising my procedural remedies in order to obtain what I hope and presume will be authoritative, binding, and realistic responses to my concerns. To supplement the issues stated above and the attached questions for the record, the latter of which I would like to resubmit, please provide responses to the following items in substantive detail. Though the questions are detailed, I trust that all are issues that you and your staff have already thought about extensively, before you made the policy decisions referred to above.

ENDANGERED SPECIES ACT MODIFICATIONS AND CLIMATE CHANGE GENERALLY

Interior's basis for listing the polar bear as a threatened species was based in significant part upon 7 of 10 climate models showing a 97 percent loss in September sea ice by the end of the 21st century, presenting threatened destruction, modification, or curtailment of polar bear habitat. The previous Administration's change to the subsequent consultation rule attempted to ensure that a causal connection between harm to listed species or their habitats not be drawn from greenhouse gas emissions from a specific facility, resource development project, or government action. The rationale for this was that such connections are manifested through global processes and cannot be reliably predicted or measured at the scale of a listed species' current range; or, would result at most in an extremely small, insignificant impact on a listed species or critical habitat; or, are such that the potential risk of harm to a listed species is remote. Reversal of this rulemaking as regards consultation procedures, both formal and informal, risks resetting the required consultations to an all-encompassing level which I do not believe is sustainable, and prompts the following questions:

1. Since the Supreme Court has afforded Interior considerable discretion in enforcing what it termed a Congressional purpose and intent in ESA to provide ''comprehensive protection'' to species, including protection from significant habitat modification or degradation, please describe in substantive detail how the Interior Department will apply its discretion in deciding whether to require FWS consultation and concurrence specifically for each of the following federal actions, some of which will result, directly and indirectly, in the emission of various amounts of greenhouse gases upon completion, and most of which will require major levels of operation of heavy equipment; transportation of persons and goods; and large amounts of concrete, steel, aggregate, and other products produced through highly carbon-intensive processes:

I. Clean Air Act permits for any or all of the 28 coal-fired power plants now under construction, as listed by the Department of Energy's tally.

II. Corps of Engineers permit for development and construction of a pipeline to convey water from Dixie Valley to Churchill County, Nevada.

III. Department of Transportation permitting for a high-speed rail construction between Las Vegas, Nevada and Southern California.

IV. Federal funding of ''Pavement rehabilitation'' at Denver International Airport.

V. Federal funding to Caterpillar, Inc. for high-speed diesel fuel combustion technology.

VI. Department of Transportation funding of the Milwaukee Avenue Reconstruction project in Chicago, Illinois.

VII. Department of Transportation funding of the New Jersey Trans-Hudson Midtown Corridor.

VIII. NEPA documentation on grazing permit renewals.

IX. Hazardous fuels reduction projects on federal lands (resulting in changes in vegetation patterns.)

2. In the event that the Interior Department does not exercise its authority to mandate FWS consultations for the federal actions necessary for the projects stated under (1), does Interior anticipate multiple invocations of the citizen suit provisions under ESA Sec. 9(g) to compel consultations?

a. If so, to what extent is Interior prepared, equipped, and funded to defend against the multitude of citizen suits likely to be filed?

3. Does the reversal of the ESA consultation rule provide, in essence, for mandatory second-guessing on an intradepartmental level, suggesting that any biologists on staff at BLM, MMS, and other agencies are somehow less qualified (or unqualified) to evaluate potential impacts from and mitigation techniques for the activities which they specifically oversee than are FWS biologists?

a. If the non-FWS biologists are qualified, why is it necessary to compel mandatory FWS consultation?

b. If they are not qualified, what is the justification for their continued employment?

4. In science-based decisionmaking, what will be, in substantive detail, the procedural process for moving forward for those occasions when scientific consensus does not exist at the departmental level?

5. How will Interior deal with a lack of broad scientific consensus outside of the Administration; i.e. new and independent scientific reports in direct conflict with Interior's scientists?

6. Given the reversal of the ESA rule, regarding development of the outer Continental Shelf, does the Department intend to formally consult on the polar bear and listed corals for every scheduled lease sale, exploration plan, and other federal action necessary to advance offshore development?

a. If so, what are the minimum and maximum amounts of time that this might take?

b. Are you able to show the proximate causal connection between the direct and local effects of oil and gas activity and the species in question?

c. Will the consultation requirement be based, in any scenario, on indirect global effects of these activities?

7. Is Interior presently conceptualizing, planning, or formalizing any further modifications to or reversals of any of the Bush Administration's ESA rules?

CLIMATE CHANGE AND SCIENCE-BASED DECISIONS GENERALLY

8. In the science-based decisions which FWS must make, will scientists and only scientists select from the multiple climate change output models available with an ability to do so independent of political and professional influence and incentives?

a. Will Interior commit to a stated policy that such scientists must refrain from basing any part of the selection of climate models upon the model's congruence with the Department's desired administrative outcome?

9. In the world of academic research, the difference between a 4% and 7% probability of error can mean the difference of a scientific paper being published or not. But in the world of government science, as with the Intergovernmental Panel on Climate Change, anything above a probability of 66% is ''likely''. Does Interior agree that regulatory decisions affecting real lives and livelihoods ought to be held to and based on a standard commensurate or approximate to those of academic research, or is a 66% likelihood ''close enough for government work''?

10. Regardless of the scientific standards, will Interior commit to affording full transparency into, and disclosure of, the uncertainty behind all ''science-based'' decisions?

11. What is Interior presently doing to standardize how it interprets uncertainty in scientific analyses?

12. Will regulatory decisions, regardless of their economic implications, move forward so long as one of the many climate models suggests an impact has a 66% probability?

13. How will Interior balance contradictory evidence of competing climate models and will Interior establish a priori as its preferred model?

14. How will Interior avoid post-hoc decisions on which model to choose based on an individual scientist's preferred outcome?

OCS LEASING AS RELATES TO THE 5-YEAR PLAN AND 4/17 DC CIRCUIT OPINION

15. Please describe in substantive detail the particular process and timing it will take to remedy the issues cited by the DC Circuit with regard to the 5-year plan?

16. Please describe in substantive detail the factors and the criteria Interior will be using to evaluate that it has reached the ''. . . proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone''?

17. As Interior conducts a more complete comparative analysis of the environmental

sensitivity of different areas of the outer Continental Shelf, attempting to identify those areas whose environment and marine productivity are most and least sensitive to OCS activity, will you commit to specifically taking into account all existing statutes and regulations that provide for coastal and ocean protection and restoration, and will you presume all of those inherent associated mitigations in your assessment of potential impacts and sensitivities?

18. What specific and detailed factors will the Interior Department be weighing in assessing and reconsidering the Leasing Program's relative assessment of the environmental sensitivity and marine productivity of the various planning areas?

19. Presuming the eventual advancement of the exploration and development of the Chukchi Sea planning area 193, what specific factors will Interior require and/or take into account in evaluating exploration plans for approval? Please make this list of factors as comprehensive and exhaustive as possible.

20. Since the petitioners in the DC Circuit case were focused on the Alaskan areas of the OCS leasing program, will Interior reconsider the entire program or instead make modifications only on those more controversial areas?

21. At which individual stage of the Leasing Program, in which Interior is required to conduct additional and more detailed assessments of the Program's potential effect on the proposed leasing areas, does Interior anticipate legal ''ripeness'' for the Center for Biological Diversity to survive threshold challenges to the justiciability of their remaining claims?

22. How will you ensure a timely turnaround on these issues given the lack of extensive baseline data for many of the areas?

GULF OF MEXICO LEASING AND ROYALTY RELIEF

23. Is it within any official or unofficial policy of Interior to support efforts to require companies that paid a premium to acquire 1998 and 1999 leases in the U.S. Gulf of Mexico to now be required by legislation to agree to include price thresholds in the leases they continue to hold as a condition of acquiring additional leases?

24. With such major projects as Shenzi and Tahiti now coming on line, does Interior agree with the oil and gas industry's assessment that the 1995 Outer Continental Shelf Deep Water Royalty Relief Act provided an effective mix of incentives to encourage the industry to invest billions of dollars for the benefit of the American consumer? If so, does Interior foresee any potential negative impact upon exploration, development, and production of oil and gas as a result of legislatively changing the terms of the deal struck in 1995?

25. In opposing various bills before the Congress last year, the oil and gas industry took the position that the legislation would, if enacted, constitute a breach of contract and an unconstitutional taking of property without compensation under the Fifth Amendment. Does Interior hold a similar view of the contract and constitutional law implications of such a material change in government terms?

26. In the 110th Congress, Ambassadors from five allied Nations (Norway, Spain, France, Canada, and Australia) expressed their official opinions in writing about the potential
to modify the lease terms—including contravention of treaty obligations and violation of numerous international trade agreements. Do you believe the Ambassadors had a reasonable basis for these concerns?

a. If Interior considers the concerns of the Ambassadors anything short of reasonable, does Interior anticipate a situation where litigation or legislation may lead to either strained foreign relations or reciprocal treatment of U.S. investments in the corresponding nations?

b. If Interior considers the concerns of the Ambassadors to be valid, is it Interior's position that their added complications warrant separate and distinct treatment than domestic companies with similar interests in the Gulf?

27. If Congress were to enact legislation comparable to the excise tax proposal put forward last year by the Senate Finance Committee, would you be concerned about the likelihood of litigation and the diversion of the Department's resources with respect to that litigation?

28. Now that the U.S. Court of Appeals for the Fifth Circuit has denied rehearing in the Kerr-McGee litigation, would you consider it reasonable for Members of Congress to oppose any legislation that would now seek royalties from 1996–2000 leaseholders on the basis of a price threshold?

MTR COAL MINING RULE

29. On December 3, 2008 the Office of Surface Mining Reclamation and Enforcement (OSM) issued a final rule clarifying the treatment of excess spoil disposal from coal mining operations after 7 years, 43,000 comments, and 4 public hearings. The rule requires mine operators to avoid disturbing streams to the greatest extent possible and clarifies when mine operators must maintain an undisturbed buffer between a mine and adjacent streams, thereby clarifying a longstanding dispute over how the Surface Mining Control and Reclamation Act of 1977 should be applied. Just last week Interior reversed its position on this issue asking the Department of Justice to file a plea with the U.S. District Court requesting that the rule be vacated as ''legally defective.'' Please describe, in substantive detail, the criteria for avoiding the apparent insufficiencies in future rulemakings on this particular issue.

a. In reshaping a legally sufficient rule, what specific steps will Interior take to ensure it observes the proper administrative rulemaking process including issuing a draft rule and opening it up for a comment period?

b. What specific safeguards does Interior intend to put in place to ensure that this change does not halt or delay coal mining operations, jeopardize jobs, and reduce domestic energy production?

GENERAL POLICY

30. If, at the close of the current four-year Presidential term, America's overall oil production has decreased in terms of pure volume, will Interior consider this fact a success or a failure?

31. If, at the close of the current four-year Presidential term, America's overall oil production has decreased as a percentage relative to foreign imports. (e.g. 25% of domestic consumption as opposed to 35% of domestic consumption) will Interior consider this fact a success or a failure?

Again, thank you for your time, patience, and prompt attention to these issues and questions. It is my hope that the stated energy intentions of this Administration will begin to track more closely with its day-to-day actions. In the meantime, your careful consideration of this letter ought to help inform the Interior Department's still-forming policy. Your leadership will be critical, and it will be appreciated well into the future.

Sincerely,

LISA MURKOWSKI,
United States Senator.

Ms. MURKOWSKI. As I indicated in my initial comments, I am not trying to be an obstructionist. In response to DOI's complaints, I have offered to sit down with them, in good faith, and go through the questions one by one. The standard I would use would be if any Member of this body were to be Secretary of Interior, which of the questions would they have insisted that their staff extensively analyze prior to taking the actions the Department has taken? I do believe my questions will be answered, but it is clear that in the short term, these questions are being answered because of this cloture motion. That troubles me because I believe the Senate, in its role to advise and consent on Presidential nominees, is entitled to answers from the administration about what its policy is as we move forward.

It should not matter whether these questions come from Republicans or Democrats. It is reasonable to expect that any one of us in this body can get honest answers about how this administration is going to pursue and implement an energy policy.

I hoped we would have an opportunity to sit down and go over the questions, but, instead, this morning we are going to see a vote on the floor.

My hold on David Hayes didn't come attached with demands to change a rule, make a rule, or approve a plan or policy. I just want some answers as to what the administration's policies are going to be. My commitment is to get those answers.

Regardless of what happens with this vote today, I am certainly going to pursue actively the development of all forms of energy in this country because we are going to need all of them in high volumes. I do look forward to working in good faith with the Interior Department, whatever its makeup, because we have a lot of work to do. We know that. We need to commit to that level of activity.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, David Hayes is a superbly qualified individual who has been nominated by the President to be the Deputy Secretary of the Interior. We know for a fact that he is superbly qualified because the Senate has already confirmed him for that exact office once before. That was 9 years ago. He served in that office with great distinction during the Clinton administration.

Mr. Hayes also served as counselor to Secretary Babbitt for several years before being appointed Deputy Secretary. In those roles, he handled many of the most challenging issues facing the Department of the Interior, ranging from the acquisition of the Headwaters redwood forest in California, the restoration of the California Bay-Delta ecosystem, the negotiation of habitat conservation plans under the Endangered

Species Act, Indian water rights settlements, and energy development on the public lands.

In addition, Mr. Hayes has had a distinguished legal career, focusing primarily on environmental and natural resource matters. He has served as a senior fellow for the World Wildlife Fund, a consulting professor at Stanford University's Environmental Institute, chairman of the board of the Environmental Law Institute, and chairman of the board of visitors for the Stanford Law School.

Those of us who know Mr. Hayes and had the opportunity to work with him when he was the Deputy Secretary before know him as a man of great knowledge, ability, and integrity, and as someone who strives hard to find constructive, progressive, and consensus solutions to difficult environmental challenges.

But the debate this morning is not really about Mr. Hayes or his qualifications for the office to which the President has nominated him. It is about certain actions that have been taken by the Bush administration during its final weeks in office and whether the Obama administration will be allowed to reconsider those actions.

During its final weeks, the previous administration took a number of controversial actions on endangered species, land withdrawals, mountaintop mining, and oil-and-gas development. It is no secret that in its rush to lock in these actions before it left office, the previous administration didn't give adequate consideration to environmental concerns and legal requirements. Several of these actions have already been overturned by the courts.

Secretary Salazar has inherited this legacy. He is doing his best to address the situation in a fair and balanced way but one that reflects the new administration's commitment to openness and to transparency and to strict adherence to the law.

Among other things, this has meant having to withdraw 77 oil and gas leases issued by the Bush administration in Utah that a Federal court has enjoined because it appears that the previous administration failed to comply with the National Environmental Policy Act, the Federal Land Policy and Management Act, and the National Historic Preservation Act.

It has also meant having to try to salvage the current 5-year plan for oil and gas development on the Outer Continental Shelf after an appeals court found that the previous administration had failed to follow legal requirements when it adopted that plan.

I can understand why some Senators might be concerned about the new administration reviewing the policy decisions of the previous administration. But what I cannot understand is why they would want to obstruct the nomination of David Hayes.

No one can seriously question Secretary Salazar's commitment to the responsible use and development of our natural resources or his commitment to protecting the public interest, basing his decisions on sound science and complying with the law. But more than 100 days into his tenure, Secretary Salazar remains only one of the two Presidential appointees in the Interior Department who has been confirmed by this Senate. We need to send him help. We need to confirm David Hayes.

The Constitution entrusts this body with the power to advise and consent to the President's nominations. As former majority leader Mike Mansfield, said:

> Our responsibility is . . . to evaluate the qualifications of the nominee and to record our pleasure or displeasure, to give our advice and consent or our advice and dissent.

I believe David Hayes is extremely well qualified to be Deputy Secretary again. Any fair evaluation of his qualifications on the merits warrants our advice and consent. If Senators wish to dissent, then they should do so, but they should go ahead and invoke cloture so we can vote on this nomination.

Mr. President, at this point I yield the floor.

Mr. SESSIONS. Mr. President, I share the deep concerns about the decision of the Secretary of the Interior not to go forward with cancelling certain oil and gas leases. I am afraid this represents yet another action that irrationally reduces America's production thus forcing the country to send wealth abroad to purchase oil from foreign nations to the detriment of our economy.

While I had no particular objection to the nominee, I do believe that Senator BENNETT and others deserve a complete hearing on their concerns and this is why I choose to oppose cloture at this time.

Mrs. FEINSTEIN. Mr. President, I rise today to support the nomination of David Hayes to be Deputy Secretary for the Department of the Interior. I think extraordinarily highly of him.

At a time when western water issues are at a crisis point, we need someone with experience and knowledge at the Department of the Interior. Many of our great rivers and estuaries are locked in conflict, and I can think of no one better than David Hayes to work to resolve these issues.

He is smart, he is well respected, he gets into the details, and he can close a deal.

David Hayes has been nominated for the No. 2 position at the Department of the Interior. This is an important job. As Deputy Secretary, he would work closely with Secretary Salazar and have management responsibilities over the entire Department, as well as policy responsibilities over the entire Department.

He would have statutory responsibility as the chief operating officer to help lead a department of 67,000 employees and an annual budget of approximately $16 billion, including annual and permanent funding.

The Deputy Secretary is the day-to-day administrative manager of the Department and an integral part of the policy decisions.

His prior experience in the Clinton administration in the job means he can hit the ground running.

We need him to be confirmed so we can move on issues like climate change, public lands management, and resolve some of the longstanding water conflicts, including the Bay-Delta in my home State.

I believe he has the confidence of Secretary Salazar, and he has my confidence, and I think very highly of him.

He has been able to take critical land and water issues and work out agreements. His great strength is his ability to negotiate.

When it comes to western water, energy, Indian affairs, and many of the other issues that face Interior, having someone who can consult with the key parties and earn their support on a way to move forward is essential.

David Hayes also was key to resolving a decades-old conflict about the Colorado River.

The Quantification Settlement Agreement enabled California to reduce its overdependence on the Colorado River to its 4.4 million acre-foot apportionment over a 15-year grace period and assures California up to 75 years of stability in its Colorado River water supplies.

Without the agreement, California risked being suddenly cut off from the excess of almost 5 million acre-feet of Colorado River water it had been taking, instead of having 15 years to get there.

David Hayes was instrumental in working out the Headwaters Agreement, which converted 75,000 acres of the largest private old-growth redwood grove to the public lands, protected forever.

David Hayes worked very hard to bring the parties together and negotiate a path forward for the timber company on its remaining lands and to preserve the old-growth redwoods—a large, virtually untouched tract land with 1,000- and 2,000-year-old trees.

David Hayes also worked on the historic Cal-Fed agreement, which affected the urban environmental and agricultural needs of the entire California Bay Delta region. We are again in crisis, and we need him back to help resolve it.

All of these were difficult and sophisticated agreements which needed the determined and steady hand that David Hayes provided. Time and again he was able to bring people together behind a broadly agreeable plan.

David Hayes has been well respected since his days at Stanford Law School in the late seventies, where he was recognized for his outstanding editorial contributions to the Stanford Law Review.

He has a long and distinguished career in private practice, which has always focused on environmental, energy, and natural resources matters

and the interconnectedness between the three.

From 1997 to 1999, David Hayes served as the counselor to the Secretary of the Interior, and from 1999 to 2001, he served in the very position that we are considering him for here today.

So there is no doubt that he is extremely well qualified to fill this position.

David Hayes is well positioned to negotiate the many complex issues that face the Department of the Interior today, including the proposed removal of dams on the Klamath River, the development of renewable energy and conservation of the deserts, and the management and conservation of California's Sacramento-San Joaquin River Delta for habitat restoration and water supply goals.

I know that there are some who believe that one cannot understand the West without being from the West. I can only say that there is no one whom I know of who is a candidate for this office who brings more experience in western issues than David Hayes. He is really unparalleled in the arena of Federal officials.

I believe he would be a real asset to the administration, and I hope you will join me in supporting him. I urge my colleagues to vote to confirm David Hayes.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified—he has in fact held this exact position before, in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies.

He has successfully used this approach with some of the most pressing issues facing our western states. He worked closely with Senator JON KYL and a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act—a historic settlement of water rights disputes involving municipal, agricultural and tribal water users in the State of Arizona. There are pressing water rights issues in the West and across the Nation that need resolution today.

In addition, he worked with Senator DIANNE FEINSTEIN to negotiate the acquisition and protection of the old-growth redwood Headwaters Forest in northern California, along with an accompanying habitat conservation agreement that continues to protect endangered salmon and bird populations on 200,000 acres of adjacent, privately held forest lands in northern California. There are pressing needs to resolve forest management issues today—to protect old-growth habitat while restoring forest health and creating jobs in our forests.

We need Mr. Hayes on the job.

Over the last 4 months, Secretary Salazar has faced a difficult task of cleaning up the mess the previous administration left at the Department of the Interior.

The American people remember the Department of the Interior under the Bush administration as a Department where ''anything goes.'' It is the Department the American people associate with Jack Abramoff. It is the Department where agency employees were serving the oil companies instead of the public. And it is the Department where the former assistant secretary in charge of fish and wildlife tampered with the science behind Endangered Species Act decisions.

Again and again, the courts have thrown out the decisions of the Bush administration Interior Deparment because they didn't pass the smell test.

Last month, for example, a Federal court vacated the entire 5-year plan for oil and gas leasing because the Bush administration didn't do the environmental review properly. So Secretary Salazar and the Obama Interior Department have had to go back to the court and ask for permission to fix it, so that current oil and gas activities aren't disrupted by the bad judgment of the previous administration.

Before that, a court in Utah froze last-minute leases that the Bush administration had granted near Arches and Canyonlands National Parks because the Park Service hadn't been consulted. So Secretary Salazar and the Obama Interior Department have had to go back and review the leases, one by one, to see if any of them are appropriate for development.

It is not a matter of politics in the decisions the Interior Department is making, it is a matter of fixing broken processes and restoring the trust of the American people in the Department that manages one-fifth of the Nation's landmass and 1.7 billion acres off the coasts.

And Secretary Salazar is taking the decisions one by one.

Where Interior is finding good decisions from the Bush administration, they are keeping them in place. Where they are broken, they are fixing them. And when they can't be fixed, they are going back to the drawing board.

Not everyone in this—chamber will agree with every decision that the Interior Department will make. But wouldn't it be a breath of fresh air to see Interior following the rules; fixing problems; making decisions based on the public interest, the best scientific data available, and the rule of law.

David Hayes has served his country under the Clinton administration as Deputy Sacretary of the Interior, and served well. He earned a reputation as a problem solver—as someone who will listen and find common ground.

He will help our Nation tackle the complex natural resource challenges we face. There is much work to be done—on water rights, on forest health, on a number of critical issues.

I urge my colleagues to vote in support of Mr. Hayes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. There is 15½ minutes remaining.

Mr. DURBIN. Thank you. Mr. President, I rise today to discuss the long list of nominees for the Obama administration who are being held up by the Republican Party of the Senate. The Republican Party has been characterized now as a ''party of no.'' It is a phrase we have been hearing a lot. Consistently, when President Obama has reached out in a bipartisan fashion to ask the Republicans to join him in changing the culture in Washington, in addressing the major issues of our day, in working with him to find compromise legislation, the answer has almost exclusively been ''no, not interested.''

Why? Because despite our best efforts to work together, we have been met at every turn by a Republican negative response. Now the party of no—the Republicans in the Senate—has decided to filibuster the nomination of David Hayes to be the No. 2 person in the Department of the Interior.

You must think that is a pretty controversial position, right? Senators on the Republican side, who have made long speeches against filibustering nominees, are breaking their word and now initiating these filibusters. This must be some red-hot controversial position that this man is clearly unqualified to fill. That is not the case.

The Deputy Secretary of the Interior manages the day-to-day operation of the Department of the Interior and works closely with the Secretary on key policy decisions.

David Hayes's previous 2-year tenure in the same position as Deputy Secretary of the Interior and his career of experience give him the knowledge and ability to immediately hit the ground running in this demanding position.

The Secretary of the Interior, Ken Salazar, a former Member of this body, personally reached out to the Republican side of the aisle, telling them he needs to have David Hayes confirmed to make headway on the administration's and the Nation's priorities, including renewable energy production on Federal lands, the effects of climate change on the natural landscape, and reengagement in the resolution of challenging water issues.

David Hayes has a long track record of negotiating solutions to difficult natural resource issues and working cooperatively with Members of Congress.

When he was Deputy Secretary under the Clinton administration, he worked closely with the Republican whip, Senator JOHN KYL of Arizona, on a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act.

He worked with Senator FEINSTEIN, on the Democratic side, to negotiate

the acquisition and protection of old-growth redwood Headwaters Forest in northern California.

He partnered with Senator MARY LANDRIEU of Louisiana to secure Land and Water Conservation Fund monies to preserve bayou lands in Louisiana.

This man has experience. He has worked with both sides of the aisle. He has 30 years of experience in natural resources and environmental law, with special expertise in resolving complicated issues. Apparently, 30 years of experience, having held the same job, and having worked with both sides of the aisle is not good enough for the party of no.

On May 6, Senator MURKOWSKI sent a letter to Secretary Salazar raising concerns about the decisions the administration has made in the last few months. The three issues are revisions that the administration has proposed to the Endangered Species Act, regulations relating to future leases in offshore drilling, and the administration's withdrawal of 77 oil and gas leases in Utah.

Senator BENNETT, who is on the Senate floor, continues to object to the administration's withdrawal of 77 oil and gas leases. These leases were withdrawn as a result of a court-ordered injunction, and they are currently under review by the Department.

They are blaming David Hayes for this? Blame the court for this. Give this man a chance to serve our country.

Well, he is not the only nominee held up by the party of no in the Senate. This year, 17 nominees have had to wait and wait and wait for a rollcall vote to be confirmed. In most years, these nominees would have been approved by unanimous consent. Not this year.

Apparently, the Republicans in the Senate don't believe that President Obama has a mandate to lead this country. They are challenging his assemblage of a team of people to make this Federal Government run more efficiently and effectively. This year, the Republican minority demanded rollcall vote after rollcall vote on what were routine appointments by the Obama administration. They would threaten filibusters, force 2 and 3 days of delay, require a 60-vote margin, and then what happened?

Here is one of the controversial nominees. Listen to his vote. Gil Kerlikowske, nominated to be Director of National Drug Control Policy, was held up, debated, and threatened. His confirmation vote was 91 to 1. Thomas Strickland, nominated to be Assistant Secretary for Fish and Wildlife, Department of the Interior, was confirmed 89 to 2. Kathleen Sebelius, nominated to be Secretary of Health and Human Services, was confirmed 65 to 31. Christopher Hill, Ambassador to Iraq, confirmed 73 to 23; Tony West, Assistant Attorney General, confirmed 82 to 4; Lanny Breuer, Assistant Attorney General, confirmed 88 to 0; Christine Anne Varney, Assistant Attorney General, confirmed 87 to 1; David Kris, Assistant Attorney General, confirmed 97 to 0.

They made us wait for days and weeks and months to bring these names up before the Senate because of the controversy, and listen to the votes: 97 to 0, 87 to 1, 88 to 0. This isn't about the nominee. This isn't about controversy. This is about slowing down the assembly of President Obama's team to bring real change to Washington. That is what this resistance to David Hayes is about as well.

This list goes on. I won't read them all. I will put them in the RECORD. But to put this in historical context, at the start of 2001, when the Senate was controlled by the President's party until May 24, there wasn't a single filibuster of a nomination. The Democratic minority didn't filibuster a single Bush nominee at the start of 2001. This time, we have had to file cloture six times because of threatened filibusters. The following nominees were at least initially filibustered and required a cloture motion: David Ogden, Austan Goolsbee, Cecilia Rouse, and Hilda Solis, for the sole and exclusive purpose of slowing down the assembly of President Obama's administration so there could be an effective and efficient handing over of power.

These Senate Republicans are still negotiating the last election. They want another chance at it. Well, the American people had their day. On November 4 of last year, they elected a new President and asked him to do his best to lead our Nation in troubled times. Sadly, the Republican Party that lost that election will not face the reality that this President needs a team of skilled professionals to stand by him and deal with the real challenges we face in this country. They are slowing down and stopping nominations of well-qualified people who, when they are ultimately called to the floor for a vote, get overwhelming rollcall support.

We have surpassed the number of cloture motions filed on nominations during President Bush's entire first term—four. When President Reagan was elected, in a landslide, a Democratically controlled Senate worked with him to confirm his nominees. So far, the Senate has confirmed 104 Obama nominations. At the same point in 1981, with President Reagan and a Democratic Congress, it confirmed 125 Reagan nominations. The largest gap between nominations and confirmations during this point in the Reagan administration was 71. The largest gap between nominations and confirmations during the Obama administration is 124, a number reached last week.

Unfortunately, this Republican delay is not likely to end soon. There are currently 18 nominees sitting on the Executive Calendar. By our count, there are almost 12 holds on the Republican side of the aisle. A couple of them are worth noting. Senator John Kerry's brother, Cam Kerry, a well-qualified man, has been nominated to be general counsel of the Department of Commerce, but the Republicans have refused to move his nomination, with no stated reason, no objection to this good man. Regina McCarthy, to be Assistant Administrator of the EPA for Air and Radiation, has been held up because two Senators want her to repudiate the administration's position on climate change.

Once again, they want to renegotiate the November 4 election. Many of the holdups are the result of Republicans asking for policy changes to reinstate George W. Bush policies. Didn't we have an election to decide that?

The nomination of David Hayes is an example. The holds have nothing to do with him. The Republicans holding up his nomination simply want to reinstate George W. Bush-era policies. They long for those good old days under President George W. Bush. They are going to resist change, resist this President, and hold up as many people as they can that he needs to be a success.

Well, elections have consequences. Americans voted for change. But the party of no is holding up the President's agents of change. I urge my colleagues on the other side of the aisle to change their approach and to work with us to confirm a well-qualified man and much-needed person, David Hayes, and the rest of the Obama administration's nominations.

Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER (Mr. BENNET of Colorado). There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

I am sorry, I withdraw that. I see Senator BENNETT is on his feet.

Mr. BENNETT. Mr. President, is there any time remaining on the Republican side?

The PRESIDING OFFICER. There is no time remaining on the Republican side.

Mr. BENNETT. I ask the assistant Democratic leader if he would respond to a single question?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me do this: I want to yield 1 of our 4 minutes to the Senator from Utah, and then I will respond.

Mr. BENNETT. I thank my colleague.

I have listened with interest to the comments of my friend from Illinois—and we use that term loosely around here, but he really is my friend—and I would simply like to add this one historical postscript: Two of the Deputy Secretaries for Interior were held up by Democratic holds in the Bush administration, one for 6 months and one for 8 months, both on issues I consider to be less significant than the issue I have discussed here today. Senators have a right to get answers to their questions

before they make their confirmation votes, as demonstrated by the Democratic Senators who held up these two Deputy Secretaries. My hold of this Deputy Secretary for Interior is nowhere near the amount of time Democrats used when they were holding them up. I would like that historic footnote added to the Senator's comments.

Mr. DURBIN. Mr. President, I acknowledge what my colleague said, and I don't dispute it. I don't recall those particular deputies or their names, but I certainly don't question the facts he has given.

How can you look at David Hayes for this spot, after 30 years of experience, after having held the job before, after actively working with Republicans and Democrats to resolve contentious issues, and say this man is not qualified for the job? I don't get it. I am waiting for the smoking gun to come out. What is this explosive issue that the Republicans know that would hold up this nomination, and they can't come up with it?

Unfortunately, it is part of a pattern. This isn't just about David Hayes, it is about another 18 names sitting on our calendar here—18 names of individuals who are willing to give up their private careers, willing to come to work here in Washington, sometimes for a cut in pay, under difficult circumstances, to serve this new administration and try to change this country. They make the commitment, they get the decision by the family, they come forward, they go through the nomination process, they fill out reams of paper, they sit through the committees and finally get approved by the committees, they get on the calendar, and what happens, usually? Not in this case because Senator BENNETT has been very public about his opposition. Usually it is an anonymous hold by some Republican Senator, fearful of using his name publicly, who will hold up the nomination indefinitely. These poor people languish on this calendar. I commend Senator BENNETT for standing up and stating his opposition. Although I don't agree with it, at least he has had the courage to come forward. That is not the case on many of these.

This is the pattern that is emerging: Slow things down, force us to a vote, and when the vote finally comes, it is an overwhelming vote in favor of the nominee. The sole purpose is to try to stop the new Obama administration from putting in place the team they need to bring real change to America. President Obama said repeatedly during his campaign that real change is hard to come by, that it takes time and there will be people who will fight it every step of the way. We are seeing one of those battles on the floor of the Senate today when it comes to David Hayes.

For goodness' sake, give President Obama and Secretary Salazar the people they need to be successful in the Department of the Interior. I urge my colleagues to support the cloture motion and to move this nomination forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified. He has, in fact, held this exact position before in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies. He has successfully used this approach a number of times working in our Western States. He worked closely with the Senator from Arizona on a range of water and environmental interests and negotiated the framework for the Arizona Water Settlements Act, a historic settlement of water rights disputes involving municipal, agricultural, and tribal water users in the State of Arizona. And that is no small matter. You know, they say in the West that whiskey is for talking, but water, that is for fighting. That is how important it is, that is how difficult it is, and it took a good man like this to bring diverse interests together to solve those problems and move forward.

In addition, Mr. Hayes worked with Senator FEINSTEIN to negotiate the acquisition and protection of old-growth redwood Headwaters Forest.

Mr. President, I ask that we have a strong, affirmative vote to fill out the Department of the Interior and put it to work on the issues facing our Nation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Harry Reid, Mark Begich, Jeff Merkley, Max Baucus, Patty Murray, Jon Tester, Jack Reed, Jeanne Shaheen, Barbara A. Mikulski, Debbie Stabenow, Tom Harkin, Robert Menendez, Byron L. Dorgan, Mark Pryor, Bernard Sanders, Sherrod Brown, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Kyl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—39

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Reid
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Lugar	Wicker

NOT VOTING—3

Kennedy	Kerry	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

Mr. DURBIN. Mr. President, I ask unanimous consent that the motion to reconsider the vote by which cloture was not invoked on the David Hayes nomination be considered entered by the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I was necessarily absent for the vote today on the motion to invoke cloture on the nomination of David Hayes to be Deputy Secretary of the Interior because I was attending a funeral. If I were able to attend today's session, I would have supported cloture on the Hayes nomination.•

Ms. SNOWE. Mr. President, I rise to expand on my vote in favor of Mr. David Hayes to be Deputy Secretary of the Interior. It is my understanding that Senator BENNETT has requested answers to a series of substantive questions regarding the Department of the Interior's decision to withdraw 77 parcels in Utah from an oil and gas lease sale. I strongly believe that it is the prerogative of any Member of the Senate to have his or her questions answered in detail, especially concerning an issue relevant to their home State. I further understand that the Secretary of the Interior has indicated

that there will be a thorough review of the administrative record concerning the 77 lease parcels and the Department will provide a report with recommendations by May 29, 2009. I believe that this is a reasonable path forward on the issues at this time. With that said, if Senator BENNETT's questions are not sufficiently addressed by that date, I reserve my right to object to future executive nominations to the Department of the Interior. I look forward to successful resolution of Senator BENNETT's concerns.

Mr. DURBIN. Mr. President, I ask unanimous consent that following the statement by Senator LANDRIEU of 4 minutes, the Senate resume legislative session and resume consideration of H.R. 627.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would amend that unanimous consent request. I wish to amend that to allow 5 minutes for the Senator from Louisiana, and 5 minutes for Senator CRAPO, and then the Senate resume legislative session and resume consideration of H.R. 627; and at that point, Senator MENENDEZ be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to take a few minutes in reference to the vote we just had. I cast my vote for the nominee, based on not only his experience with the Department, but based on my confidence in the Secretary that the President has appointed to help lead this country to a position of energy security, a position we do not enjoy at this very moment.

Despite the work that has been done here and on the other side of the Capitol in the last couple of years, despite the rhetoric of several decades, we do not enjoy energy security. We have environmental issues, but we have security issues.

I wanted to express this, because there was obviously some hesitancy about this nominee based on an issue, I believe, involving domestic oil and gas production. That is what this vote was about, not about this personal nominee.

This was a vote to express concern, which I share to some degree, that this administration has not positioned itself appropriately and aggressively enough in the area of domestic energy production, of traditional as well as alternative and new sources.

Here I want to express that while I voted yes on this nominee, that I plan, and Members on the Republican and Democratic side plan, to be more vocal in expressing our concern to this administration that the tax proposals on the oil and gas industry are not going to create jobs. We are going to lose jobs, 1.8 million.

While we move to alternative fuels, we are turning our back on traditional natural gas, which is plentiful, which makes money for lots of people, which secures America, strengthens our industry and creates jobs.

So this was a vote to indicate an unsettling on this floor, both from the Republican side and among some Democrats, that this issue needs to be addressed more directly and more aggressively.

I have all the confidence, as I close, in Secretary Salazar. He served right here with us a few years ago. I know he seeks a balance. So I trust that we will start seeing some aggressive comments coming out from the administration as we push forward to keep leasing up in the gulf off the coast of Alaska, opening up Virginia, other parts of the Continental Shelf, as well as the plentiful gas in your own State, and in places such as Pennsylvania and Ohio, where our industries are desperate for this cheap, clean energy source.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I wish first to indicate to the Senator from Louisiana that I agree with her comments. I think the last time I got up to speak on this energy issue she was here on the floor as well. I share her sentiments about the need for us to continue to focus on developing a rational national energy policy for our Nation.

On July 30 last year, I stood before this body to talk about the No. 1 issue in the country to the people at that time: energy. Gasoline prices were over $4 a gallon and surging, and Americans were wondering what their leaders in Washington, DC, were going to do to help. I place tremendous faith in the opinions and ideas of Idahoans. So in early July I asked my constituents to write to me and tell me what they thought we ought to do and to describe to me what the impact of our failure to have a reasonable national energy policy was having on their lives. Then I made a promise that I would submit their stories to the CONGRESSIONAL RECORD, a process I vowed to continue until all of their stories had been submitted. In total, I received over 1,200 responses from my State, 600 almost overnight. It has taken me nearly 10 months to get all of these stories entered into the CONGRESSIONAL RECORD due to the requirements of the CONGRESSIONAL RECORD limitations as to how much can be submitted each day.

Today I submit the last of those stories, and I want to share with you what we have learned. I received touching stories from Idahoans about how they have been negatively impacted by higher energy prices, and the stories indicate that high energy prices had impacted every aspect of their lives. Idahoans had to cut back on family time. Many were unable to visit elderly relatives and had to cut back on family activities together outside of the home such as sports or music lessons. But those were just some of the less serious challenges Idaho families faced. Many had to cut back on their home repairs, their air conditioning, and their contributions to their retirements plans. Many had to make a decision between whether to eat food or to pay for the gasoline they needed to get to their work and keep their job or to purchase needed medications.

I can remember one story of a young mother telling me how she and her husband had started eating much less so that their children could have enough to eat, and they could still have enough gasoline each week to get to work and keep their jobs.

Many of their stories were heart wrenching. Many talked about losing their jobs and being forced to relocate or to make decisions between, as I indicated, purchasing gas or eating their next meal. Many reduced their expenses, cut their luxuries and found ways to economize. But the dramatic increase we experienced last year brought Idaho families, as many in other States, to their knees asking for help.

They offered explanations about what has happened and offered links to various publications and videos they found helpful. They attached photos of their circumstances. They sent legislative resolutions from national, State and local entities to remind us that other legislators around the country were interested in finding solutions to this issue as well. Many of them have spent a lot of time and energy on this subject, researching energy options and sharing their opinions on what they have learned. They offered solutions. My constituents suggested we need more conservation, that we need more domestic drilling. They wanted more public transportation and more nuclear power options. They pushed for additional renewable and alternative energy sources and research.

In short, they came through with the kind of common sense that people all across this country have been sharing with this Congress on the need for energy solutions. They want us to be less dependent on petroleum, and they want us to be less dependent on foreign sources of this petroleum. They want us to have a broad, diverse energy base of renewable and alternative fuels, including strong support for nuclear power. But above all, they were angry at Congress for not dealing with the issue of high energy prices. They couldn't believe the country had been through an energy crisis before but that Congress still has not managed the issue and come up with a solution. Idahoans expressed frustration with partisan politics and the inability to move past the age-old arguments and reach consensus on a comprehensive energy policy. Many said they were grateful I had asked for their thoughts.

I come before the Senate to echo my constituents' comments and concerns about our energy policy and to offer solutions. As I stand before the Senate, we are no closer to a comprehensive energy policy than we were last July. Yet

economic indicators point to a rally in crude oil prices. Oil is now above $58 a barrel and gas prices are the highest they have been in 6 months. We don't need a repeat of last summer. We need to work together to craft a comprehensive energy policy that promotes domestic security and creates American jobs while providing energy at the lowest cost possible to consumers.

The key to the energy future is to take a balanced approach that includes domestic production, conservation, renewables, nuclear, and alternative fuel development.

I would like to conclude my remarks by repeating my constituents' desire for the kind of bipartisanship that can transform this country's energy policy. I welcome the opportunity to work with all my colleagues on this issue. I encourage us not to a get into another energy crisis such as we faced last summer, with Congress having failed to take the important steps it can to help America become energy independent and a strong supplier of its own energy resources.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

Dodd-Shelby amendment No. 1058, in the nature of a substitute.

McConnell (for Gregg) amendment No. 1085 (to amendment No. 1058), to enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions, Federal Web sites, and in new legislation.

Vitter amendment No. 1066 (to amendment No. 1058), to specify acceptable forms of identification for the opening of credit card accounts.

Sanders amendment No. 1062 (to amendment No. 1058), to establish a national consumer credit usury rate.

Gillibrand amendment No. 1084 (to amendment No. 1058), to amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, we see gathering clouds in this economic storm and those clouds are credit card debt. At the very same time that it is becoming harder to get new credit, Americans have almost a trillion dollars of credit card debt outstanding. Defaults are rising and delinquencies are at a 6-year high. It is clear this isn't only a question of consumers overspending. Credit card companies are trying to boost their profit with deceptive practices and making the situation worse. People are seeing so much of their paychecks eaten up by late fees, over-the-limit fees, and interest payments that today companies can unilaterally increase at any time. Credit card companies are pushing cards on college students who can't afford them and teenagers are winding up with a lifetime of debt.

Companies are raising interest rates on consumers and customers who have a perfect record with their credit card but miss a payment with some other creditor. Maybe worst of all, if you have a credit card, chances are there is a line in the fine print that says the company can change the rules at any time. Considering some of the changes companies have made already, who knows what they could do tomorrow.

I have heard from thousands of people in New Jersey who feel their credit card contracts are booby-trapped, that their credit card agreements conceal all kinds of trapdoors behind a layer of fine print. Take one false step and your credit rating plummets and your interest rate shoots through the roof.

These are the same kinds of stories we started hearing as the foreclosure crisis began. Right now there is nothing stopping credit card companies from doing this to consumers—no law, no level playing field, no protection for the average American, no way to get the kind of fair treatment we expect as a matter of common sense.

When some people see that their interest rate has shot through the roof for no apparent reason, they call and plead with their companies for help, but their fate lies solely in the hands of the credit card companies. If the companies don't want to help, they are out of luck and stuck with an even bigger mountain of debt. Meanwhile, credit card companies are still making multibillion-dollar profits. This isn't just impacting the lives of individual Americans and families trying to make ends meet; it has major ramifications for the entire economy.

One of our major economic challenges right now is getting credit flowing again but not at the high price credit card companies are imposing. The economy is never going to get running at full speed again if consumers can't get their bearings because they have fallen behind on a payment treadmill that credit card companies keep speeding up. If there is any time to end deceptive practices and level the playing field, it is now.

Credit card reform is something I have been calling for since I set foot in the Senate. In 2006, one of the first pieces of legislation I introduced was an effort to reform credit card practices. Even then it was clear credit card debt was a looming problem that had the potential to wreak havoc on American families unless we achieved commonsense reforms. If there is one thing we have learned from this economic crisis, it is that we can't wait for a dangerous situation to reach full-blown crisis proportions before we act.

This Congress, as I have done for several Congresses, I introduced the Credit Card Reform Act to tackle essentially the same issues this current bill deals with, including banning retroactive rate increases, protecting young consumers from being sucked into the cycle of debt, reasonably tying fees to costs, and prohibiting unilateral changes to agreements.

We have $1 trillion collective debt in credit cards. That is how big this issue is. I am proud to see Chairman DODD's credit card reform bill includes many of the provisions I included in my bill and have championed for years. His leadership is what has brought us to the floor today. I included in my bill many of those provisions, and we have championed them together.

Though in some cases I would like to see different provisions that I think would make for stronger legislation, I still look forward to working with the chairman on one or two of those. But this bill represents one of the strongest, most comprehensive efforts yet to end some of the most egregious practices of credit card issuers, while making sure that Americans young and old don't fall so easily into financial traps.

The principle behind this bill is simple: Companies should be clear about the rules upfront, and they should not change them in the middle of the game. The bill says, similar to a provision I have been pushing, if companies want to change the terms of credit card agreements, they have to give reasonable notice before they do so. It will end an industry practice known as universal default on existing credit balances so companies don't raise interest rates on customers' outstanding debt when they have a perfect record with that credit card but maybe miss a payment by a few days with some other creditor.

I called for this in my bill, and I am proud to see Chairman DODD has it in his. I am also proud he included a provision I called for in my bill to make sure that when fees are imposed, they are reasonably tied to the original violation or omission that triggered the fee, not just the companies' desire to increase profits.

This bill will discourage the bait-and-switch tactics behind the preapproved offers that almost every American consumer has seen come into their mailbox, an idea I also put forward strongly in my own bill. When you get a card offer, the offer should be real. The terms should not be so good to be true that it fades away once you apply for the card. This legislation will provide recourse for consumers, if a card issuer tries a sleight of hand and changes the terms in the fine print.

One of the things I have been focused on—and I am glad to see it in this

bill—will protect young consumers from credit card solicitations they didn't ask for. I am convinced, having seen my own children, when they were in college and studying but not working, get an incredible number of preapproved credit cards, I could stack them this high, or my State director's 2-year-old who got a preapproved credit card, if you have a Social Security number and a pulse that, in fact, you can get a credit card.

I am proud this bill includes a provision that says people under 21 can proactively opt in to receive credit offers, but they will no longer will be lured into deals unless the decision is their own. It would also ensure that when college students do opt in and apply for a credit card, they prove that they or a cosigner can actually make the payments on that debt before they get that card. That is something I even think should be considered more broadly, ability to pay as a fundamental essence.

This way we don't get people on the march of bad debt, bad credit, and all the consequences that flow therefrom. For far too many people, credit card debt is already a personal financial crisis. If we don't act soon, it could grow to become a national financial crisis. Already there is a trillion dollars in collective debt. We cannot allow predatory and deceptive practices in the industry to continue as we did in the subprime mortgage market. We cannot allow the credit card problem to become the next foreclosure crisis.

When it comes down to it, this legislation is about trust. At a time we have seen financial institutions fail, either fail to be profitable or just fail to be honest, it is clear that restoring trust by ending deceptive practices is good for everyone. People are not demanding too much, just rules that are fair, understandable, and don't change in the middle of the game.

It is time we give individual consumers the tools to level the playing field when it comes to dealing with credit card companies. This legislation is about creating a trustworthy financial system, restoring some commonsense rules of the road, and stabilizing our economy by making it possible for consumers to get their footing.

At the end of the day, that is in the interest of all Americans. Now it is time to act because, similar to the debt on our credit cards, if we keep putting this problem off month after month, it is only going to get worse.

I look forward to working with the chairman to pass this bill, making it as strong as possible and making sure it becomes law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I commend my chairman, the distinguished Senator from Connecticut, for his work on the legislation before us today. This has been a complex issue. The chairman has worked very hard to bring people together on all sides. I commend also the senior Senator from Alabama for his vital engagement on these reforms that touch the wallet or the pocketbook of virtually every American. America needs credit card reform.

Take the case of Maggie Bagon, a 59-year-old social worker from Salem, OR. As reported in the Oregonian, Maggie used her card conservatively. She paid her bills on time. So she was incensed when her credit card company charged her a late fee.

So she called up the bank. They told her the terms of her contract permitted them to sit on her payment for 10 days before they posted it to her account, and that made it feasible—in fact, lawful—for them to charge her a late fee when she paid her bill early.

That type of practice is a scam. Maggie and thousands of Oregonians, perhaps millions of Americans, have been charged late fees for paying their credit cards early. That kind of deception and trickery has to end.

Late fees for early payments is not the only type of scam we have had in this industry. How about interest charges on balances that have been paid off? Well, you have paid it off, and you are very happy about that. You are now free of interest? No, you are not—not under the rules of the fine print in many credit card agreements.

How about fees for going over the limit when you do not know you are over the limit? Well, it used to be you were simply turned down and that was fine because that was the deal you had and you understood the deal. But now suddenly you get your credit card statement, and you find out you were charged a $30 fee when you bought a newspaper with a credit card or you were charged a $30 fee when you bought a $5 meal with your credit card because the bank was not going to tell you about the fee because they wanted to collect those fees for going over the limit.

Well, this act will fix that problem, that type of scam on the American worker. In fact, credit card companies have even charged fees for making your payments at all. Some charge fees for paying with a check. Some charge fees for paying over the Internet. Some charge fees for paying by telephone. That is simply crazy, and this act will address these types of tricks and traps that have become key and central to the industry.

As a member of the Oregon House of Representatives and as speaker, I worked with my colleagues to reform lending practices in our home State. We tried to address credit card practices to establish fair rules of the road, and our legal counsel said: No, you can't do that here at the State level. You have to do that at the Federal level. It is federally preempted. So we were not able to help people such as Maggie, the citizens of our State, have fair practices. Only the Federal Government, under Federal law, can make these changes.

But if we all have reserved to ourselves the power to set fair practices, then we have a moral obligation to set those fair practices. We have an obligation on behalf of the millions of American citizens such as Maggie. That is why this legislation is so important.

It is strong, commonsense legislation which targets the most abusive practices. In particular, I am proud it prohibits ''universal default'' on existing balances—that bait-and-switch tactic when, under the deal you have signed up for, you are charged 7 percent, but after you make those charges, your interest rate is suddenly switched to 29 percent.

I am proud this bill requires that payments beyond the minimum monthly payment be applied to the balances with the highest rate of interest.

I am proud this bill limits the aggressive solicitation of young persons; that it prohibits fees based on the method of payment, be it telephone, mail, Internet or otherwise; that it prohibits over-the-limit fees unless a person opts in to that feature—it is a fair deal, you choose it—and that it prohibits late fees if the card issuer delayed posting the payment.

These long-overdue, commonsense reforms are important steps to bring transparency and fairness to credit card contracts. These reforms will help Maggie and millions such as her from Connecticut to Oregon and everywhere in between.

Friends, this legislation is also good for our banking system. There is one clear lesson we have learned this year; that is, fair lending results in families who are on a solid foundation, strong consumers, and it avoids the sort of securitization that results in poison pills being based on fraudulent, deceptive practices, poison pills that infect our banks and financial institutions around the world.

Even the banks are aware this system is flawed, and some have tried to offer better, safer cards. But they found it hard to differentiate themselves. Why is that? Well, here is why. It is pretty straightforward. Consumers do not have the time or patience to read the dozens of pages of fine print that come in a credit card contract and then to compare its terms—and be able to evaluate its terms—to the dozens of pages that come with another credit card.

But even if a person dedicated a week of their life to comparing two credit card contracts, it would not matter because, at the end of the contract, it says: These terms can be changed at the discretion of the credit card company at any time. And they are changed frequently. Therefore, the contract does not give you the ability to compare and contrast. Therefore, we have a dysfunctional market because consumers are not able to choose better cards with better practices.

We need to create a functional market where there is competition—competition not based on how many tricks

and traps you can insert into the fine print but competition based on value, based on good interest rates, based on fair fees, and based on good, old-fashioned consumer service.

Friends and colleagues, this legislation is fundamentally about fairness. It is long overdue. Our citizens deserve fair contracts on credit. It makes our families stronger. It makes our national financial system stronger.

I certainly commend Senator DODD for his 20 years of labor, day in and day out, to reform these practices. I commend President Obama for his leadership on this very important issue.

Friends, it is time to adopt these reforms. President Obama is waiting. Maggie Bagon of Salem, OR, is waiting, along with millions of other Americans, for simple fairness.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, before my colleague from Oregon leaves the floor, I wish to thank Senator MERKLEY, who is a former speaker of the house in his home State. He is a new Member of this body and a welcome addition to it. While he and my colleague from Colorado, Senator BENNET, and Senator WARNER from Virginia are new Members of the Senate and new members of the Banking Committee, I wish my colleagues to know what incredibly valuable additions they have been to the committee and to this body.

In the few short months they have been here, I have gotten to know all three of them very well. We have had a lot of—almost, I think, close to 20—hearings in the Banking Committee since January 20 on a variety of issues. We had a housing bill up last week, which took a good part of the week, with some 20 amendments. Now we have this legislation. There is a lot of work in front of us.

I wish to express to the people of Oregon how grateful we are to them they have sent JEFF MERKLEY to the Senate. He is making a wonderful contribution, and it has been in a matter of days. Certainly, on this issue, he has brought a wealth of knowledge and experience to the subject matter of consumer issues. Certainly, his additions and thoughts on the credit card legislation have been invaluable, as have been those by BOB MENENDEZ, who was here a minute ago, the Senator from New Jersey, who is a more senior Member of the Senate but a former Member of the House. Also, his concerns about young people and the proliferation of credit cards arriving at their homes unsolicited, and in some cases being preapproved, has been a source of great concern for me over many years. To have the addition of BOB MENENDEZ expressing his interests on those subject matters has brought us to the point where we now finally have provisions in this bill that do protect young people and their families.

I pointed out yesterday that 20 percent of college students have in excess of $7,000 in credit card debt, and the average college graduate today is leaving college with more than $4,000 in credit card debt. In fact, one of the major reasons why students drop out is because of credit card debt.

Again, we understand the value of a credit card. But the responsible use of it by the consumer and also the responsible proliferation of these cards by the issuers need to be in balance. It is not. This bill changes that, and we think for the better, which will provide the use of credit cards but in far more responsible ways than certainly presently is the case.

I am very grateful to Senator MERKLEY, Senator MENENDEZ, Senator BENNET, and Senator WARNER, who have been involved in this debate over the last number of weeks and months. I am confident and hopeful in the next 2 days or so we will be able to finish the bill and work out with the House the differences we have, which are not many, and send this legislation to the President.

The President, by the way, is the first American President who has spoken up so forcefully, on numerous occasions now over the last several weeks, on this issue. To have an American President talk about the importance of reform of the credit card industry has made an invaluable contribution to public awareness about this issue—not that the public needed to be made aware of it. The public has been living with it. They have been far more knowledgeable about this, with 70 million accounts over the previous 11 months having their interest rate go up. That is one out of four American families.

As you have heard in anecdote after anecdote, fees have been raised, penalties have been imposed, charges have been added on, with no cause, no justification whatsoever. It is the only contract I know of where one party can change the terms at will. If you buy a home, if you buy a car, if you buy an appliance, there is a contract. The seller cannot change the terms midway in that contract. On credit cards they can, and they say it bluntly: For any reason, at any time, we will change the contract. Of course, that is terribly unfair to American consumers, at a time they are paying an awful price economically, as well as with jobs being lost and homes falling into foreclosure.

I am hopeful this bipartisan bill Senator SHELBY and I have put together will enjoy broad bipartisan support. I cannot think of a more significant message we can send to the American public about this institution caring about what they are going through today. We have spent a lot of time over the last number of months dealing with financial institutions: stabilizing them, TARP money, automobile assistance. Americans are wondering if we are ever going to do anything about what they are going through. Certainly, I understand—I think most of my colleagues do—that stabilizing our financial institutions ultimately will get credit moving and be a great help to businesses and consumers. But it is an indirect assistance. This is direct assistance.

This is an opportunity to say, it is not going to happen any longer. We are putting a stop to it. The people are going to get the kind of help they deserve. People need credit cards. They are essential for them in the conduct of their everyday lives. But they need to have the assurance that the terms are not going to change, the rights do not change, the credit limits do not change on the basis of the issuer deciding that on their own. This bill addresses all of those issues in a very comprehensive and thoughtful manner.

I am grateful, again, to the members of the Banking Committee, as well as to Senator SHELBY, of course, and others who have helped put this legislation together.

The majority leader has been a champion in this area, and he is the one who has allowed us to be on this floor and to engage in this debate. Having leadership that insists upon this kind of debate occurring is welcomed in this country, and I thank Senator REID, as well, for those efforts.

With that, Madam President, unless others wish to be heard, 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. REED. 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. REED. Madam President, I wish to make some remarks with respect to this pending legislation. First, I wish to commend Senator DODD and Senator SHELBY for developing this bipartisan legislation. It will bring more fairness to the credit card market and provide more predictability to the many Americans who use credit cards, which is practically all Americans today.

Families are being squeezed on every side. The unemployment rate continues to rise. The situation, we hope, is beginning to stabilize across the country. However, in my State of Rhode Island, there is still a significant 10.5-percent unemployment rate. That is unacceptable. Individuals are still working, but they are receiving pressure to take pay cuts. Home values have fallen precipitously. As a result, people can no longer call upon their biggest investment and their biggest source of wealth: their home. All of this is adding to the dilemma that is facing working families across this country.

At a time of declining home prices, rising unemployment, and the pressures of daily life, individuals are faced with higher and higher credit card interest rates, which makes it even more difficult to make ends meet. People

who have never missed a payment are facing double-digit interest rate increases because card issuers are currently permitted to increase rates at any time for any reason.

Our small business owners are struggling. The Federal Reserve April 2009 survey of senior loan officers shows that banks continue to tighten standards for credit for small business lending and to decrease existing credit lines. With few viable alternatives, many small business owners must use their personal credit cards just to keep the lights on in their company and to stay afloat, and they also are subject to these arbitrary increases of their interest rates.

The Dodd-Shelby substitute restores balance to a market that has lacked adequate consumer protections for far too long. This legislation codifies the rules the Federal Reserve recently issued by prohibiting double-cycle billing, retroactive interest rate increases on credit card holders in good standing, and other questionable practices. It will institute commonsense rules that will make a meaningful difference for consumers, and this is a very important and very positive first step. These Federal Reserve rules have done that.

But this bill goes further. It requires that penalty fees be reasonable and proportional to the cost of the violation. It requires that any interest rate increases on new purchases be reviewed every 6 months so that consumers can return to a previous rate if conditions change. It also protects consumers who have temporarily fallen on hard times by requiring 60 days before penalty interest rates can be imposed.

It shields young people from taking on more debt than they can handle by limiting prescreened offers to young consumers. It also gives consumers more access to the information they need to make wise financial decisions, such as requiring full disclosure about due dates, penalties, and changes in terms.

I am pleased that much of the bill will take effect just 9 months from enactment. This is an aggressive but achievable effective date—something I pushed for, along with my colleagues, particularly Senators DODD and SHELBY. When the Federal Reserve first announced that its rules would not be implemented until July 2010, I wrote to Chairman Bernanke urging him to reconsider the effective date in light of the economic crisis.

This legislation is careful to try to make changes in a way that preserves consumer access to credit. Implementation is staggered in recognition that some of these changes are very narrow in scope and others are more far-reaching. For instance, an important provision requiring a 45-day notice before any interest rate increase will take effect in 3 months. Other changes, which may require more time to be implemented appropriately, will be instituted on a different timeline. This is a sensible and rational way to quickly address issues that are clear cut. It will also place more difficult issues on a timeline that will provide relief but give an opportunity to effectively implement these changes.

I am, however, disappointed that the ban on retroactive interest rate increases will not take effect until 15 months after the bill is enacted. I think we should do that much more quickly. I point out that 15 months is even later than the date included in the Federal Reserve's original rules, although we are improving upon their original approach. This bill goes further than the Federal Reserve's rules, and in that sense I think it is important and timely and effective.

This bill will stop the exploitation of credit cardholders, there is no doubt. But we must acknowledge that when card issuers return to careful underwriting standards because they can no longer change interest rates at will, credit may become tighter. As a result, for some consumers, a credit card will be harder to come by. We have to recognize that. That is something which I think should be explicit rather than implicit.

One more point. Our first priority is protecting consumers, but what should not get lost in the debate is that robust consumer protections benefit the whole economy. We are now seeing what happens when some financial institutions are able to pursue profits without reasonable safeguards for borrowers, without prudent underwriting, without effective due diligence. The short-run gain quickly turns into long-run pain for the economy. That is precisely what has happened over the last several months. Not only did consumers suffer, but also the institutions that originally underwrote these products suffered.

All of this having been said, the legislation before us is timely. It will provide long-overdue protections to Americans—individuals, households, families, and businesses. I urge my colleagues to support this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

U.S. DEBT

Mr. GREGG. Madam President, I rise to speak about the dire situation of our fiscal house and the Federal Government, which has been confirmed and reinforced by the recent trustees' report on Social Security.

We are in big trouble as a nation because of the amount of debt we are running up. This President has proposed a budget that doubles the debt in 5 years and triples it in 10 years. He proposed a budget that runs, on the average, a trillion dollars of deficit every year for the next 10 years—4 to 5 percent of GDP in deficit. In fact, this year the deficit will be almost $2 trillion and it will be almost 13 percent of GDP—staggering numbers, numbers we have never seen as a nation except during World War II when we were fighting for survival. These numbers add up to debt that is unsustainable and cannot possibly be repaid by our children and therefore will create an atmosphere for our children and our children's children where our Nation will not be as prosperous or as strong as it was when our Nation was passed on to our stewardship.

These problems are only massively compounded by the report that came out yesterday from the Social Security trustees because they pointed out that the Medicare trust fund is going into a negative cash flow situation and the Social Security trust fund will soon go into a negative cash flow situation. What does that mean? Well, in the last 15 or 20 years, we have basically been financing our Government by borrowing from the piggy bank of Social Security and using that money to operate the day-to-day costs of the Federal Government. What the trustees are telling us is that the piggy bank is broken. It has been smashed. It no longer has any money in it. It is not going to take in money that exceeds the amount of money it has to pay out. In fact, we are going to have to borrow money now in order to pay Social Security benefits beginning in 2016 and Medicare benefits right now, this year.

This chart reflects the seriousness of the situation. If you take just these basic mandatory programs—Social Security, Medicare, and Medicaid—the cost is escalating on a steep upward slope. By around the year 2025 or 2030, these three programs alone will absorb all of the money the Federal Government has traditionally spent on all of the programs of the Federal Government—20 percent of GDP—and then they go up. It is projected that toward the middle of this century, Social Security, Medicare, and Medicaid will literally bankrupt our Nation by themselves. That says nothing about the basic underlying budget, which is expanding so dramatically under this Presidency.

The debt of this country under President Obama's proposal and budget, because of spending in these three accounts and because of the new spending the President proposed in all sorts of other accounts—massive expansions in the size of Government, where the debt of the Federal Government just goes up and up, to the point where it will represent, at the end of President Obama's budget, 80 percent of the gross national product. Today, the Federal debt is about 40 percent of the gross national product, down here, but after the spending spree of President Obama and the Democratic Congress, it will be 80 percent of the gross national product.

We will be in a position where we cannot get out of the hole. Usually, when you dig a hole that is too deep—and we are deep in the hole already, by the way—you stop digging. That is the old adage. If you are digging a hole and you are underground, you stop digging. We are not going to stop digging as a

government. What the President and the Democrats are suggesting is that we bring a backhoe into the hole and dig twice as fast, so that we go even further down into the negative, into debt. That is not sustainable. It is not survivable for our kids because they are going to end up with costs and deficits that far exceed their ability to be able to manage.

The Medicare system alone has an unfunded liability of $37.8 trillion. When you throw in the Social Security system on top of that, you are talking about unfunded liabilities of over $42 trillion. What are the implications of that? If you took all the taxes paid in the United States since we were formed as a nation, since we began our Government and started to collect taxes, we have paid less in taxes than we have in obligations on those two accounts. If you took the net worth of every American—all of our homes, cars, and stock—and you added it all up, we have a debt on the books for the purpose of paying for the programs that we know already exist under Medicare and Social Security—we have a debt that exceeds the net worth of the entire country. That is the definition of bankruptcy, by the way—when your debt dramatically exceeds your assets.

In fact, by the 10th year of this budget, as proposed by President Obama and passed by the Democratic Senate—without any Republican votes because it is such an irresponsible budget—the interest on the Federal debt alone will be $850 billion. To try to put that into context, the interest on the debt will actually exceed what we spend on national defense. It will exceed by a factor of 4 or 5 what we spend on education and on transportation. So we will be putting more money into paying interest.

By the way, to whom do we pay this interest? We pay it to the Chinese, to the Japanese, to Southeast Asian countries, and, obviously, to the Arab and oil-producing countries. We will be paying more interest to those nations—more American hard-earned dollars will go to those nations to pay interest on our debt—than we will have available, what we will be able to spend on our own national defense.

Does that make sense? No, it doesn't make any sense at all. Plus, it is not supportable.

There are only two things that can happen to our Nation. When you run up the debt in the manner in which this deficit is proposed and in the manner these deficits will do under the budget passed here, when you look at the debt and the serious financial situations of Social Security and Medicare, there are basically only two things—unless we take action on controlling spending now—that can occur. One is that you devalue the dollar and inflate the currency. That is sort of a combined thing. You basically take the value of the American currency and inflate it. That is the cruelest tax of all. That says to people who have savings that they will find they are worth less the next day because of inflation. It says to the people who want to buy things that they can buy less because of inflation. Inflation is a massive tax on working Americans. That is one way you get out of debt, you inflate it. The practical effect of that is that people won't want to buy your debt. If they know inflation is coming, they won't buy your debt. Why give you $1 billion to buy a billion dollars of American debt knowing that you are going to pay them back in inflated dollars? If they are going to give you a billion dollars, or lend it to you, they are going to require much higher interest rates than we presently have to pay because they are going to have to anticipate inflation and the fact that the value of the dollar will be reduced and that the value of the debt they just bought will be worth less. So inflation has a lot of very bad ramifications.

But how else do you get out from underneath the debt? The other way is to massively increase taxes on all Americans. This euphemism that we are just going to tax the rich—you cannot do it by just taxing the rich even if taxing the rich is something you want to do.

On the other side of the aisle, they claim they are going to raise the rate on high-income Americans from 35 percent up to an effective rate of about 41 or 42 percent, as proposed by the President. These high-income Americans, making more than $250,000, are the majority of the job producers in America. Most of the jobs in America are produced by small businesses today, and almost all of those small businesses would be hit with this additional tax rate. So what happens to the small business, that mom-and-pop activity in New Hampshire, which is suddenly starting to grow? Maybe they have 10 employees and they want to add 12 or 15 more, but they cannot do it because they have to take their money and put it toward paying taxes. They are not going to be able to put it toward adding more jobs, which would be much more beneficial to us than having the money come to Washington and having the people in Washington decide how to efficiently spend it. It is spent much more efficiently by small business.

It is not like they are undertaxed. A 35-percent tax rate on a small business means they are taxed more than any other people in the industrialized world for small business activity. Most corporate taxes and business taxes in the world average out around 20, 19, 15 percent. In the United States it is 35 percent, if you are an individual or a subchapter S corporation. Now they are talking about taking it up to 41 percent under the proposal from the other side of the aisle.

That is their plan for taxes. This is tax the rich. Even though for the most part this is small business and it will cost us jobs—fine, let's accept the tax-the-rich argument. How much money do they get from that? Not very much, compared to what they are talking about spending. They, the other side of the aisle, are proposing increasing spending by over $1 trillion on the discretionary side—that is education and things like that—and over $1 trillion on the entitlement side. The revenues from this tax increase are about one-fifth of that spending increase, maximum one-fifth—and that presumes that wealthy people are not going to be smart enough to go out and figure out ways to avoid taxes, which is what people do who have accountants when their tax rates go up. They figure out a way to invest so they do not have to pay their taxes at such a high level, legally, by investing in things that are tax avoidance vehicles.

It is not a very efficient way to manage the economy. We would rather have people invest in a way to get the maximum return because that creates the most productivity in society, which promotes the most jobs, but what happens is people invest not to create jobs and create return, they go out and invest to avoid taxes, which is a very inefficient way to spend dollars. But let's accept the theory this is all acceptable, that we should go out and tax the rich because it is a good political statement and makes a nice TV ad and that will address the problem.

It does not. We still have a debt curve that goes up essentially on the same pathway because this pathway of debt assumes—this debt assumes this tax increase on the wealthy.

What is the other option besides inflating the economy? It is to tax everyone at very dramatic rates. What is the practical effect of that? If we tax all working Americans in order to pay off this debt—and remember what this debt is being used for. It is being used to expand the size of the Government. The President has been very forthright about this. He says: I believe, by dramatically growing the size of the Government—I heard this today on NPR, which I found was very appropriate since they happen to be a Government-funded agency—by dramatically expanding the size of the Government, you can create prosperity.

That is the argument of the President. That is the argument of the NPR's commentator today. I am thinking to myself—explain this to me.

Take the debt of the United States up to 80 percent of GDP, run deficits of $1 trillion a year for the next 10 years, and we are going to create prosperity? We are not going to create prosperity. We are going to create a momentary blip in the activity of the Government in the private sector—not momentary, a permanent blip. And we are going to significantly increase the size of the Government and maybe we will create some Government jobs, but in the end what we get is a massive expansion in debt, a massive expansion in deficit, and a commensurate expansion either in inflation or in taxes, which have a huge dampening effect on prosperity.

We don't create prosperity by increasing inflation. We don't create

prosperity by creating a nonproductive workplace where capital is being invested, not for the purposes of efficiency but for the purposes of avoiding taxes. Basically, what we are absolutely guaranteeing when we are running up this type of debt is that we are not going to get prosperity. We are going to get a weaker economy, a less prosperous country, and a country that is not as strong.

These numbers that came out yesterday from the Social Security trustees only highlight, in a most devastating way, how significant our problem is. If we fail to take it on, if we fail to address this issue, if we continue on this path of just spending money as if there is no tomorrow, there will be no tomorrow for our children because the burdens will be so high and so extreme from all the costs of Government, and especially from the burdens of these entitlement programs.

What is the answer? To begin with, yes we are in a tough fiscal time right now, and we have to spend money that we do not want to spend in order to try to get things going. But let's acknowledge the fact that this recession is not going to go on forever. Hopefully, there are some lights at the end of the tunnel and some glimmers that things are turning around, and we all hope that is going to occur and it appears it may. The Federal Reserve Chairman thinks it will.

As we move out of this recession, we should not continue to spend as if we are in a recession. Rather, we should draw back on the spending we put into the system. We should start to take some of that spending back. All of the spending programs that came in the stimulus should have been sunsetted so these programs end after the recession is over, 1½ years from now, or maybe 1 year from now.

But that is not the plan. The plan is to build all of this spending into the baseline and have this spending go on for as far as the eye can see, and that is why the President's budget expects to have a $1 trillion deficit as far as the eye can see, or at least as far as the budget window—10 years.

Then after retrenching on the spending that is being proposed just in the short term, saying: Let's stop this spending when we get out of the recession, let's start curtailing this spending, let's go back to the former spending patterns of the Government—which were not very good to begin with but at least a lot better than what is being proposed now. Let's put someplace some strict fiscal discipline. Let's freeze discretionary spending for 1 or 2 years after we move past this recession—in other words, in the year 2010, 2012, 2013.

Let's also, at the same time, look at these entitlement accounts and see how we can put them on a more sustainable path. That means making some courageous decisions around here. We proposed—myself and Senator CONRAD—a way to accomplish that because we know the political system does not inherently allow people, members of the Government who have to run for reelection, to make the tough decisions on these programs that affect everyone. We know that.

We know it is very hard for somebody to stand up at a town meeting and say we are going to raise the age of retirement in Social Security; we are going to change the ways we calculate COLAs on Social Security. No, that is not the way these things are discussed around here. That is not possible in a political climate. We accept that.

Why not set up a procedure which drives a good policy, which we can vote on and everybody can sort of hold hands and go at the issue together? That is what Senator CONRAD and I have suggested. It is called the Conrad-Gregg Commission, except in New Hampshire where we call it the Gregg-Conrad Commission.

Actually, what it does is set up a process where a group of people who are very knowledgable—with a majority, by the way, from the majority party—sit down and figure out the best ways to try to bend this curve a little bit. Hopefully, more than this. See, this is the current baseline, the blue one. Hopefully, we can get it back to the current baseline and get under control the rate of growth of these entitlements so they do become, at least if not immediately affordable, over a long period more affordable.

We do this on a fast track. We do it without amendments. We require an up-or-down vote and require supermajorities so everybody is protected, everybody knows it is fair. It gets to the underlying issue which is how to control the rate of growth of spending.

I recognize I have been sort of a Sisyphus, pushing a rock up a hill in this position, and I have not gotten to the top of the hill yet. But I am not alone on this concern. The chairmen of the Budget Committee in both the House and Senate have both said that these outyear debt patterns of their budgets are unsustainable. Those were not my words.

The Director of OMB, the President's Office of Management and Budget, has said these outyear numbers are unsustainable. The Secretary of Treasury has said these outyear numbers are unsustainable. We cannot have a debt-to-GDP ratio of 85 percent. We can't have deficits of 4 to 5 percent annually. We cannot do it and have a sustainable Government. We end up turning into a banana republic if we continue on this path where we basically self-implode through inflation or excessive taxing.

The international community is starting to comment on this. The head of the Chinese Federal Reserve—a different title but the same position—has raised his concerns about it, as has the premier of China. After all, they are our biggest lender.

If the person who lent you the money for your credit card comes to you and says: I am a little concerned about the amount of credit you are running up. I am a little concerned about it. You ought to listen to that person because that is the person who is going to lend you the next dollar.

Regrettably, we are in that situation whether we like it or not. This is a real discussion about the real problems we confront as a country, and the trustees report should be listened to. There was one specific suggestion in the trustees report that we in the Congress were supposed to do. The trustees report says when it is projected that the Medicare trust fund will have to be supported with more than 45 percent of the general funds of the Government—in other words, the Medicare trust fund is supposed to be self-insured. It never has been, but it is supposed to be. It is not supposed to be general funds, which is general taxation, to pay for it. So 5 years or so ago we put in that language that said if over 45 percent of the support funds comes from the general fund so it is no longer an insurance event, so people who are paying into their HI insurance are no longer supporting anything more than 55 percent of the cost of the fund—at that point the trustees notify Congress and the President that this is going to occur within the next 7 years, and we are supposed to, by our own statute, receive from the President directions as to how to bring spending or the cost of the trust fund down so that the general fund will not be invaded by more than 45 percent.

President Bush took this to heart. He sent up two proposals to accomplish that, both of which were fairly reasonable. The first one was, the people who take part in the Part D drug program should have to pay a percentage of their premium for that program if they are rich, if they are well off. In other words, people working in a restaurant in Epping, NH, today are fully subsidizing the Part D premium of, for example, Warren Buffett. That makes no sense, does it? So if you have a fair amount of income, you should pay a larger—some percentage at least of your Part D premium. President Bush suggested that.

Another approach, he said, was there are a lot of savings occurring in the health care industry today based mostly on technology advances. We would like to share the rewards of those savings with the people who are getting them. Today, 100 percent of the savings goes to the health care industry. President Bush suggested that we take half of those savings and put them back into the Medicare trust fund. Those are very reasonable proposals, both of those. They were both rejected by the Democratic Congress, a Congress controlled by the Democrats. Both were rejected by the Democratic Congress.

Now it is President Obama's turn to send us some ideas for how we keep the cost to the general fund of the trust fund of Medicare below 45 percent. But what has happened? Total silence. Total silence. Nothing has been sent. No proposal has been sent. No endorsement of any proposal has been sent.

Interestingly enough, and to his credit, President Obama suggests in his budget the same proposal on Part D that President Bush proposed, which was that wealthy people should pay some percentage of the cost of their premium. So one might think they would send that proposal as a free-standing initiative, at least that one, as a way to address some of the costs which are being generated and being borne by the general fund. But we have not heard that.

It is ironic, of course, that President Obama has that proposal in his budget and is not willing to send it. It may be that because Congress, under the Democratic leadership, rejected this idea 2 years ago, that they believe it will be rejected again. But let's at least take a run at it because it is a good idea, and it is very appropriate. It should be done along with some other ideas because we have this responsibility, under our own rules.

There are rules. We set them up. We said if the general fund is going to be invaded by more than 45 percent we have to come up with some way to correct that. So we ought to at least live by that. There are some ideas as to where we should go from here, rather than allowing this debt to become so excessive that, for example, it got so high that we become so irresponsible as a nation in the area of debt that we couldn't even get in the European Union. That is an irony, isn't it?

When this debt gets up over 60 percent of GDP, which it may well, probably in the next 2 years, at that point the United States would no longer qualify for entry into the European Union.

Because those industrialized States said: That level of debt is irresponsible. A government that has that level of debt is so irresponsible that we do not want you in the European Union.

In other words, Latvia or Lithuania could get into the European Union, but the United States could not. Not that we are going to apply. But that is a pretty good place to look for a standard, is it not? They are industrialized nations.

So we need to take some action. We need to listen closely and read closely the trustee's report, because it is telling us we are in deep trouble.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 1:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:31 p.m. and reassembled when called to order by the Presiding Officer (Mrs. HAGAN.)

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Continued

Mr. BAYH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I fully support the bill offered by the distinguished chairman of the Banking Committee, Senator DODD. It would create a long overdue reform of the credit card industry whose practices have been increasingly predatory and abusive. I have heard from many hundreds of Iowans who have been victimized by credit card companies. These are good people who, in the current economic downturn, have had no choice but to resort to their credit cards in order to put food on the table or to make a car payment or even help pay for college tuition. As a result, they have found themselves on the receiving end of a whole array of unfair and often outright abusive practices; things such as double billing, unwanted fees, and arbitrary interest rate increases. I applaud the Dodd-Shelby legislation for cracking down on some of these abuses. I think the legislation is a good first step.

However, this bill still allows credit card companies to charge excessive and, for millions of Americans, ruinous interest rates. Currently one-third of all credit cardholders in the United States are being forced to pay interest rates above 20 percent, sometimes as high as 41 percent. These interest rates are grossly excessive. It is time to set a reasonable limit on what credit card companies can charge.

In times past, an interest rate of 20 percent, 30 percent, or 40 percent would have been condemned by religious leaders of all faiths as being the sin of usury. People daring to charge these interest rates would have been prosecuted for loan sharking. But today the credit card industry tells us that charging people these grossly excessive interest rates is both fair and necessary. I totally disagree. It is not fair, and it is not necessary. What is more, many Iowans have pointed out to me the very financial institutions that are victimizing and squeezing ordinary hard-working Americans have already received billions of dollars from the taxpayers. Now these institutions are lending money that came from taxpayers to people at interest rates as high as 41 percent. Someone tell me, what is the logic of that? No wonder people are upset all over this country. We take their hard-earned tax dollars, give it to the big institutions. They have a credit card and in hard times they have to use that credit card for some necessities. Now they are being charged 20, 25, 30 percent interest. It is a sweet deal for the financial institution. It is nothing more than an old-fashioned rip-off of consumers.

For these reasons, I have joined with Senators SANDERS, WHITEHOUSE, LEAHY, DURBIN, and LEVIN to offer an amendment to cap credit card interest rates at 15 percent. Yes, that is exactly what I am saying. No credit card could charge more than 15 percent interest rates. Why did we pick 15 percent as an appropriate top rate? Thanks to a law passed by this Congress 30 years ago—I was here at the time—we put a cap of 15 percent on the maximum interest charges a credit union could charge their customers. That was 30 years ago. We left a safety valve for special circumstances. This rate cap of 15 percent has protected millions of consumers at credit unions. I belong to a credit union right here in the Senate. I have always belonged to a credit union. I belonged to one in the House when I was there, and before that, in the Navy, I belonged to the Navy Federal Credit Union. These credit unions have performed a viable, good service for millions of Americans without harming the safety or soundness of the institutions and without negatively impacting access to credit for credit union members. I have been a member of a credit union all my adult life. I have never once seen them constrict the amount of credit involved to borrowers. If you need a car, you have been able to get consumer loans from credit unions.

I would also point out, not one single credit union—not one—had to line up with the big banks begging for a bailout. Not one credit union. Yet they are capped at 15-percent interest rates. Interesting, isn't it?

Credit unions have remained strong and stable despite the meltdown in much of our financial system.

Chris Coliver, a regulatory analyst for the California Credit Union League, was recently asked about the effect of the interest rate cap on his institutions—the 15-percent cap. He answered:

> It hasn't been an issue. Credit unions are still able to thrive.

Of course, there may be some special circumstances under which an interest rate above 15 percent is temporarily necessary. Currently, credit unions are allowed to charge higher interest rates if their regulator—which is the National Credit Union Administration—determines this is necessary to maintain the safety and soundness of the institutions. At the present time, the NCUA, the National Credit Union Administration, allows credit unions to charge interest rates as high as—get this—as high as 18 percent, though most credit unions continue to have a top rate that is actually much lower than that, and some of them lower than 15 percent, some as low as 12 percent, 11 percent. Well, our amendment includes a similar, reasonable exception. It would allow credit card companies to charge interest rates higher than 15 percent in circumstances where Federal regulators determine that higher rates are necessary to protect the safety and soundness of financial institutions.

It seems as if this is deja vu all over again for me. I have been advocating

for a 15-percent cap since I was an attorney for the Iowa Consumer League in 1973, fresh out of law school. I was a lawyer for the Iowa Consumer League, and we were trying to get the Iowa Legislature at that time to put a cap of 15 percent on credit cards. So this issue has been around for a long time. As a legal aid lawyer at that time, I saw firsthand the devastation and hardship caused to Iowa families by excessive interest rates charged by credit card companies and others. Again, many of these Iowans turned to their credit cards in a time of crisis—a medical emergency, for example—but because of the prohibitive interest rates, they found themselves falling further and further behind in their payments. Some were forced into bankruptcy.

Well, it is no different today. As I said, I have received many hundreds of letters and e-mails from Iowans who have been victimized by credit card companies' abusive practices. For example, Madam President, let me share an all-too-common story from one of my Iowa constituents, and I will read it verbatim as she wrote it:

I am a single mom with a pretty good job, [for] which I am very thankful. I have 3 credit cards. Recently, I received notices from 2 of them that they were raising my interest rate due to the ''economic conditions.'' I don't mean a little, I mean a LOT.

She capitalized ''LOT.''

Capital One—

We all know who Capital One is, and their credit cards—

Capital One sent me a notice that they were raising my rate from 13.9 percent to 23.99 percent. I had the option of cancelling my card and paying off the existing balance at my current rate of 13.9 percent, which I did. The other one is Washington Mutual. They were recently purchased by JP Morgan Chase. I received a notice from them a couple of weeks ago that my rate was going from—

Get this—

10.4 percent to 23.99 percent.

Now, you wonder: Here is JPMorgan Chase, operating through Washington Mutual, increasing their interest rate to 23.99 percent. Capital One increasing their interest rate to 23.99 percent. Why weren't they off just 1 percent? Why are they both exactly the same? Well, it looks as if they are all ganging up to charge the same high interest rate.

Anyway, let me continue to read from her letter. The rate was going from 10.4 percent to 23.99 percent.

I have never missed a payment or been late on either one of these. Tonight I called JP Morgan Chase and they told me I missed the deadline to say I wanted to decline the changes in my cardholder agreement. I said I wanted to close my account and pay off the existing balance at the 10.4 percent. They refused! . . . I could see it if I had missed any payments or even paid a day late, but I have NOT. This is just WRONG.

End of her letter.

Imagine that. She actually had the wherewithal to pay it off at 10.4 percent, and JPMorgan said: No. You missed the deadline.

We all get this mail. We all get this junk mail and all that stuff from credit card companies. I just throw them away. Well, maybe there is some notice in there that, oh, if it is not a bill, maybe they have sent you a notice that maybe you have to do something. Who reads all that junk mail? Nine times out of ten, it is some kind of promotion they are promoting: You can get a free airline pass or you can get a cut rate on going to Cancun or something like that. You get all that junk. Then they slip in there another little letter that says: Oh, by the way, if you do not cancel your previous agreement, we are going to do this, this, and this. Good luck in finding that out.

This constituent who wrote me would clearly benefit from the provisions in the Dodd-Shelby bill that would prohibit retroactive rate increases on existing balances in accounts with no late payments. But the larger issue remains: Why should any bank be allowed to charge an interest rate of 24 percent under any circumstances—under any circumstances? Why should banks be allowed to charge other customers interest rates as high as 41 percent—41 percent?

As I said, I support the underlying bill, but the bill will continue to let them charge those kinds of interest rates. The bill does clean up some of the other stuff, and that is why I am supporting it. But this does not get really to the nub of the problem; that is, we are allowing usurious interest rates to be charged for credit cards. We know why they are charging these interest rates. They can get by with it. It is legal. Well, the credit unions can survive and provide credit and issue credit cards to their holders and survive on 15 percent. Are you telling me these big companies cannot? Of course they can. But guess what. They probably would not be able to pay their executives $50 million a year in salaries and bonuses or—$50 million; I am being a piker—try $200 million or $300 million a year. That is what they are paid. So to keep up this lavish lifestyle for their executives, for their corporate offices, they charge 20, 30, 40 percent.

Well, as I said, take a lesson from the credit unions. Take a lesson. That is what we have to put a limit on. That is why I cannot emphasize enough that unless and until we cap interest rates, we are still going to have these problems because people will get credit cards, they will get into dire straits. This is their only way of paying a bill—to use their credit card—and something else happens, and all of a sudden they are racked up with these high interest rates.

The other thing credit card companies are doing is they are charging these high interest rates in order to be able to give credit cards to just about anyone. People get credit cards sent to them without any kind of credit checks, whether they are really creditworthy. They get all these kinds of credit cards out there. People who are like my constituent, who are responsible and who pay their bills on time and who have credit cards which they do pay on time and never get behind, are penalized because credit card companies are so lax and so loose with whom they give these credit cards to. So we all pay for it. Well, the credit card companies ought to be a little bit more circumspect about whom they give their credit cards to. Again, they should take a lesson from the credit unions.

So, Madam President, as I said, I support the underlying bill. But we must seize this opportunity to address the single most widespread and destructive abuse in this industry; that is, grossly excessively high interest rates. That is why I support this amendment. I urge my colleagues to vote for the Sanders-Harkin-Leahy-Whitehouse-Durbin-Levin amendment on this bill.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 1084, the Gillibrand amendment, be made pending.

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 1104 TO AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I call up the second-degree amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 1104 to amendment No. 1084.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to conduct a study on the relationship between fluency in the English language and financial literacy)

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and

(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall

submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

Mr. ISAKSON. Mr. President, briefly, I have high regard for Senator GILLIBRAND and the intent of the amendment. I also understand the practical application of what could happen. I know in my home State of Georgia, in one school system in Gwinnett County, there are 178 different languages spoken. The application of this amendment would cause, for example, in Gwinnett County, 178 different credit reports in 178 different languages to meet the intent of the law.

I respect and understand the difficulty that fluency can make in someone's ability to read and do their financial affairs. However, before we were to require of all the credit reporting agencies that they publish all credit reports and make them available in every language that could be spoken in the United States, we should conduct a study through GAO to ensure that we understand the relationship between fluency and financial affairs on the part of an individual and we understand exactly what the consequences of this amendment would be. This gives us 1 year to study and make a final decision based on facts rather than forcing an automatic imposition of credit reports being published in a variety of different languages, which could be well in excess of 100.

I, respectfully, appreciate the consideration of the Senate.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN pertaining to the introduction of S. 1030 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAYH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, as you may have observed in our time together in the Senate, I do not come to the floor of the Senate to speak very often. I try to reserve my comments for matters of particular importance and urgency, matters where I think we can make a real difference and where the debate will matter. We are debating one such issue today, when it comes to the important need, the critical need to rein in the abusive practices of credit card companies that are harming thousands of middle-class families across my State and millions of middle-class families across America.

Just this last weekend I received more than 500 letters and e-mails from my constituents, middle-class people across Indiana who are outraged because they rightly believe they have been abused by the predatory practices of credit card companies. These are decent hard-working people who ask nothing more than for a fair shake in life and, too often, they are not getting it because of the these abusive practices.

I wish to take the opportunity to share with you a couple of these stories. Many of them are heartfelt. I will give an example. This one is from a single mother. She writes me:

> Dear Senator BAYH, I am a single mother of a teenage boy, and I work 50 hours per week—

She is not some deadbeat, she is a hard-working, middle American—

> at a job I've had for 14 years. My ex-husband quit his job out of the blue a couple of years ago and did not pay any child support for over a year.
>
> Unfortunately, I had to turn to using my credit cards for things like groceries, gas and other bills just to keep up. If you are even 1 or 2 days late in paying your bill, these credit card companies increase your percentage rate to astronomically high amounts. Because I was struggling and a few days—not months, just a few days—late on some of my credit card payments, the percentage rates on my credit cards are now between 28 and 32 percent. I will never pay off these bills with interest rates like this!
>
> So many people out there, including myself, are at the mercy of these unscrupulous credit card companies that can do whatever they please. There needs to be laws regulating how much these companies can charge. Americans are mired in credit cards debt that will never be paid off, no matter how hard they work and no matter how hard they try if the current practices do not change.
>
> My economic situation will be so much better if it were not for my credit card bills. I owe probably $15,000 now on all of my credit card bills combined, but it will take me a lifetime to pay those off because of the practices to which I have been subjected. Please fight for hard working people everywhere who just want a chance to get out from under their debt and better their financial circumstances.

I also heard from a woman in Carmel, IN, just north of Indianapolis, a few weeks ago. She had an $8,000 balance on a closed—a closed credit card account. She was not buying anything. She had always paid her bill on time. And out of the blue one day—she had done nothing wrong—her credit card company doubled her minimum payment. She is a woman of modest means and she could not make the higher payment. She called the bank and they would not work with her, even though she had never missed a payment or been late, not once.

Soon the credit company started adding late fees and compounding her interest. Over the course of 2 years, her balance tripled from $8,000 to $24,000, without making a single purchase. She had bought nothing. She had done nothing wrong. And she is getting gouged like this. This is the kind of thing that has to stop.

I heard from another constituent from Middlebury, IN, another basic middle-class middle American, who received an offer from her credit card company to consolidate her balance on all of her credit cards at 4 percent.

Well, that sounded like a pretty good rate, so she accepted the offer. She never missed a payment. She had paid off half her debt, when suddenly they raised the monthly minimum payment by 60 percent. So she is paying on time, she is paying down her debt, and her monthly minimum rate goes up by 60 percent without cause or any notice.

She called customer service to complain. They said they would lower her monthly minimum payment if she would agree to have her interest rate doubled. This woman from Middlebury is a mother. She is trying to keep her head above water, and her credit card company is making life more difficult with practices like that.

Those are the kinds of things we have to stop. And those are the kinds of things I hope we will stop yet this week here in the Senate.

Here is what she wrote:

> I don't know that our government can do a thing about this, but I just wanted to be heard.

Well, here is the place where her voice can be heard. Here is the place where thousands of middle-class families like hers can come for some relief. Here is the place where over 500 people who wrote about the abuses to which they have been subjected can come for some relief.

This recession has caused millions of middle-class families to resort to using their credit cards a little bit more, not because they wanted to but because they had to try to make ends meet. They are working hard, trying to get out from under this situation, and it does not make life any easier when they are running uphill because of these abusive practices.

You know, bills are sent out so late. They arrive in our mailbox and you have got 24 or 48 hours to pay the thing off or you are subjected to a late fee. That is not right. Then they start charging interest on the late fee. Interest rates can literally, because of the fine print in these bills—you know, back in the day, you applied for a credit card, it was about a one-page thing. Now it is 20 or 30 pages of fine print. And buried in there in the fine print are the provisions where companies can raise your interest rates any amount, anytime, for any reason, or for no reason whatsoever. Those are the kinds of things that need to be stopped.

Then, finally, when you are making your payments, they take the payment

you make, and rather than applying it to the most expensive part of your debt with the highest interest rate, they apply it to the lowest interest rate. Why? Because it is more profitable for them, even though it would be better to do it the other way around for you. Those are the kinds of things we have to correct.

You know me pretty well, Mr. President. I am a free enterprise person. I believe in the right of companies to make a profit, and credit card companies are no exception. But they ought to make it the legitimate, old-fashioned way, not on the backs of consumers through abusive practices. That is what we are talking about here.

This also goes to something else I am concerned about, and that is the deepening skepticism and cynicism about government in general, and about Washington, DC, in particular. They think we are all under the thumb of a bunch of special interests. Everybody sold out and nobody cares about the average person or the middle-class family anymore. This gives us an opportunity to show, to demonstrate that that is not true, to stand up for millions of ordinary people, to do what is right, to say that the free market should be allowed to operate, but you should not scam people, you should not bury fees in fine print, you should not do a bait and switch.

That is not the way you make a decent profit. That is something that ought to be against the rules. That is what this legislation would provide for. For the sake of middle-class families across States such as Indiana and New Mexico and elsewhere across America, for the sake of folks who are working hard trying to get out from under the consequences of this recession, for the sake of trying to restore some faith and trust in our system of self-government, it is important that we pass this credit card bill, to restrain these abusive practices, to stand up for middle-class families, to do right by our citizens, and to let people know that when their voices are heard, we will answer.

That is why I have risen today on this bill. I urge my colleagues to join with us in acting. I hope we will have an opportunity to do that before the week is out.

I thank you for your leadership, as well as my colleagues.

Seeing none of our colleagues present, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO

Mr. DURBIN. Mr. President, for the last several weeks there has been a hue and cry from the other side of the aisle, a steady procession of Republican Senators, concerning the President's intention to close the detention facility at Guantanamo Bay. I would like to remind colleagues this is a problem President Obama inherited from the previous administration, and it is worth a few moments to review the history.

After the September 11 terrorist attacks on the United States, the Bush administration decided to set aside treaties that had served us in past conflicts. They sent detainees to the Guantanamo facility and claimed the right to seize anyone, including American citizens in the United States, and to hold them indefinitely without legal rights.

GEN Colin Powell, then the Secretary of State to President George W. Bush, objected. He said the administration's policy:

> Will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

GEN Colin Powell, former Chairman of the Joint Chiefs of Staff, then Secretary of State to George W. Bush. Secretary Powell's words were prophetic. Guantanamo became an international embarrassment for the United States and, sadly, tragically, a recruiting tool for terrorists such as al-Qaida. The Supreme Court repeatedly held that the administration's detention policies were illegal. As Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi difficult decision:

> A state of war is not a blank check for the President.

Today, nearly 8 years after the 9/11 attacks, none of the terrorists who planned those attacks has been brought to justice.

After he left the Bush administration, Colin Powell spoke out publicly again. He said:

> Guantanamo has become a major, major problem . . . in the way the world perceives America. . . . We don't need it and it is causing us far more damage than any good we get for it.

That is not a quote from the ACLU. That came from GEN Colin Powell, former chairman of the Joint Chiefs of Staff and former Secretary of State. A lot of others agree. Four other former Secretaries of State, Republican and Democratic, have weighed in: Henry Kissinger, Madeleine Albright, James Baker, and Warren Christopher have all called for Guantanamo to be closed. As Secretary Baker explained:

> We all agreed one of the best things that could happen would be to close Guantanamo, which is a very serious blot on our reputation.

Former Navy general counsel Alberto Mora testified in the Senate Armed Services Committee, saying:

> There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are respectively the symbols of Abu Ghraib and Guantanamo.

This was not some leftwing columnist. This is the former Navy general counsel, Alberto Mora.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Mus'ab al-Zarqawi, the leader of al-Qaida in Iraq. He used legal and traditional interrogation tactics which he believes are more effective than torture. Here is what Major Alexander said:

> I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Let me remind those listening again, the source of this quote is not some liberal-leaning columnist, angry at policies of the United States. It is MAJ Matthew Alexander from the Air Force, a man who dedicated a large part of his life to serving our country and risking his life in its defense.

I visited Guantanamo in 2006. I left with a feeling of pride and admiration for the soldiers and sailors serving there. They are great Americans doing a tough job in a very bleak climate. But they are being asked to carry a heavy burden created by the previous administration's policies, which have turned Guantanamo, sadly, into a recruiting poster for al-Qaida.

By 2006, even former President George W. Bush said he wanted to close Guantanamo Bay. He acknowledged the problem. He didn't do anything to solve it.

As an aside, it is interesting to note that there were no complaints from the Republican side of the aisle when President Bush said he wanted to close Guantanamo. The Republican leader of the Senate did not come down to the floor to object when his President made the suggestion. He started making a regular trip to the floor to object when the suggestion was made by President Obama.

President Obama has shown courage in taking on this difficult challenge. Within 48 hours of his inauguration, President Obama issued executive orders prohibiting torture, stating that Guantanamo will be closed within 1 year and setting up a review process for all detainees who are currently held at Guantanamo.

Here is what President Obama said:

> The United States intends to prosecute the ongoing struggle against violence and terrorism and we are going to do so vigilantly, we are going to do so effectively, and we are going to do so in a manner that is consistent with our values and our ideals.

At the signing of the Executive orders, the President was joined by 16 retired admirals and generals. These distinguished Americans issued a statement saying:

President Obama's actions today will restore the moral authority and strengthen the national security of the United States. . . . President Obama has rejected the false choice between national security and our ideals. Our Nation will be stronger and safer for it.

In response to the Executive orders, Republican Senators JOHN MCCAIN and LINDSEY GRAHAM said:

We support President Obama's decision to close the prison at Guantanamo, reaffirm America's adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.

Keep in mind, I have just read a quote from Senator JOHN MCCAIN, a man who, of course, was President Obama's opponent in the last election, but a man who had a personal life experience of over 5 years of captivity during the Vietnam war, and a colleague of mine who has shown extraordinary courage and political courage and leadership in leading the effort to say, once and for all, that we were going to prohibit torture as part of America's policy.

It was Senator MCCAIN, along with his colleague Senator GRAHAM, who said these supportive things after President Obama's announcement. It was a strong bipartisan statement, a strong day for our country.

But now things have changed, and I do not know why. The Republicans are on the attack. They claim that the President does not have a plan to close Guantanamo, and yet at the same time they are arguing that the President does have a plan, which is to release terrorists into the United States. Imagine that. These claims are not only contradictory, they are preposterous.

The truth is, the President is taking the time to carefully plan for the closure of Guantanamo, and he is going to do it in a way that is consistent with America's security.

Here is how the Director of National Intelligence Dennis Blair explained it:

[Guantanamo] is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security. The guiding principles for closing the center should be protecting our national security, respecting the Geneva Conventions and the rule of law, and respecting the existing institutions of justice in this country. Closing this center and satisfying these principles will take time, and is the work of many departments and agencies.

In recent weeks, Republicans have regularly come to the floor of the Senate and the House to make dozens of statements criticizing President Obama on Guantanamo. The distinguished minority leader, Senator MCCONNELL of Kentucky, alone, has spoken on this issue on 9 separate occasions over the last 11 days the Senate has been in session. It is interesting that the Republicans are spending so much time focused on the fate of Guantanamo while President Obama and others in Congress are focused on getting our economy back on track after 8 years of failed economic policies.

What is the explanation? According to a recent story in Politico:

Congressional Republicans have stoked parochial fears of releasing Guantanamo detainees to the U.S. mainland, and GOP aides privately acknowledge that this issue is one of the few on which they believe they have a real edge on the Obama administration.

Somehow arguing on the floor of the Senate that President Barack Obama cannot wait to close Guantanamo and turn terrorists loose in the United States—incredible.

The Hill newspaper reported:

As polls show most Americans approve of the job Obama is doing on issues like the economy, the wars in Iraq and Afghanistan and others, Republicans are desperate to find an issue on which they can come out ahead.

In other words, the Republicans are trying to turn Guantanamo into a political issue. Richard Clarke was President George W. Bush's first counterterrorism chief. Listen to what he said last week:

Recent Republican attacks on Guantanamo are more desperate attempts from a demoralized party to politicize national security and the safety of the American people.

Let's examine two of the specific claims from the other side of the aisle. They argue that transferring Guantanamo detainees to U.S. prisons will put Americans at risk.

Well, earlier today my colleague SHELDON WHITEHOUSE—I serve on the Judiciary Committee with him—had a very interesting hearing, which I am sure will be noted by many people when they follow the news, where he talked about the detention and interrogation policies and brought some critical witnesses to testify who had dissented from President Bush's policies during the course of his administration.

During his hearing in the Judiciary Committee today, one of the witnesses was Phillip Zelikow. Phillip Zelikow was the Executive Director of the 9/11 Commission, which has received high marks from virtually everyone for the professional job they did under the leadership of Governor Kean of New Jersey and former Congressman Hamilton of Indiana. Mr. Zelikow also served as counselor to Secretary of State Condoleezza Rice. He comes to this issue with ample experience.

Mr. Zelikow was intimately involved with these issues during the Bush administration, and he strongly supports closing Guantanamo. He told me in the hearing it will be safe to transfer Guantanamo detainees to U.S. prisons and facilities, and some of the most dangerous terrorists are already incarcerated in the United States.

Here are a few examples: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings—he is being safely and securely held in an American detention facility; 9/11 conspirator Zacarias Moussaoui; Richard Reid, the so-called shoe bomber; and numerous al-Qaida terrorists responsible for bombing United States Embassies in Kenya and Tanzania.

If we can safely hold these individuals, I believe we can safely hold any Guantanamo detainees who need to be held. I should note no prisoner has ever escaped from a Federal supermaximum security facility in the United States.

Republicans also claim the administration wants to release terrorists into our communities. What an incredible charge, and patently false. President Obama has made clear that Guantanamo will be closed in a manner consistent with our national security.

Even the Bush administration acknowledged that there are people being held at Guantanamo who were wrongly detained and who are not terrorists. Let me give you one example.

There is an attorney in Chicago who is a friend of mine who volunteered to represent one of the detainees at Guantanamo. At his own expense, he flies down to Guantanamo and meets with this man periodically. He tells me that the man is now 26 years old. He is originally from Gaza. He has been held now for 7 years—7 years—because at the time we were offering rewards to people in various parts of the world who would turn in suspects. So the money was offered. This man was turned in, eventually sent to Guantanamo.

The attorney tells me he was sent to Guantanamo at the age of 19. He is now 26. Fifteen months ago, our Government sent a message to this attorney saying: We have reviewed this case in detail—after 6 years—reviewed this case in detail. We have no charges against this man being held in detention.

This man is being held in Guantanamo, which is a very bleak setting if you have been there, and he has now been held an additional 15 months with no pending charges. Our Government did not believe he is a dangerous individual. What they were trying to do is to find a place where he can go and, for 15 months, he has been sitting in detention in Guantanamo.

Is that consistent with justice in America? Is that the kind of image we want? Of course we want to be safe. But the rule of law suggests that if the man has done nothing wrong, he should not be punished for it and continue to be in this secure setting in Guantanamo, separated from his family now for 7 years, with no charges brought against him.

Even the Bush administration, which started this Guantanamo detention, realized after some time that literally hundreds of people who were detained there were not in any way, shape, or form a threat to the United States and they were released—many of them back to their home countries.

Back in 2002, Defense Secretary Donald Rumsfeld described the detainees at Guantanamo as ''the hardest of the hard core'' and ''among the most dangerous, best trained, vicious killers on the face of the Earth.'' Those are the words of Secretary Rumsfeld. However, since that statement by Secretary

Rumsfeld, two out of three of the detainees in Guantanamo have been released. They have also cleared dozens of additional detainees for release but cannot return them to their home countries, much like the one I described, because of the risk they may be tortured if they return.

We need our allies to accept some of these detainees, but they have made it clear they will not do so unless the United States admits a small number of detainees who do not present any threat to our country.

As Senator SESSIONS, the ranking Republican on the Judiciary Committee, has pointed out, it is illegal under U.S. law to resettle terrorists in the United States—one of the charges being made on the Republican side of the aisle. Unlike the previous administration, President Obama does not believe that he can set aside any laws enacted by Congress. No one can be admitted to this country to live freely until they have been through a thorough background and security check and cleared of wrongdoing.

President Obama inherited the Guantanamo mess from the previous administration. Solving this problem is not easy. There will be difficult choices, and it will take time. But the President has shown he is willing to step up and lead and make hard decisions that are in the best interests of the security of the United States.

I applaud the President for engaging in a careful and deliberative process to close Guantanamo. As Colin Powell, James Baker, JOHN MCCAIN, and many military officials have said, closing Guantanamo will make us a safer nation.

I urge my Republican colleagues to take another look at this issue and understand that this important national security issue is best solved in a bipartisan way, and that we should continue the work of closing Guantanamo, suggested by President George W. Bush, by doing it in a fashion that is consistent with America's values.

Mr. President, I yield the floor.

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. 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.

Mr. REID. Mr. President, I ask unanimous consent that the Isakson second-degree amendment No. 1104 be agreed to and the Gillibrand amendment No. 1084, as amended, be agreed to and the motion to reconsider be laid on the table; that the Senate then resume consideration of the Sanders amendment No. 1062 and there be 4 minutes of debate prior to a vote in relation to the amendment; that an allocation Budget Act point of order be considered made against the Sanders amendment and that Senator SANDERS be recognized to waive the relevant point of order, with the Senate then voting to waive the point of order; that upon disposition of the Sanders amendment, the Senate resume the Gregg amendment and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Gregg amendment, there be 2 minutes of debate prior to the vote in relation to the Vitter amendment No. 1066—I am wondering if there is any, if Senator VITTER requests any time to speak on this; we will make sure Senator VITTER has 5 minutes if he wants to speak on the amendment—that no intervening amendments be in order during the pendency of this agreement; and that all time be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 1104 AND 1084

The PRESIDING OFFICER. Under the previous order, amendment No. 1104 is agreed to.

Amendment No. 1084, as amended, is agreed to.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT NOMINEE

Mr. BURRIS. Mr. President, as I address this Chamber today, politicians and pundits across the country are bracing for the spirited tug-of-war which precedes the confirmation of any new Supreme Court Justice. A list of names has appeared, seemingly out of thin air, and the media is already beginning its speculative debate on who this person will be.

Many seem eager to attack or defend potential nominees based on ideological grounds or even specific issues. I see little value in this overblown rhetoric and idle speculation. We must be careful in our approach to such an important task. I call upon the White House to give us a nominee who will provide diversity to the Court and ensure that each ruling is informed by real-life experience as well as sound legal reasoning. The greatest jurors in our history have been drawn from the Federal bench, private life, academia, and even elected office. It is these exceptional, independent leaders to whom our President must now turn.

Some will warn that any Obama nominee will be prone to political bias and judicial activism. We must be wary as we evaluate such claims. Certainly, it is right to oppose any jurist who would attempt to legislate from the bench. The Supreme Court must be bound by law and the weight of precedent. Justices must respect our Constitution and remain unbiased on all matters.

But too often, we mistake insensitivity for impartiality. We cannot afford to choose a clear record at the expense of clear judgment. Decisions such as Brown v. the Board of Education display compassion, not activism. Roe v. Wade stood on principle, not on ideology. Some call it activism; I call it courage. Our judicial history is full of these independent decisions, and we should demand such strength and integrity from every jurist we place on the bench. After all, without any kind of courage, the Supreme Court itself would hardly exist as we know it. Marbury v. Madison was a landmark ruling that forever altered the role of the Court. It established judicial review and laid the groundwork for almost every decision in the last two centuries.

We must oppose jurists who would overreach, but we would be well served to find a candidate with the integrity to draw on his or her God-given sense of empathy and personal life experiences.

Above all, we must ensure that he or she will bring diversity to the Supreme Court. I encourage the President to give serious consideration to naming a woman of color to the High Court. Diversity of race and gender, diversity of background, diversity of thought, and diversity of judicial philosophy—all of these qualities would bring new views and experience to the Supreme Court and would encourage healthy debate among its members, bringing new perspective to each ruling.

Any experienced attorney—and there are many of us in this Chamber—knows that finding legal truth is not easy. Few issues are black and white. Judges must sift through shades of gray to make informed decisions. Legal truth arises from this dialog, from the collision of different perspectives and opinions. In shaping the Supreme Court, we seek to build debate, not consensus.

Justice David Souter, throughout his 18-year tenure on the Supreme Court, has consistently given a thoughtful voice to the principles of fairness, equality, and the importance of precedent. He has always been a consistent advocate for ''a philosophy of all philosophies'' which values fresh ideas, unique perspectives, and inclusive debate. As this brilliant jurist moves into retirement, we must embrace his independent legacy by confirming someone who will bring diversity, empathy, and a powerful intellect to the bench. In short, we must ensure that he or she is worthy to be placed among the highest legal minds in the United States of America.

As a former attorney general of Illinois, I can speak to the awesome impact the Supreme Court has on ordinary citizens. It is a testament to the enduring strength of our democracy that nine individuals, appointed and confirmed by representatives of the people, stand squarely at the crossroads of justice. They are entrusted to navigate difficult legal ground in order to distinguish right from wrong and to guard the sanctity of the Constitution. When any five of these individuals

come together to hand out a ruling, it becomes the law of the land. There is no implicit threat of violence to back up these decisions—merely the quiet force of a written opinion. That is the wonder of this thing called a democracy and the power of this Court.

This is a rare and remarkable opportunity for this body to have a voice in shaping the highest court in the Nation—a court whose actions will continue to reverberate across the legal landscape for future generations of Americans. With the full weight of this serious task resting on our shoulders, I ask my fellow Senators to ignore the media's idle speculation. Now is the time to exercise our constitutional powers of advise and consent. The urgent needs of the American people demand that we think outside of the box. We must confirm an individual whose unique perspective can bring fresh diversity into the decisions of the U.S. Supreme Court. I urge my colleagues to join with me in communicating to President Obama that we will settle for nothing less.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I wish to propound a unanimous consent request. I will try to explain it in layman's terms.

I ask unanimous consent that the Sanders amendment move from first place to second place and that the amendment offered by Senator VITTER, from Louisiana, be offered first, under the same conditions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1066

There is now 2 minutes of debate prior to the vote in relation to the Vitter amendment. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, my amendment is very simple. It simply empowers the FDIC to come up with appropriate regulations to ensure that credit cards are only issued to folks who are in the country legally, to ensure that we don't empower and facilitate illegal aliens and terrorists and keep them from getting credit cards, which can then be used improperly. The 9/11 terrorists all did this successfully and all used credit cards in planning and plotting and hatching their scheme. It is also a boon to business for many banks that go after the illegal alien market with credit cards. That is unacceptable, and my amendment would stop that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, if my colleague wants to proceed a little longer, this is a very important amendment. If he wants to spend another minute or so talking about it, that is fine because I will need probably more than a minute to respond. Would he like additional time?

Mr. VITTER. Not at this time.

Mr. DODD. Mr. President, I rise in opposition to the amendment. I will explain why. The basic identity verification recordkeeping requirement in this amendment is already included in section 326 of the USA PATRIOT Act. It is redundant and not necessary on this amendment.

This bill is designed specifically to deal with credit card reform. A matter such as this obviously belongs in a more appropriate place. Also, the amendment would require card issuers to verify an applicant's identity by obtaining a Social Security card, photo ID, driver's license, and a card issued by a State in compliance with the REAL ID Act.

There are legitimate issues about terrorism and illegal immigrants in the country, but it seems to me when you already have provisions in the law that are specifically designed to protect the issues being raised by my friend—to add redundancy to a credit card bill, when we are trying to make sure people can have credit, and make sure it is provided in a way that is not abusive, with interest rate hikes, penalties, fees, and the like.

I say, with respect, to my friend that, presently, applications for credit cards are currently taken by mail, by telephone, and on the Internet. This would force all applicants to physically go to the bank and present the required documents, which would cause a huge inconvenience to customers. I don't think that is in our best interest at this time. We are not trying to make it more difficult for people to have access to credit cards. We want adequate information so decisions can be made about their ability to repay, but we don't want to burden them with unfair fines, penalties, fees, and high interest rates. This idea runs contrary to what we are trying to achieve with this bill.

I say, respectfully, that I oppose this amendment and ask my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I have a few points, Mr. President. This amendment will absolutely not require every applicant for a credit card to physically go to the bank. That is absolutely, categorically not true.

Secondly, present law doesn't solve this problem. It is universally recognized that illegal aliens, including terrorists, in this country, can get a credit card. Present law isn't solving that problem.

I will submit for the RECORD this article from the Wall Street Journal which talks about this. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 13, 2007]

BANK OF AMERICA CASTS WIDER NET FOR HISPANICS

(By Miriam Jordan and Valerie Bauerlein)

LOS ANGELES.—In the latest sign of the U.S. banking industry's aggressive pursuit of the Hispanic market, Bank of America Corp. has quietly begun offering credit cards to customers without Social Security numbers—typically illegal immigrants.

In recent years, banks across the country have begun offering checking accounts and, in some cases, mortgages to the nation's fast-growing ranks of undocumented immigrants, most of whom are Hispanic. But these immigrants generally haven't been able to get major credit cards, making it hard for them to develop a credit history and expand their purchasing power.

The new Bank of America program is open to people who lack both a Social Security number and a credit history, as long as they have held a checking account with the bank for three months without an overdraft. Most adults in the U.S. who don't have a Social Security number are undocumented immigrants.

The Charlotte, N.C., banking giant tested the program last year at five branches in Los Angeles, and last week expanded it to 51 branches in Los Angeles County, home to the largest concentration of illegal immigrants in the U.S. The bank hopes to roll out the program nationally later this year.

''We are willing to grant credit to someone with little or no credit history,'' says Lance Weaver, Bank of America's head of international card services, whose team designed the program based in part on the bank's experience in markets like Spain, which lack conventional credit bureaus to rate a client's credit-worthiness.

The credit cards involved aren't cheap. They come with a high interest rate and an upfront fee. And the idea of catering to illegal immigrants is controversial.

Bank of America defends the program, saying it complies with U.S. banking and antiterrorism laws. Company executives say that the initiative isn't about politics, but rather about meeting the needs of an untapped group of potential customers.

''These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life,'' says Brian Tuite, the bank's director of Latin America card operations and one of the architects of the program.

Critics say Bank of America is knowingly making a product available to people who are violating U.S. immigration law. 'They are clearly crossing the line; they are actually aiding and abetting people who broke the law,'' says Ira Mehlman, a spokesman for the Federation for American Immigration Reform, a group that advocates a crackdown on illegal immigration.

Typical of the new card's customers is Antonio Sanchez, a Mexican immigrant whose only major asset is a white 1996 Ford Thunderbird, which he drives to the two restaurants where he works each day on opposite sides of Los Angeles. Mr. Sanchez, who says he sneaked across the border a decade ago, has been a customer of Bank of America's East Hollywood branch for nine years. He has no borrowing history and no Social Security number.

PAYING BALANCES

To obtain a Bank of America Visa card with a $500 line of credit, Mr. Sanchez had to put down $99. If he stays within his $500 limit and pays his balances in a timely fashion, he

will receive his $99 security payment back in three to six months, and his credit limit might be increased.

* * *

David Robertson, publisher of the report, says a rate of 21.24% is ''unquestionably high.'' ''If that's the rate you're offered, its a pretty safe bet you're in a high-risk group,'' he said.

To assess an applicant, the bank employs ''judgmental lending,'' a concept pioneered by MBNA Corp., the credit-card company that Bank of America acquired in January 2006. In essence, the bank bases its evaluation of a potential client's credit-worthiness on a subjective review by its employees, rather than on standardized financial data crunched by a computer.

Unorthodox initiatives like the new credit-card program may be crucial to Bank of America's long-term success. In the past the bank, which operates in 31 states and the District of Columbia, grew mostly by buying up other banks. Now, however, it is bumping up against a regulatory cap that bars any U.S. bank from an acquisition that would give it more than 10% of the nation's total bank deposits. That means Bank of America's only way to grow domestically is to sell more products to existing customers and to attract new ones.

OPENING ACCOUNTS

Bank of America, the second-largest U.S. bank after Citigroup Inc. in terms of market capitalization, estimates that there are 28 million Hispanics in its operating area and that most of them, regardless of their immigration status, don't have a bank. It hopes the allure of a credit card will persuade hundreds of thousands more Latinos to open accounts.

''If we don't disproportionately grow in the Hispanic [market] . . . we aren't going to grow'' as a bank, says Liam McGee, Bank of America's consumer and small-business banking chief.

Illegal immigrants have typically relied on loan sharks and neighborhood finance shops for credit. But that has begun to change. A few years ago, a handful of community banks in the U.S. began offering mortgages to illegal immigrants, as long as they could prove they had stable employment and paid U.S. taxes with an individual tax identification number, or ITIN.

In December 2005, Wells Fargo & Co. began extending mortgages to consumers with an ITIN. The bank is currently evaluating a pilot program in Los Angeles and Orange counties before deciding whether to expand it.

Department of Homeland Security spokesman Russ Knocke said banking products aimed at illegal immigrants ''reinforce the need for a temporary worker program'' that the Bush administration has been promoting. That program would screen, tax and otherwise regulate immigrant workers and, the administration contends, would squeeze out illegal workers who now use forged or stolen documents to get jobs, driver's licenses and occasionally credit.

Anti-money-laundering regulations passed in the wake of the Sept. 11, 2001, terror attacks put more pressure on banks to verify customers' identity and watch for suspicious transactions, but they don't require banks to ascertain whether account holders are in the U.S. legally. Most banks require a Social Security number or ITIN to open an account, but regulations also allow them to accept other government-issued forms of identification in some instances, including passport numbers, alien identification numbers or any government-issued document with photo showing nationality or place of residence.

A handful of retailers, such as Los Angeles's closely held La Curacao department store chain, have boosted their business by cultivating illegal immigrants with store credit cards. ''Once you capture them, they become very loyal,'' says Ron Azarkman, chief executive of La Curacao, which has developed its own in-house credit-ratings system. ''This is a promising market, as long as it is carefully managed,'' he says, adding that the average APR charged by his company is 22.9%.

WORD OF MOUTH

Bank of America hasn't launched an ad campaign for the new card. For the time being, it is counting on word of mouth that starts with its employees at each banking center. Many of the Spanish-speaking account holders who come to teller Luz Quintanilla's window at Bank of America's East Hollywood branch, already have a Social Security number and regular credit card with the bank. But she suggests in Spanish that ''maybe you have family or friends who don't have a Social Security number, but wish to build their credit.''

In selling the card, a major challenge is to persuade immigrants who are sometimes wary of plastic that holding a credit card is an important step on the way to obtaining loans for big-ticket items, such as a car or even a home. Pictures of a check book, credit card, car and house in ascending order illustrate this concept one pamphlet in Spanish and English titled ''How to Build Your Credit, Step by Step.''

Mr. VITTER. Mr. President, if this bill is about ending the problems the credit card companies create, or take advantage of, certainly their going after illegal aliens as a niche market and a profit center is an offensive problem we need to address, particularly in a post-9/11 world.

Fourth, I ask unanimous consent to have printed in the RECORD this letter from the Eagle Forum declaring that this will be a scored vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 12, 2009.

DEAR SENATOR: On behalf of the thousands of Eagle Forum members nationwide, I urge your strong support of Senator David Vitter's amendment to H.R. 627, the Credit Cardholder's Bill of Rights.

Sen. Vitter's amendment would grant rule-making authority to the Federal Reserve to set forth a minimum standard for credit card issuers to establish a consumer's identity in order to prevent and deter illegal immigrants and terrorists from obtaining credit cards.

The regulations would simply require financial institutions to do the following:

Verify the identity of any person seeking a credit card account through one of four acceptable forms of identification, including a social security card, a driver's license issued by a state in compliance with the Real ID Act, a passport, or a photo ID card issued by the Dept. of Homeland Security.

Maintain records of the information used to verify the customer's identity.

Consult lists of known or suspected terrorists or terrorist organizations provided by the appropriate government agency.

Current loopholes in federal law are often abused by financial institutions. In February 2007, the Wall Street Journal reported that Bank of America Corp, in an effort to expand their Hispanic consumer base, had quietly begun offering credit cards to customers without Social Security numbers, typically, illegal aliens. In order to get around the verification requirements, Bank of America rewarded the unidentifiable consumer with a credit card as long as they had held a checking account with any bank for three months without an overdraft violation. This program quickly spread as common practice to 51 Bank of America branches throughout the Los Angeles, CA area.

Not only will this amendment help to close dangerous loopholes, but by requiring the use of the four most secure types of personal identification, all Americans will be protected, as these types of ID are harder to forge or duplicate. This simple requirement will ensure that all future credit card accounts are opened solely by legal residents in the United States, and it will help curb the tide of taxpayer-draining illegal immigration by removing the magnet of easily obtainable credit.

Congressional leaders simply cannot allow banks to continue the very practices that so greatly contributed to the U.S. credit markets' current state. With the shrinking availability of credit today, the very least congressional leaders can do is ensure that American citizens are being placed before illegals, criminals, and terrorists.

I ask that you join us in supporting Sen. Vitter's amendment by voting yes when it is brought to a vote, and by opposing any efforts to kill it. Eagle Forum will score this vote, which will be included on our scorecard for the 1st session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFLY,
President & Founder.

Mr. DODD. Mr. President, I ask unanimous consent for 15 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, it is not my opinion that this would require people to show up physically. This is the opinion of the Treasury Department. We asked them to comment on this, and they told us that. The elderly, the handicapped, and those in rural areas are going to be adversely affected if this were to be adopted. It is duplicative, redundant, and unnecessary. It adds tremendous burdens on certain segments of this country. Credit cards are valuable instruments during difficult economic times.

Mr. VITTER. Will the Senator yield?

Mr. DODD. I am happy to.

Mr. VITTER. The amendment is only 2½ pages long. What language requires an applicant to physically show up before a bank or a credit card issuer?

Mr. DODD. It is not the length of the amendment. Sometimes one or two words can have huge implications. We asked Treasury how they would interpret this, and they claim this would require the physical presence of an applicant. That is one of their concerns.

As long as that is a concern and it raises that possibility, adopting this, which could result in that, it seems to me would be an irresponsible action for this body to take.

Mr. VITTER. Mr. President, this amendment is 2½ pages long, and there is no language in it that requires their physical presence. I know this administration is opposed to the amendment, but this is simply a smokescreen. I invite Members to actually read the amendment.

I yield back my time.

Mr. DODD. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the Vitter amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 65, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—28

Barrasso	DeMint	Risch
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kyl	Wicker
Cornyn	McCain	
Crapo	McConnell	

NAYS—65

Akaka	Ensign	Menendez
Alexander	Feingold	Merkley
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Boxer	Inouye	Reid
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Wyden
Durbin	McCaskill	

NOT VOTING—6

Hutchison	Leahy	Rockefeller
Kennedy	Mikulski	Whitehouse

The amendment (No. 1066) was rejected.

Mr. DODD. Mr. President, I move to reconsider that vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1062

The PRESIDING OFFICER. Under the previous order, a 302(f) point of order is considered made against Sanders amendment No. 1062.

There are 4 minutes equally divided prior to a vote in relation thereto.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to modify amendment No. 1062 and send to the desk the modification.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. This amendment is being cosponsored by Senators HARKIN, DURBIN, LEVIN, LEAHY, and Senator WHITEHOUSE. It is not being supported by the American Bankers Association and the other financial institutions that have spent $5 billion in the last 10 years to push their interests against the needs of the American people.

This amendment is, in fact, very simple. It says now is the time to end usury in the United States of America. Now is the time to protect the American people against 25, 30 percent or more interest rates on their credit cards.

It says now, when the American taxpayer is spending hundreds of billions of dollars bailing out Wall Street, they should not be lending the American people their own money at usurious rates.

When banks are charging 30 percent interest rates, they are not making credit available; they are engaged in loansharking. That is what they are engaged in, and we should be very clear about that. Now is the time to eliminate that behavior.

We picked a number, a maximum of 15 percent plus 3 percent, under extraordinary circumstances, not because it came out of the top of my head but because credit unions in this country have been operating under that law for 30 years. And you know what. It has worked well.

It was not the credit unions coming in here for billions of dollars in bailouts; they are doing very well. This law has worked for credit unions; it should work for large financial institutions. Let's stand up for the American people. Let's put a cap on interest rates, 15 percent plus 3.

I ask my colleagues to support this amendment, once again supported by Senators HARKIN, DURBIN, LEVIN, LEAHY, and WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I raise a point of order it violates the Budget Act.

Mr. SANDERS. I move to waive that.

The PRESIDING OFFICER. The point of order has been considered made.

There are 2 minutes under control of the opposition.

Mr. SHELBY. I yield back the remaining time.

Mr. SANDERS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to waive. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 33, nays 60, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—33

Begich	Feingold	McCaskill
Bennet	Feinstein	Menendez
Boxer	Gillibrand	Merkley
Brown	Grassley	Reed
Burris	Harkin	Reid
Cardin	Inouye	Sanders
Casey	Kerry	Schumer
Conrad	Klobuchar	Udall (CO)
Dodd	Kohl	Udall (NM)
Dorgan	Lautenberg	Webb
Durbin	Levin	Wyden

NAYS—60

Akaka	Crapo	McCain
Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sessions
Burr	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Carper	Kaufman	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Vitter
Corker	Lugar	Warner
Cornyn	Martinez	Wicker

NOT VOTING—6

Kennedy	Mikulski	Voinovich
Leahy	Rockefeller	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

AMENDMENT NO. 1085

The PRESIDING OFFICER. There is 2 minutes equally divided prior to a vote in relation to the Gregg amendment No. 1085.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is appropriate to this bill because, after all, we are talking about credit in this bill, and the credit of the United States is obviously a severe issue for all of us, and we need to address it.

This amendment simply gives the American people a better opportunity to learn what is happening to their Government and how much debt is being run up on them and their children. It is an issue of transparency and

openness in our Government. The debt is the threat, and it is one of those occasional, brilliant ideas that come along every so often, so everybody should vote for it.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, there are very few Members for whom I have more affection or respect than JUDD GREGG of New Hampshire. But I think this amendment, first of all, has no place on this bill. It is unnecessary and raises some very serious, legitimate issues. Let me point them out.

First of all, it is going to be costly to do this: every agency to report what the national debt is. The number is absolutely worthless by the time you publish it because the national debt rises, of course, every nanosecond. So to have that idea what it is also gives you a false illusion of actually where we are.

The level of public cynicism about this issue is getting almost insurmountable. It seems to me we need to be far more realistic. There are other costs, as well, in addition to the debt that people care about. Why not have a tuition cost clock? Why not have a health care cost clock? These matters go up all the time as well. It seems to me that by adding something such as this, we are just adding to that illusion, adding to that cynicism at a time when there are plenty of places where you can get this information—certainly the Congressional Budget Office as well.

So while this amendment has been adopted in the past because it seems relatively harmless, the fact is, I think it is an idea that can actually raise costs and create false illusions. Certainly consumers ought to have some idea about some of these other costs, which I would object to. If you had a health care cost clock, a tuition cost clock, an energy cost clock, it could contribute to those problems. So I urge that the amendment be defeated.

Mr. SANDERS. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. GREGG. Mr. President, I move to waive section 302(f) of the Congressional Budget Act of 1974 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—59

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Feingold	McConnell
Bennett	Feinstein	Murkowski
Bond	Gillibrand	Nelson (NE)
Boxer	Graham	Pryor
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hagan	Sessions
Cardin	Hatch	Shaheen
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Conrad	Klobuchar	Udall (CO)
Corker	Kohl	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lincoln	Wicker
DeMint	Lugar	

NAYS—35

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Reed
Begich	Johnson	Reid
Bingaman	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Cantwell	Levin	Udall (NM)
Carper	Lieberman	Warner
Casey	Menendez	Webb
Dodd	Merkley	Wyden
Durbin	Murray	

NOT VOTING—5

Kennedy	Mikulski	Whitehouse
Leahy	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me make a couple of comments, if I can, regarding previous debates.

Our colleague from Vermont offered an amendment to deal with caps on interest rates and that failed on a point of order. I know there are others who have various ideas about this issue. It is a legitimate issue, and I want my colleagues to know this. It is a complicated issue, because dealing with credit cards, dealing with payday lenders, dealing with all sorts of different entities, the matter of what is an excessive interest rate is one that many Americans care deeply about and one where they wish to see some restraint.

It is legitimate to point out that there are interest rates being imposed today that you would have gone to jail for imposing not many years ago. In fact, it would make a loan shark blush, some of these interest rates that are being charged. So what I intend to do at some point, because I realize when you look at the votes, there were only about 30 votes dealing with the point of order dealing with the motion of the Senator from Vermont. But I think a lot of my colleagues do not feel his desire was illegitimate; they were concerned about whether the rate was too low or how it would apply.

So I am going to propose—I hope along with my friend and colleague from Alabama—to ask either the Federal Reserve, or whatever else is the appropriate place, to come back and give us a comprehensive review of what national rates there ought to be.

This idea that you can end up charging in effect 200, 300, or 400 percent interest rates, which is what has happened in some cases, is offensive, to put it mildly. It ought to be wrong and illegal, and people ought not to be able to get away with it.

I think it is difficult for my colleagues to determine what is that level and what institutions, and under what financial circumstances, do you apply it to. I realize a payday lender lends money for a week or two, not annually. So the interest rate will be different than on a credit card, on a home mortgage, or what it is apt to be with a credit union. With various institutions, under various circumstances, rates can differ.

It is confusing, except that most constituents and millions of Americans would like to see some restraint. I don't know how you can possibly explain why some institutions can get away with rates that are literally triple digits in some cases. I don't think we are going to resolve that matter on this bill. But we ought to have some clear idea of how to put some restraints on national usury laws. I am not a Bible scholar, but for those who are, I am sure they can recite chapter and verse in the Old and New Testaments when it comes to the usurious rates that were being charged by money changers and the like.

At the appropriate time, I will propose an amendment that will allow us to get back to people in a short period with some analysis of how to impose some meaningful restraints on what is charged to consumers for the privilege of borrowing money when they need it, as so many do, to pay tuition, pay mortgages, keep the business operating and deal with the health care crisis, or just to survive week to week. People have been taken advantage of under circumstances that are deplorable, in my view, when the rates are particularly beyond excessive.

I think one should not read the outcome of the Sanders vote as a rejection of the idea that applying some standards of fairness is unacceptable to this body. I believe a lot of Members voted against waiving the budget point of order not because they disagreed with what he is trying to do. I would not want that vote to reflect that. I support Senator SANDERS, as I did on the budget debate, not because I necessarily agreed with the number he had in mind, but because it is an important debate and he should have had the right to be able to proceed with his amendment. I wanted to make that point overall. I think it would be a false impression to walk away and say

the Senate rejected any idea of considering some sort of a national usury rate because they rejected the waiver of the point of order that Senator SANDERS offered.

I see my colleague from Louisiana, who I think wants to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1079

Ms. LANDRIEU. Mr. President, I want to speak for a few moments about an amendment that I ask be called up, amendment No. 1079.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Ms. SNOWE, Mr. CARDIN, and Mrs. SHAHEEN, proposes an amendment numbered 1079 to amendment No. 1058.

The amendment is as follows:

(Purpose: To end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards)

At the end of title V, add the following:

SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting ''(1)'' after ''(h)''; and

(2) by adding at the end the following:

''(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term 'consumer' includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.''.

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after ''agricultural purposes'' the following: ''(other than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees)''; and

(B) in paragraph (4), by striking ''$25,000'' and inserting ''$50,000''.

(2) BUSINESS CREDIT CARD PROVISION.—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after ''does not apply'' the following: ''with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or''.

Ms. LANDRIEU. Mr. President, I call this amendment up for discussion purposes. I am open to some modification. I want to explain, basically, this amendment. I have spoken with the chairman of the committee that has proposed the underlying bill. He sees merit in this proposal, and I am grateful for that. I want to talk about what the issue is, generally, and then as we proceed to a final vote, I may be open to some modification of this amendment.

As chair of the Small Business Committee, I offer this amendment on behalf of myself and my ranking member, Senator SNOWE from Maine, who served for many years as chair of this important committee. We have committed to try to be the very best advocates we can for small businesses in America. There are close to 30 million small businesses that are actually feeling the brunt of this recession—in some ways more than anybody, as the Chair knows. In Illinois, I am sure the occupant of the chair hears on a regular basis from small mom-and-pop operators who have been in business for decades, to the more established but relatively small businesses, restaurants, shoe repair shops, hardware stores—people who have said to me—and I am sure he hears this—''Senator, we have never experienced this kind of difficulty getting access to credit.'' They are angry, and they should be. They are frustrated, because while they understand shared sacrifice, like many hard-working Americans do, they are having trouble understanding how we continue to send billions and billions of dollars to the big banks, the Wall Street companies, to the international companies, and they are having trouble seeing any of that actually hit Main Street, where they are, where they have been, and where they want to stay.

The small businesses are right around the corner and, in some instances, on the same block as the constituents whom we represent—of course, we represent them as well. It came to the attention of this Chair and our ranking member that this bill, which has a lot of merit—this amendment to consumer protection language is very important, but it has a limit that we are not comfortable with. That limit is that this credit card protection extends only to a natural person, what is defined in the law as a natural person. So it is a personal credit card that you would get that would get this benefit. I think, as chair of the Small Business Committee, representing a broad coalition, that this same benefit should extend at least to small businesses as well, to businesses that are literally trying to keep their access to capital—not just to keep themselves in business, to keep their communities strong, but to lead our Nation's recovery. The President himself has said he expects that in our recovery—and he is correct—job creation is not going to come from the big businesses, the multinational companies; they are going to be contracting for some time, I suspect. What big business has to do to survive—I have some general understanding of that, but the big risks are going to be taken by the small entrepreneurs who, despite the gloom and doom, have decided their ideas are worth pursuing, and they are going to build this recovery one job at a time.

I don't know why we would even be considering only limiting this help and support to private individuals and leaving small business out. I don't think that is the intention of the chairman of the Banking Committee, as he has indicated to me. So that is basically what our amendment would do. It would simply include small businesses that have $25,000 on their credit card, where they are trying to stay in business, keep their lights on, keep that capital flowing, as other sources dry up, as we have heard, and extend the same protections to them.

I am open to some slight modifications because I understand there may be some objections. I am not clear about where those objections would come from. So right now, let me say again that I offered this in a bipartisan amendment from Senator SNOWE and myself. I am happy also that we are joined by Senators SHAHEEN, CARDIN, and others, who have indicated they may want to cosponsor this amendment.

I have a long list of organizations that have endorsed this concept. I will read them into the RECORD. The Consumer Action Group; Consumer Federation of America; Food Marketing Institute; National Association of College Stores; National Association of the Self Employed; National Association of Theater Owners; American Beverage Licensees; American Society of Travel Agents; National Small Business Association, which brought this issue to my attention; Petroleum Marketers Association; Service Employees International; U.S. Hispanic Chamber of Commerce; U.S. Women's Chamber of Commerce; National Consumer Law Center on Behalf of Low-Income Clients; National Community Reinvestment Coalition. I understand that also the National Federation of Independent Businesses, the largest organization of independent businesses in the country, is poised to endorse this as well.

So we have a very credible group of organizations that think these protections for credit cardholders should not go to persons but to businesses that arguably need as much, if not more, protection as they attempt to create jobs and keep their businesses open, which is a help to all. So that is the nature of this amendment.

I understand that it is important to bring this debate to a close and, hopefully, we can get there. I do know there are probably 30 other amendments pending and this, of course, is one. I am sure we can find a time that is appropriate for this vote.

I wanted to bring to the attention of the Senate that one of the reasons this issue is becoming so important to small businesses is, if you think about it, only 15 years ago, most people who started their own business would either take out a home equity loan or they might borrow money from a rich uncle or aunt or they would dip into their savings, and this was sort of the traditional way. If they had some status or credit in the community, they could go to their local bank and they might get a loan for their business.

Those times have changed dramatically. I don't have the charts here, but if I could show one, it would show that on the latest survey our committee took, 59 percent of all businesses in

America are using credit cards to finance their business or for their primary cash flow tool. Credit cards for businesses are different. We just had American Express testify this morning. Of course, if you have an American Express business card, their model is different. The good news is that you have unlimited amounts of money that you can borrow. The bad news is that you have to pay it off at the end of the month. So it is more of a cash management tool than it is long-term credit. However, they are useful. But there are Visas and Master Charge and Discover cards and others that people are now putting $50,000 on the card or $75,000 on the card or $100,000 on the card to finance their restaurants and their printing shops and their hardware stores.

This was not true even 25 years ago. This was quite unheard of. So we have to recognize that small businesses today are relying on the good will of these credit card companies. Some of them are more reliable, in my view, than others. But regardless of whether they are doing excellent work or shoddy work—and some of them are doing shoddy work—this Government has an obligation to say let's make sure the basic consumer protections are there. You cannot raise rates without giving notice. You cannot retroactively raise rates. What we are doing for consumers is good. We need to extend it to small business.

That is the essence of this amendment. I am proud to be joined by Members from both sides of the aisle. I am going to be talking with the chair of the committee. There perhaps could be some modifications where we could agree to this amendment and not have to have a vote, but I don't know. Right now I am intending to have a vote on this amendment.

I appreciate the thousands of business owners who are supporting this amendment through these very reputable organizations that are supporting the extension of these benefits to the small businesses of America that absolutely need our action on this, this week.

I yield the floor.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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 Dodd-Shelby substitute amendment No. 1058 to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Bill Nelson, Richard Durbin, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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 H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Richard Durbin, Bill Nelson, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

Mr. REID. Mr. President, I have spoken to the Republican leader. He knew we were going to file these. It is no surprise to anyone.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1107 TO AMENDMENT NO. 1058

Ms. COLLINS. Mr. President, I call up amendment No. 1107.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, proposes an amendment numbered 1107 to amendment No. 1058.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address criminal and fraudulent monetary transfers using stored value cards and other electronic devices)

At the end of title V, add the following:

SEC. 503. STORED VALUE CARDS.

(a) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting ''stored value devices,'' after ''money orders,'';

(2) in paragraph (3)(B), by striking ''; and'' at the end and inserting '', and stored value devices and any other similar money transmitting devices;'';

(3) in paragraph (3)(C), by striking the period at the end and inserting ''; and'';

(4) by adding at the end the following:

''(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device.''; and

(5) by adding at the end the following new paragraph:

''(7) 'Stored value' means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.''.

(b) CRIMINAL PENALTIES.—Title 18, United States Code, is amended—

(1) in section 1956(c)(5)(i), by striking ''and money orders, or'' and inserting ''money orders, stored value devices, and any other similar money transmitting devices, or''; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting '', including funds on fraudulently issued stored value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements,'' after ''funds''; and

(B) in paragraph (2), by striking ''or courier'' and inserting ''courier, or issuance, redemption, or sale of stored value devices or other similar instruments''.

(c) MONEY TRANSMITTING BUSINESSES.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting ''stored value devices,'' after ''travelers checks,''.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senator from Connecticut, Mr. LIEBERMAN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, stored value cards have been used and are being used by Mexican drug cartels to smuggle their drug revenues back to Mexico. The Department of Justice estimates that up to $24 billion in cash is smuggled into Mexico each year from the United States and these stored value cards are one of the means by which the cash is smuggled back into Mexico. Stored value cards can be loaded anonymously by individuals who are involved in criminal enterprises, such as drug trafficking. The cards are then physically smuggled across the border and can be used to withdraw large quantities of cash from ATMs.

Under current law, cash and other monetary instruments that exceed $10,000 must be declared at the border. For those of us who have traveled to different countries, we are very familiar with the white form you have to fill out in which you have to indicate if you have cash that exceeds $10,000.

However, there is a loophole in the current law. Stored value cards, either individually or collectively in excess of $10,000, do not have to be reported because they are not considered to be monetary instruments under the law. The amendment Senator LIEBERMAN and I are offering would require such reporting and make it a crime to launder money using these stored value cards.

The Deputy Attorney General of the United States has pointed out that large quantities of cash are put together and smuggled across the border to the south. He has pointed out that there are various ways this can be accomplished but that stored value cards are one of the means for smuggling this cash.

Mr. President, as you know as a loyal and diligent member of the Homeland

Security Committee, our committee has been investigating the problem of drug trafficking from these Mexican cartels. What we found is the drugs are coming north and cash and weapons are going south. By closing the loophole on reporting for large quantities of cash that are being smuggled back and forth using these stored value cards, we can help give law enforcement another tool to crack down on the smuggling of cash that is often the proceeds of criminal activity, including drug smuggling.

This is not just theoretical. It is not only the Deputy Attorney General who has pointed out that these cards can be a means of smuggling large quantities of cash but also law enforcement agents throughout the United States have been investigating criminal enterprises that are using these cards. Let me give a couple of examples.

Law enforcement agents in Dallas have been investigating a Colombian narcotrafficking organization that wanted to launder narcotic proceeds via stored value cards. The organization wanted to obtain 50 stored value cards that would be used to launder $100,000 in proceeds. These transactions would be structured in different increments per card for the total of $100,000. The cards would then be exported out of the United States to Colombia. The cards would be cashed out in Colombia and the dollar value would be converted to Colombian pesos at the official exchange rate.

In another example, law enforcement undercover operations have revealed at least nine transnational criminal groups engaged in moving criminal proceeds via stored value cards. These operations have revealed the cross-border movement of stored value cards loaded with millions of dollars of illicit proceeds. Numerous collateral investigations and enforcement actions have been conducted as a result of these undercover activities.

This is a loophole in our laws we need to plug and the Collins-Lieberman amendment would do that. It would treat these cards as the equivalent of cash because that is what they are. That is what they are. It would require that, just as if you crossed the border with $10,000 in cash or other monetary instruments you have to declare it, so would you have to declare it if you have these stored value cards. In addition, it would make a failure to report the amount of money on these cards, if it is $10,000 or more, as a crime, and it would also make it a crime to launder money using these cards.

This is a very concrete, needed action that we could take to help crack down on the smuggling of money that fuels the drug trafficking across the Mexican border. It is a very practical step we can take right now to close a loophole in the law and to provide law enforcement with a much-needed tool.

I know the managers of the bill are not on the floor at present so I will withhold asking for a vote on this amendment. I do believe we are in the process of clearing it on both sides, but I am uncertain whether that has been completed. It may be that the acting manager of the bill can inform me.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I appreciate that from the Senator from Maine. The manager of the bill, the Senator from Connecticut, will be returning shortly.

Ms. COLLINS. 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.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Illinois, the Presiding Officer, be added as a cosponsor of the amendment, and I thank him very much for his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. 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. BENNET. 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. BENNET. Mr. President, I rise today to congratulate Chairman DODD and Senator SHELBY for developing the legislation we have before us. Pass this bill, and we will be able to go home and tell our constituents with confidence that the Credit CARD Act of 2009 is a groundbreaking consumer protection achievement. I am pleased that, as a member of the Banking Committee, I was able to vote for the bill in committee and help pave the way for floor consideration this week.

In my travels around Colorado, I have been struck by stories of unfair, undeserved credit card practices, hitting consumers at exactly the hardest time. Melissa Mosley of Durango, CO, told me about how tough economic times forced her to use several credit cards for purchasing supplies and day-to-day expenses for her small business. After a stretch of making minimum payments, Melissa's interest rates suddenly rose, one even reaching 32 percent. The company is refusing to negotiate, making it even more difficult for Melissa and her husband to make ends meet.

And in Cedaredge, Joy Beason is a small business owner who runs a small herbal products business. Last fall, Joy's interest rates tripled from 7.9 percent to 23 percent without notification of any kind. The high interest rates prevent her from paying down more of the principal on the card, leaving her in an endless cycle of debt.

And there's Garrett Mumma of Pueblo whose interest rate on his credit card doubled from 7.9 percent to 13.65 percent despite his solid history of payment. In a letter to me, Garrett wrote, ''I only want what's fair. I want the credit card companies to honor their original agreements and not to gouge the American people when they are already suffering so much from the present economic crisis.''

These struggles paint an unacceptable picture. We need to rein in abusive practices and create a new set of rules that works for Colorado consumers.

According to a Pew Safe Credit Cards Project study, 87 percent of cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even if the account is not 30 days or more past due. And 93 percent of cards allowed the issuer to raise any interest rate at any time by changing the account agreement.

I am voting for this bill because it protects consumers from excessive fees, ever-changing interest rates where you do not even get notice, and complex contracts intended to confuse you until you give up even trying to understand.

It protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Card companies must give 45 days' notice before increasing rates, and can no longer do so on existing balances.

It cracks down on abusive fees. Consumers no longer will have to pay a fee just to pay a bill. And credit card companies must mail statements 21 days before the bill is due, instead of the current 14 days, so cardholders can avoid hefty late fees. It also stops credit card companies from raising rates on a consumer's existing balance because of a payment issue with a separate credit card. These reforms will save some families thousands of dollars a year. And all Americans will be able to access better information to make important financial decisions.

I also want to take one moment in particular to highlight the importance of a new provision in the bill that connects the dots for some of our younger borrowers. The bill provides for consumer literacy education classes, so that when a young person does not have a parental cosigner, and cannot show ability to repay, they can at the very least approach the credit card system with some understanding of the potential dangers they are facing. I am all for consumer choice, but we need our young people making informed choices before they find themselves in a world of debt.

I believe more educated young consumers will stay solvent, stay debt free, learn the value of saving, and make better decisions for their future.

At the same time, this legislation is not doing anything that the industry has not known was coming. It builds on rules that the Bush administration scheduled to go into effect in mid–2010.

The industry will adjust. In a few instances, it may not be seamless. But this is one moment when we all need to band together and remember that Main Street matters.

People in Colorado are struggling, they cannot afford a sudden hike in their interest rates that they were not informed of and could not do anything to avoid. No longer. I stand proudly with Senator UDALL, who has worked to protect consumers from credit card company excesses for years, in urging the full Senate to stand together, break through the partisan divide and come together and pass the Dodd-Shelby legislation.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before our colleague from Colorado departs the floor, I want to thank him. I mentioned Senator BENNET earlier today in my comments about some new additional Members: Senator MERKLEY and Senator WARNER.

I say to the people of Colorado, as I did earlier about our colleague from Oregon, we are so fortunate to have the Senator in the Chamber at this time. I feel particularly fortunate to have the Senator as a member of the Banking Committee. I served on the committee for some years. I have never been chairman before 2007, the last Congress. I have served under a lot of people on that committee over the years.

I hope not just the people of Colorado but the people of the country understand how fortunate we are indeed to have someone of MICHAEL BENNET's talents and background to be a member of this committee. He is a junior member of the committee, but his ideas, his thoughts, his questions, and his participation qualify him as a senior member of that committee because of the contribution he has already made in little more than 100 days of being on the committee.

So I thank him for his involvement on this bill. He is thoughtful. We have some major issues to grapple with in the coming weeks. The modernization of our financial regulatory structure and the architecture of that is going to be one of the largest and most important debates this committee and maybe this Congress will have engaged in in years, considering how important financial services are to our economy and the world's financial stability.

MICHAEL BENNET brings to that chair he sits in as a junior member of the committee years of valuable experience in helping us decide what steps we should take, the configuration that architecture should be, so that we can move ahead with thoughtfulness and with a certain amount of care and caution as we try to set up a system that will avoid the pitfalls that created the problems we are in today.

So I am particularly grateful to him for his involvement on this bill. But I would be remiss if I did not say to my colleague, MICHAEL BENNET, he has been a significant contributor to the work of this committee since the moment he arrived. I thank him for that and appreciate his continuing involvement. I am grateful to the Senator for his support of this bill. I look forward to working with him for a long time to come on these and other matters before the committee. I thank the Senator.

I want to also kind of review the bidding a bit as to where we are this evening. I will begin by thanking the majority leader, Senator HARRY REID of Nevada, who has created the possibility for us to bring up this important piece of legislation.

While my name and that of Senator SHELBY are at the top of the page as the authors of the substitute, that is an unfair characterization because so many people have been involved on our committee, and others in this Chamber, who care about these issues and have for a long time.

I am very grateful to Senator SHELBY, with whom I work very closely on the Banking Committee, and his staff and how well they work with mine in helping to shape a bill like this, a substitute like this.

We are dealing with some very egregious violations of consumer protection. They did not happen overnight; they have been growing over the years; and they reached a point where I cannot think of anyone who has not been either affected directly themselves or had family members or children or their parents or neighbors and friends adversely affected by these practices by the issuing community generally.

There are some who do a very good job. I probably should say this more frequently. We talk about the credit card issuers, the credit card companies. The behavior is not only unacceptable, it is not only irresponsible, it is offensive. There are other ones that do a good job.

Like all matters before us, when we talk about an industry, there are those who perform admirably and well and care about the people they serve, and there are others who could care less what happens as long as they get money out of the pockets of those to whom they have lent some money.

But we write laws to protect those people against those who would do them harm. So we are trying to shut down a practice that goes on too often: when there are 70 million accounts whose rates have gone up in an 11-month period; when there are fees and penalties that have brought in billions of dollars, exorbitant fees and penalties, way beyond any proportionality to the offense committed—of being a day late, an hour late, in some cases, for the first time ever.

Samantha and Don Moore from Guilford, CT, were here today to talk about their experience. I have listened to them in the past. It showed courage for them to step up. For 40 years—40 years—Don Moore has been doing business with his credit card company, 40 years. Without any violation, any late fees whatever, one time 3 days late, around the Christmas season, the Moores found that their interest rate went from 12 percent to 27 percent; their credit limit from $32,000 to $4,000.

The Moores run a small business in my State. They use their credit card as a way to function in their small business. They pay their employees; they buy inventory. Without any real violation other than to be a few days late for the first time in 40 years, the Moores watched their rate double, more than double, from 12 percent to 27 percent and watched their credit limit drop from $32,000 to $4,000.

That is the kind of behavior that is not the rare exception. Virtually every one of my colleagues can tell similar stories about people in their States.

I know the Presiding Officer could as well from the State of Illinois. May 13, as we gather a day or so away from adopting legislation that will prohibit those practices, that you cannot change these rates arbitrarily. You get notice of 45 days. These introductory rates have to be in place for at least 6 months before you can change them. You must notify a person of late penalties or fees 21 days in advance, giving people opportunity to respond; no charging higher interest rates on existing balances the way they do today; no raising rates because you may be late on a utility bill or a car payment having nothing to do with your credit card; no continuing to charge rates when you have paid off a substantial part of your balance and a small amount remains and yet the card applies that interest payment on the entire amount you owed earlier.

For example, you owe $1,000, you pay off $900, the credit card companies were actually charging interest rates not based on the $100 that remains but on the full $1,000 until all of it is paid off. Those are not isolated examples of abuses by credit card companies. They are widespread. There are other such examples that go on that have been very harmful to consumers.

In this legislation, we give the consumer the power to decide what the circumstances are as to whether they want a credit limit or whether they want that limit to be exceeded. I remember the days not long ago when if you exceeded your credit limit, the clerk in that store or that waiter in the restaurant might politely suggest the credit limit has been exceeded and you might want to return the product. It is more difficult in a restaurant since the bill usually arrives at the end of the meal, but, nonetheless, I am sure many who may be listening can recall similar instances. That is no longer the case because the issuing companies have discovered they make a lot more money by charging exorbitant fees and penalties because you might be $10 or $20 or $50 over your limit.

The point there is a legitimacy in their mind to absolutely load you up with penalties and fees. In fact, they welcome the opportunity that you may be a little bit over your credit limit,

rather than being responsible and giving you the opportunity to decide whether you want to actually acquire that particular good or purchase. Today we have changed that. We let the consumer decide. We begin by saying there will be credit limits. If you want to opt out of that, you can. But it gives you the opportunity to be notified when you are going to exceed that limit so you don't find yourself behind the 8 ball and paying penalties you would rather not pay and would like to be notified when that is the case.

Imagine this: Here we are a decade into the 21st century. My 7-year-old runs a computer at home. My 4-year-old is trying to figure it out. Credit card companies want to charge fees if you pay your bills electronically. You can file your income taxes, you can engage in all sorts of economic behavior through the Internet today. But credit card companies want to penalize you if you pay your bills electronically or by phone or by some other means other than mail. Again, it is a further egregious example of an industry that is more interested in trying to trip you up, trying to make it more costly for you to use their cards than they are trying to assist you economically.

I could go on for the entire rest of the evening citing story after story in my State, as I am sure every other Member could, examples of abusive, outrageous behavior.

We have spent a long time over these last number of weeks and months talking about what needs to be done to get banks and other financial institutions in shape. I don't regret that. That was the right thing to do. But it is long overdue that we also try to do something on behalf of the people who utilize these services, whether it is trying to mitigate foreclosure of their homes or trying to see to it they don't get ripped off by a credit card company. In the next 48 hours, we are going to do that for the first time in the history of this body.

Twenty years ago, I started on this issue. I never got much more than 30 votes. When the bankruptcy reform bill was up, I tried to deal with credit cards. It got 32 votes. I tried to do some of the things for which I believe we will have an overwhelming vote in the next day or so. I believe our constituents will welcome the fact that the Senate of the United States, along with the other body which has acted on this issue already, is responding to their concerns. They are talking about it every day. They are wondering whether their interests will be part of this debate. This bill may not do everything everyone would like, but I believe it is a major step in the right direction. It addresses many of the major concerns raised over these many weeks and months and years that these matters have been growing in terms of their impact on people and their ability to survive on a daily basis economically.

Again, I thank my colleagues from the Banking Committee, Democrats and Republicans, Senator SHELBY, former chairman of the committee. We got it out of committee by one vote. The Presiding Officer is a member of the committee. By a vote of 11 to 12 we happen to be here. We would have lost this issue had we lost one other vote. But our colleagues in the committee stood with us and, by the thinnest of margins, we were given the right to be here tonight to talk about this.

The vote of this body will be far greater than a one-vote margin when it comes to passing this legislation. We have an American President who has been utilizing the Office of the Presidency to talk about this issue. He has had press conferences, met with consumers. He talked about it on his radio broadcast on Saturday. He is creating the kind of environment where this legislation will become the law of the land.

I may not get many more opportunities, with the amendments to be considered tomorrow, to address the overall consideration of this bill.

Let me say that to the card companies as well, I appreciate the fact that they have been at the table as we have worked through this. I have not isolated them. I allowed them to make their cases where we were doing things that may have gone further in terms of serving the needs of our consumers and constituents. This is a bipartisan bill. That is something I try to achieve on every matter I am involved in directly. I don't think you can do much in this Chamber without having to reach out to each other and listen. We have done that.

To Senator SHELBY's great credit, he has joined in this effort so we have the bipartisanship our colleagues seek. I believe we will pass this legislation and provide some relief for the people of our country at a time when they need it desperately. There has never been a moment in recent past history when constituents and the citizens of this country needed more help from their Government, whether it is home foreclosures, a loss of jobs, tuition, health care problems—all of those issues are affecting millions of people. While this bill will not solve all the problems, for the first time ever it will provide some relief in a very important area—the availability of credit and the use of credit cards and the need that people have on a daily basis to have access to that credit to provide for themselves and their families.

I see my good friend and colleague from Nebraska.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Connecticut and extend to him appreciation for an outstanding job with this credit card bill. He has done outstanding work bringing the parties together, putting together a bipartisan effort. I congratulate him on that and look forward to having him move forward.

MEASURING PROGRESS IN AFGHANISTAN AND PAKISTAN

Tonight I rise to discuss the administration's supplemental funding request for the ongoing challenges in Afghanistan and Pakistan. The administration is putting in place a new strategy for that region, and it comes at a crucial time. U.S. diplomats, military servicemembers, humanitarian groups, and our coalition partners have all worked to battle terrorists and establish more stability in that region since the terrorist attacks of 9/11. Yet today, al-Qaida and the Taliban, along with other extremist allies, remain a destabilizing and dangerous force. Across the region, there is too much violence, too much social and economic turmoil, and too little opportunity in the lives of the Afghan-Pakistani people.

The administration's strategy is undergoing modifications as we speak. I support the move this week by Defense Secretary Gates to select a new United States military commander for Afghanistan. In my view, it is vitally important we get both the evolving strategy right and that we have the right way to assess the strategy going forward.

Since early this year, I have pressed the administration and military officials on the issue of developing progress measurements for Afghanistan and Pakistan. I have been pleased to hear their support. We have heard the administration is developing standards and measurements to evaluate a strategy for the region, at least internally. We need to go further.

My purpose is straightforward. It is an outgrowth of bipartisan work that I undertook several years ago during the war in Iraq. I was troubled because many people seemed to be looking at the same set of facts during several sessions of terrible violence, but one group concluded that we were losing while another determined we were winning. In response, I helped draft bipartisan legislation with Senators JOHN WARNER, SUSAN COLLINS, and Senator CARL LEVIN that Congress approved and President Bush signed into law. We established 18 benchmarks or measurements of economic, military, and diplomatic efforts in Iraq. The benchmarks helped Congress and the American people gain a better understanding of our successes and our challenges in Iraq. They helped play down a partisan debate over whether we were winning or losing.

One important point I would like to make tonight is we didn't dictate what the benchmarks should be. They were suggested by the administration, military leaders, and the Iraqi Government. We did require the administration report to Congress, and the reporting provided valuable and objective information to the American people about how things were going in Iraq, from efforts to reduce insurgent attacks to the Iraqi Government working out distribution of oil royalties.

Just as I didn't support tying the previous administration's hands in Iraq by

setting arbitrary time lines for troop withdrawal or dictating specific measures in progress, I don't support that approach with this administration either. Still, I will continue working with this administration to bring specific progress measures or benchmarks out into the public eye.

Last week I wrote a letter to Senate Appropriations Committee Chairman INOUYE and Ranking Member COCHRAN urging them to include a requirement for progress measurements in the fiscal year 2009 supplemental appropriations bill. I was pleased to learn today that the committee markup of the supplemental bill we are scheduled to take up tomorrow does include the two elements I have sought. I understand that the bill will require the President to submit an initial report to Congress this year and subsequent reports to assess whether the Governments of Afghanistan and Pakistan are doing enough toward continuing the President's new strategy. In short, are they doing their part?

The bill also outlines general areas to measure the success of that strategy or what I refer to as benchmarks. Timely and regular status reports will enable the American people to gain an understanding of whether the strategy is working or should be altered. In fact, it will be transparent.

I look forward to the administration defining more clearly the progress measures to evaluate that strategy and to them becoming public. We all want the mission of the United States in Afghanistan and Pakistan to succeed. The more we know about whether we are achieving goals tied to the mission, the more Congress and the American public will be able to support our military, economic, and diplomatic efforts going forward. For too long our standards to measure success in Iraq were vaguely defined. That led the to partisan disputes over U.S. strategy and uncertainty in the minds of the American public. The controversies didn't provide American servicemembers fighting the war with the unity of purpose and support they deserve. Now in Afghanistan and Pakistan, the American people should receive a clear explanation of the mission, an objective set of measures by which to evaluate it going forward, and regular status reports on the mission's progress.

As the Federal Government asks for further sacrifice from our citizens and as we are forced to continue putting our men and women in uniform in harm's way, Congress must provide all available tools to achieve success. We should provide nothing less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARTIN SINNOTT

Mr. DURBIN. I rise today to congratulate Martin Sinnott on his retirement as president and CEO of Kids Hope United. Throughout his career, Marty served Illinois' children and families, first at the Illinois Department of Children and Family Services, then The Youth Campus, and finally Kids Hope United. After 30 years of success in the nonprofit social services, Mr. Sinnott is ready for a change of pace.

Marty Sinnott is a native Chicagoan. He earned his undergraduate and graduate degrees from the University of Chicago. His first job after college was with the Illinois Department of Children and Family Services. There, he started as a social worker and over the course of ten years rose to become administrator of resource development and utilization.

After Marty left DCFS, he continued his work on behalf of needy Illinois children as president and CEO of The Youth Campus, a child welfare agency in Chicago. During his tenure at The Youth Campus, he increased the organization's revenues from $1 million to $13 million. And more importantly, he led the organization's growth so it was serving six times as many kids.

Since 1999, Marty has been with Kids Hope United, a Chicago-based private nonprofit child and family services agency. As chairman and CEO, Mr. Sinnott led a multistate expansion that tripled revenues and, again, increased the number of children and families the agency reached. Kids Hope United now has a 900-person staff, an annual operating budget of $55 million, and a scope of services that reaches families in Illinois, Missouri, Wisconsin, and Florida.

I commend Marty Sinnott for his decades of service to the children and families of Illinois. Congratulations go out to him and his family on his retirement from Kids Hope United. We wish you many years of continued success.

DEPARTURE OF GREECE'S AMBASSADOR TO THE U.S.

Mr. KERRY. Mr. President, through my duties in the Senate I have an opportunity to work with many foreign ambassadors to the United States. I rise today to mention the contributions of one ambassador who is leaving Washington and returning to Athens, Greece, to serve his country at the Foreign Ministry: Ambassador Alexandros Mallias.

Ambassador Mallias worked hard to represent Greece and its historic culture—shared by three million Americans of Greek descent—to the United States and our Government. While the U.S. and Greece are strategic partners, working in concert on a host of issues from Afghanistan to anti-piracy operations, our shared values transcend our interests, and we hold in common a longstanding respect for democracy and freedom, whether in Boston or in Athens.

During his tenure, Ambassador Mallias was particularly active with Congress, and held many presentations and briefings for Senators, Members of Congress and their staffs. I especially appreciate his efforts in helping make the recent visit of Greece's Foreign Minister, Dora Bakoyannis, whom I had the pleasure to host at a Working Coffee of the Foreign Relations Committee, so productive. The Ambassador was also involved with think tanks, advocacy groups, grassroots organizations and universities, traveling widely in the U.S. to engage civic leaders, Greek Americans, students and other people on important bilateral issues. His work with Jewish and African American communities was also significant, earning him numerous commendations, including a Martin Luther King Award.

Many of us in Congress will miss his fine work and I wish him the very best.

TRAVEL PROMOTION ACT OF 2009

Mr. DORGAN. Mr. President, yesterday I introduced, with Senators ENSIGN, INOUYE, MARTINEZ, KLOBUCHAR, and others, the Travel Promotion Act of 2009. We seek with this bill to increase travel to the U.S. and rebuild the country's place in the global travel market. After 9/11, the number of overseas travelers to the U.S. decreased dramatically and has still not recovered. In addition, the current U.S. economic downturn has caused many American families to cut back on vacation plans and our travel industry is struggling.

Travel and tourism are a crucial part of our economy. Travel expenditures in the U.S. are estimated to be $775.9 billion for 2008. Yet other countries have gained market share to our detriment. Foreign travelers are going elsewhere.

The absence of Federal leadership in travel promotion has resulted in States having to step in to fill that void. An example is the effort made by my home State of North Dakota, where tourism is the State's second largest industry. Research by North Dakota State University found that in 2007 out-of-State visitors spent $3.96 billion in North Dakota. The investment that North Dakota made to encourage travel and tourism has reaped enormous benefits. But we can only imagine how many tourists would enjoy each of our States if we did not just leave the promotion to the States, but made that investment as a Country.

The lack of a coordinated Federal campaign creates a comparative disadvantage with countries that have

centralize ministries or offices to encourage international travel to their countries. The example of North Dakota should be a lesson for the entire country. The U.S. offers unique and diverse destinations for travelers—a small investment in national coordination has the potential to create a significant windfall for our economy.

The Travel Promotion Act of 2009 will promote travel to the U.S., including areas not traditionally visited, highlighting the U.S. as a premier travel destination. The bill will improve communication of U.S. travel policies and perceptions of the process—negative perceptions can often deter foreigners from traveling here. Our communities will benefit from growth of this multibillion-dollar industry—with an increase in visitors they will experience an expansion of jobs and local economies.

The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It creates a Corporation for Travel Promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers visiting the U.S. and matching contributions from the travel industry.

This is a great country, and we should welcome visitors to our shores to meet our people and experience our culture.

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 following the submissions, those prices are now on the way back up and 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. Today marks the last of the submissions, a process that has taken approximately ten months to complete. But this concern—our national energy policy—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. These 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:

Not too long ago, I was considering purchase of a residential solar array. I have read examples about people in other states (California, Massachusetts, etc.) who had implemented a solar array at home (including an inverter), which enabled them to generate some of their own power/electricity. Most importantly, they are able to sell their excess power via the inverter to the grid when they are not using it. This is an equal rate, meaning that the utility company would buy it at whatever their current rate was at that time of day. Basically, your electricity meter spins backwards according to the amount you contribute to the utility. In this way, people are able to ''bank'' kilowatts into the grid so that the power they used at night was somewhat paid for (depending on the size of their array, rate of usage and amount of sunshine available, obviously).

After talking to some people locally, I have heard that Idaho Power does not have anything remotely like this policy in place. In fact, it sounded like they are only required to pay 50% the value of the power your array might generate and feed to the grid via your inverter, and only for a set volume. After reaching a particular level, the utility would be capturing a lot of that resident provider's power for free. This appears to be an unfair practice to me, and really tramples on any incentive for buying and implementing a residential solar array. There is a federal tax credit available, but that just addresses start-up costs, not long-term usage and maintenance.

I am no energy expert and do not claim to have validated all of the data I put forth above, but I am very interested in pursuing a solar-energy based solution to cut my long-term energy costs. Given the days of sun per year in southwest Idaho, this seems like a no-brainer.

Please tell me about your position on residential solar energy implementation practices here in Idaho, and specifically how you would vote on a bill that would require our local energy provider (read: Idaho Power) to fairly compensate residential energy providers, using the scenario I mentioned above. This will directly impact how I vote in the future.

JOHN, *Boise*.

Senator Crapo, this information seems to be right on. I hope you will take the time to read it.

MARY, *Sandpoint*.

Dear Mary,

On several occasions in the past few months, I have written about the impact of skyrocketing fuel prices on airline customers—in their daily lives and when they travel (Final Approach May 1 and Final Approach May 28). In the long run, to lower oil prices for all Americans, we need to increase domestic supply, increase exploration, alternative energy sources and conservation. However, one near-term solution to the problem is for government to investigate and rein in oil speculators.

What is the Commodities Market?—Commodities are raw materials purchased by manufacturers of finished products such as food manufacturers, oil refiners or builders. Businesses that are highly dependent on oil—refineries, heating oil dealers, airlines and trucking companies among others—lessen their risk of significant price fluctuations by purchasing future delivery contracts at predetermined prices in what is known as the commodities or futures markets. The two largest U.S. commodities markets or futures exchanges are the Chicago Mercantile Exchange and the New York Mercantile Exchange, where people trade standardized futures contracts; that is, a contract to buy specific quantities of a commodity at a specified price with delivery set at a specified time in the future.

What is the Problem with Oil?—There is a significant disconnect between the paper market for oil (speculators) and the physical market for oil (consumers). In recent years, speculators have taken advantage of actual consumers of oil by bidding up the price for futures contracts. If a speculator purchases a contract for delivery of oil at a high price six or 12 months in the future but has no intention of actually taking delivery of the oil in that contract, then a physical customer who needs that oil—to deliver home heating oil, to operate trucks or airplanes, or even to process in a refinery—will be forced to pay the higher price in order to obtain the oil that is needed.

How Do They Get Away with That?—Increasingly, sophisticated institutional investors have managed to manipulate the rules and regulations governing commodities transactions through a series of exemptions and waivers, including the so-called ''Enron loophole,'' low margin requirements and the dodging of U.S. public disclosure requirements. These complex arrangements have a similar impact: They put people engaged in oil-related businesses at a disadvantage with those who gamble relatively small sums that the price of oil will increase out of proportion to marketplace demands. If that happens, as it has regularly over the past few years, those who need oil for their businesses pay a premium, which is passed on to you—the consumer.

What Can Government Do Now?—In the near term, Congress needs to address the impact of unchecked speculation in the commodities market.

Commodities trading is overseen by a small, but very powerful government agency known as the Commodities Futures Trading Commission (CFTC). Congress can require the CFTC to implement a host of controls such as imposing limits on the quantity of commodities contracts speculators may purchase, closing the loopholes that allow speculators to trade exempt from any government oversight or regulation, and requiring reporting by those who are engaging in speculation.

Experts say that closing regulatory loopholes in the trading of commodity futures will result in a significant reduction in fuel prices.

What's Next?—Congress is expected to debate some of these issues in the next few weeks and it is urgent that they hear your voice. To facilitate public participation in the debate over speculators, we have launched a broad-based coalition, S.O.S. NOW, that provides a wide array of information on speculation and its impact on the price we all pay for oil. S.O.S. NOW stands for Stop Oil Speculation Now, and we urge you to go to the Web site www.stopoilspeculationnow.com and send a message to Congress about oil speculation.

AIR TRANSPORT ASSOCIATION.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. KANU CHATTERJEE

• Mrs. BOXER. Mr. President, I am pleased to pay tribute to world-renowned cardiologist Kanu Chatterjee as he retires from the University of California at San Francisco—UCSF—Medical Center after 34 years of dedicated service.

Dr. Chatterjee was born in what is now Bangladesh and moved with his

family to Calcutta, where they remained unsettled for many years. His father passed away just before he graduated from R.G. Kar Medical College in 1956. To support his family, he took the job of medical officer at the IISCO Hospital at Burnpur. In 1963, Dr. Chatterjee left India for the United Kingdom to further his studies. In 1971, he was recruited to direct the inpatient cardiology service at Cedars-Sinai Medical Center in Los Angeles. Dr. Chatterjee joined the UCSF Medical Center staff in 1975 as director of the cardiac care unit and associate chief of cardiology, where he became the Ernest Gallo Distinguished Professor of Medicine in the division of cardiology.

A beloved physician, teacher, and researcher, Dr. Chatterjee has worked tirelessly over the last 30-plus years in the fields of diagnosing and managing coronary artery disease, heart failure, and pulmonary hypertension. He is also a world-renowned researcher in vascular reactivity and heart failure and has pioneered the study of drugs, such as ACE inhibitors and vasodilators, that have become the standard of care for heart failure. With such a longstanding list of professional accomplishments, it is all the more touching to hear Dr. Chatterjee's patients speak with genuine gratitude and heartfelt emotion about his expertise and compassion.

As Dr. Chatterjee prepares to move on to his new half-time position at the University of Iowa in Iowa City, I wish him many more years of continued leadership and success in the field of cardiology.

I commend Dr. Chatterjee for his 34 years of dedicated service to the UCSF Medical Center community. Along with his friends and admirers throughout the San Francisco Bay area, I thank him for his tireless efforts and wish him the best as he embarks on the next phase of his remarkable life.●

REMEMBERING ALEX DEL RIO

● Mr. MARTINEZ. Mr. President, every day, law enforcement officers across the Nation make tremendous sacrifices to fight crime and keep our communities safe. On November 22, 2008, one of those officers tragically lost his life while serving in the line of duty. The officer was 31-year-old Alex Del Rio, a Florida native, a loving son, and an outstanding member of the Hollywood, FL, police department.

Although Alex's life ended just 2 months short of his 32nd birthday, he lived his life to the fullest. He was born in Miami and attended Winston Park Elementary in Miami and McMillian Middle School in Kendall. At the MAST Academy High School in Miami, Alex was a tremendous student, a member of the JROTC Color Guard, and known by his friends as someone who always did the right thing.

After joining the Hollywood Police Department in 1996, Alex began his career as a part-time community service aide and earned a full-time position on the force in 1999. He held positions in patrol, special operations motors and special operations for DUI traffic homicide. He was named Hollywood Police Department's ''Officer of the Month'' in October of 2003 and a finalist for the 2003 ''Officer of the Year.'' His colleagues knew him for his sense of humor, his likability, and his love for the job.

Alex's mother Miriam Fernandez has turned her personal tragedy into opportunities for others by establishing the Alex Del Rio Foundation. The foundation aims to enrich the lives of children in south Florida by providing scholarships and promoting the ideals Alex embodied.

His commitment to serving others has touched not only those in Hollywood but also those who work in law enforcement in other States. Officer James E. Manley from the town of Lloyd, NY, was so inspired by Alex's story that he has decided to ride more than 300 miles to be here in Washington in Alex's honor. Officer Manley will join Alex's family and others this week in a candlelight vigil and memorial service for fallen officers at the National Law Enforcement Memorial. I join them in honoring Alex and the many other men and women of our nation's law enforcement agencies who have given their lives protecting and serving our communities.●

HONORING JOHN T. NOBLE TRUCKING

● Ms. SNOWE. Mr. President, later this month, we will pause to commemorate those men and women who have given the ultimate sacrifice to defend our Nation and the freedoms we enjoy. On Memorial Day, families of our fallen members of the Armed Forces visit the graves of their loved ones throughout our Nation, often at veteran's cemeteries, to remember our fallen heroes. I rise today with tremendous gratitude to recognize the generosity of two Mainers, John and Joyce Noble, and their business, John T. Noble Trucking, for their dedicated efforts in supporting the creation of the Northern Maine Veteran's Cemetery as a place of rest for thousands of Maine's bravest.

John T. Noble Trucking, a thriving business since 1957, is located in the Aroostook county city of Caribou. A multifaceted company, Noble Trucking provides its customers with a wide variety of services, including landscaping services, commercial deliveries of fuel products as well as truck maintenance, welding, painting, and body repair.

Mr. and Mrs. Noble are well known in the Caribou community for their philanthropic initiatives. The Nobles have donated to countless causes within their community, and in characteristic Aroostook County fashion, have made many of these donations on the condition of anonymity. Organizations like the Caribou Recreation Department, the Northern Maine Fairgrounds, Cary Medical Center, The Christopher Home and the Caribou Historical Society are just a few of the many grateful County charities that have benefitted immensely from the Nobles' friendship and contributions. Perhaps their most notable work has been their advocacy and determination on behalf of the Northern Maine Veteran's Cemetery in Caribou.

The idea for Maine's northernmost veterans cemetery was first proposed in 1998. After serious study that found overwhelming support among the community, the initial approval was given by the governor in February 1999. In the spring of that year, the Northern Maine Veterans Commemorative Cemetery Corporation was formed to oversee all aspects of the cemetery's development.

John Noble, an honorably discharged veteran himself and his wife Joyce, who also admirably supported her husband's service to our country with stalwart dedication, certainly felt a particular kinship to the development of an appropriate resting place for our national heroes. In order to ensure that the dream of so many veterans became a reality, John and Joyce Noble stepped forward to offer 33.4 acres of their own land for use by the Corporation. Their heartfelt contribution expedited the plans for the Northern Maine Veteran's Cemetery and the seeds of charitable giving had taken root, facilitating a grassroots effort that culminated in what is today a regal and honored resting place for our most deserving men and women who served this country with honor and distinction.

The Nobles' ongoing efforts inspired a can-do spirit that sparked a dedicated group of volunteers into determined action. With the cemetery facing a delay in state funding, the Nobles offered to help with the construction and maintenance of the cemetery's lands until the funds became available. Additionally, the Nobles helped make the cemetery more private and solemn by planting trees around its perimeter. When the cemetery was finally dedicated on June 1, 2003, the Nobles had left a substantial mark on this sacred place and continue to support it today.

An extraordinarily modest couple, John and Joyce Noble have made significant contributions to the appearance and well-being of Caribou. Their beautiful gesture of kindness resulted in a respectable final resting place for those who gave our Nation the fullest measure of commitment. It is their selfless spirit and magnanimous nature that have made them stand out in the Caribou community for years. I thank Mr. and Mrs. Noble for their incredible generosity, and wish them and their company, John T. Noble Trucking, much success for years to come.●

MESSAGE FROM THE HOUSE

At 5:01 p.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1552. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2008 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–1553. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Removal of T 37 Jet Trainer Aircraft and Parts from the Commerce Control List'' (RIN0694–AC74) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1554. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the DTV Delay Act'' (MB Docket No. 09–17) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1555. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oolitic and Worthington, Indiana)'' (MB Docket No. 07–125) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1556. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kihei, Hawaii)'' (MB Docket No. 08–217) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1557. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuba, Illinois)'' (MB Docket No. 07–175) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1558. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marquez, Texas)'' (MB Docket No. 08–196) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1559. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Cadillac, Michigan)'' (MB Docket No. 08–252) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1560. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Bryan, Texas)'' (MB Docket No. 09–34) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1561. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by American Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1562. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2009 Fishing Year'' (RIN0648–XO46) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1563. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XO30) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1564. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1565. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XO73) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Correction'' (RIN0648–AX01) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1567. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska'' (RIN0648–AW54) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1568. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 2'' (RIN0648–XO47) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1569. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson–Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Hook Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch'' (RIN0648–XM11) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1570. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges

Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch'' (RIN0648–XM12) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1571. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Petitions for Rulemaking'' (RIN0583–AC81) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1572. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1573. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's FY 2010 Congressional Performance Budget Request; to the Committee on Energy and Natural Resources.

EC–1574. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to budget justification for the Board for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–1575. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph'' (RIN0910–AF36) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1576. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule'' (RIN0910–AF46) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1577. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-54, ''NoMA Residential Development Tax Abatement Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1578. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-55, ''Practice of Occupational Therapy Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1579. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-56, ''Practice of Polysomnography Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1580. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-57, ''Practice of Professional Counseling and Addiction Counseling Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1581. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-58, ''Practice of Psychology Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1582. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-59, ''Practice of Dentistry Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1583. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-60, ''Practice of Podiatry Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1584. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-62, ''Practice of Nursing Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1585. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-61, ''Massage Therapy Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1586. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-63, ''Practices of Medicine and Naturopathic Medicine Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1587. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-64, ''Continuation of Health Coverage Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1588. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-65, ''View 14 Economic Development Temporary Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1589. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-66, ''Fire Alarm Notice and Tenant Fire Safety Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1590. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-67, ''Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1591. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-68, ''Unemployment Compensation Extended Benefits Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1592. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-69, ''Woodland Tigers Funding Clarification Temporary Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1593. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-70, ''Jury and Marriage Amendment Act of 2009'' received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1594. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled ''Federal Courts Jurisdiction and Venue Clarification Act of 2009''; to the Committee on the Judiciary.

EC–1595. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2009 Groundfish Interim Final Rule'' (RIN0648-AW87) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1596. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Catch Sharing Plan; Correction'' (RIN0648-AX44) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1597. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Effectiveness of Collection-of-Information Requirements; Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands'' (RIN0648-AV28) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1598. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for Amendment 30B to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico'' (RIN0648-AV80) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1599. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648-AX84) received in the Office of the President of the Senate on May

11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1600. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands'' (RIN0648-XO13) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1601. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XO12) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1602. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XO14) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1603. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Closure of the Eastern U.S./Canada Management Area'' (RIN0648-XO25) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1604. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XO85) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1605. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XN17) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 111–19).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Rhea S. Suh, of California, to be an Assistant Secretary of the Interior.

*David B. Sandalow, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

*Daniel B. Poneman, of Virginia, to be Deputy Secretary of Energy.

*Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

By Mr. KERRY for the Committee on Foreign Relations.

*Susan Flood Burk, of Virginia, a Career Member of the Senior Executive Service, to be Special Representative of the President, with the rank of Ambassador.

*Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

By Mr. HARKIN for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. BUNNING, Mr. BROWN, Ms. SNOWE, and Mr. FEINGOLD):

S. 1027. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 1032. A bill to provide for programs that reduce abortions, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. KERRY, Mr. LEVIN, Mr. DURBIN, and Mr. WYDEN):

S. 1034. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics; to the Committee on Finance.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico:

S. Res. 148. A resolution expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.

243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 408

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) 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. 529

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 529, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 554

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 554, a bill to improve the safety of motorcoaches, and for other purposes.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 608

At the request of Mr. TESTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 658

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 717

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 717, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 717, supra.

S. 831

At the request of Mr. KERRY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 897

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 897, a bill to limit Federal spending to 20 percent of GDP.

S. 908

At the request of Mr. BAYH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 918

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 918, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes.

S. 981

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. RES. 140

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. Res. 140, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 146

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. Res. 146, a resolution commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009.

AMENDMENT NO. 1058

At the request of Mr. DODD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1058 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1064

At the request of Mr. UDALL of Colorado, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of amendment No. 1064 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1079

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1079 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and

transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1084

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1084 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1085

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 1085 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1089

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1089 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1090

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1090 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today entitled the Strengthening America's Public Health System Act of 2009.

The ongoing swine flu pandemic makes clear the necessity for a robust public health system in the U.S. This legislation is designed to strengthen epidemiology and laboratory capacity in State and local health departments and, correspondingly, national surveillance and reporting of infectious diseases and other conditions of public health importance.

Currently, many parts of the local-state-federal disease surveillance system are fragmented and paper-based, and have not fully benefited from new technologies that could improve the completeness and timeliness of reporting. A 2007 survey found that 20 states are manually reporting diagnostic findings, albeit with a web interface, and 16 are completely paper-based. Only 2 State public health laboratories have bidirectional data flow and can both send and receive laboratory messages, the gold standard for disease reporting. The potential for new pathogen discovery, rapid electronic exchange of public health information, national bacterial and viral databases for DNA ''fingerprinting'' of infectious disease organisms has not been fully realized. My legislation focuses on improving electronic disease surveillance and reporting so that all state and local health departments and public health laboratories can readily and seamlessly receive, monitor, and report infectious diseases and other urgent conditions of public health importance. The bill also authorizes a process for determining a list of nationally notifiable diseases and conditions and, creates a national committee to evaluate best practices in public health surveillance.

The Strengthening America's Public Health System Act calls for the expansion of resources, renewed focus and mission, and new areas of special emphasis for several existing programs within the Centers for Disease Control and Prevention, CDC. These programs support public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance; detect new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections; identify and respond to disease outbreaks; and hire and train necessary professional staff.

The outbreak of swine flu that originated in Mexico highlights the need for cooperation between the U.S. and Mexico in the surveillance, reporting and control of infectious diseases that cross the border. Clear standards, however, have not yet been established for what information should be shared and how the sharing should take place. My legislation tasks the CDC to finalize and adopt the ''Guidelines for U.S.-Mexico Coordination on Epidemiological Events of Mutual Interest'' so that we have a clear mechanism in place for communication with public health officials in Mexico.

This important legislation has been endorsed by the: American Association of Public Health Veterinarians, American Public Health Association, American Society for Microbiology, Association for Professionals in Infection Control & Epidemiology, Association of Public Health Laboratories, Association of Schools of Public Health, Association of State and Territorial Health Officials, Center for Infectious Disease Research and Policy, Council of State and Territorial Epidemiologists, Infectious Diseases Society of America, National Association of County and City Health Officials, National Alliance of State and Territorial AIDS Directors, National Association of State Public Health Veterinarians, National Public Health Information Coalition, Society for Healthcare Epidemiology of America, and Trust for America's Health.

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. 1028

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening America's Public Health System Act''.

SEC. 2. PURPOSES.

The purpose of the programs authorized under this Act is to strengthen public health surveillance systems and disease reporting by—

(1) delineating existing grant mechanisms at the Centers for Disease Control and Prevention designed to enhance disease surveillance and reporting by improving and modernizing capacity at the State and local level—

(A) to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

(B) to detect new and emerging infectious disease threats; and

(C) to identify and respond to disease outbreaks;

(2) expanding eligibility for grantees;

(3) increasing funding to ensure all States and jurisdictions have appropriate surveillance and reporting capacity and can provide comprehensive electronic reporting, including laboratory reporting;

(4) delineating existing applied epidemiology, laboratory science, and informatics fellowship programs designed to reduce documented workforce shortages for these essential public health professionals at the State and local level and increasing funding for these programs;

(5) expanding the Epidemic Intelligence Service;

(6) delineating a refined process for establishing a list of nationally notifiable diseases and conditions;

(7) improving binational surveillance of diseases in the United States and Mexico border region, including developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the two nations; and

(8) establishing a forum to permit review and identification of best surveillance practices with a particular focus on improving coordination of animal-human disease surveillance.

SEC. 3. STRENGTHENING PUBLIC HEALTH SURVEILLANCE SYSTEMS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by adding at the end the following:

"Subtitle C—Strengthening Public Health Surveillance Systems

"SEC. 2821. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an Epidemiology and Laboratory Capacity Grant Program to award grants to eligible entities to assist public health agencies in improving surveillance for, and response to, infectious diseases and other conditions of public health importance by—

''(1) strengthening epidemiologic capacity;

''(2) enhancing laboratory practice;

''(3) improving information systems; and

''(4) developing and implementing prevention and control strategies.

''(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means an entity that—

''(1) is—

''(A) a State health department;

''(B) a local health department that meets such criteria as the Director of the Centers for Diseases Control and Prevention determines for purposes of this section;

''(C) a tribal jurisdiction that meets such criteria as the Director of the Centers for Disease Control and Prevention determines for purposes of this section; or

''(D) a partnership established for purposes of this section between one or more eligible entities described in subparagraph (A), (B), or (C) and an academic center; and

''(2) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use amounts received under a grant under this section for core functions described in this subsection including—

''(A) building public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

''(B) detecting new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections;

''(C) identifying and responding to disease outbreaks;

''(D) hiring necessary staff;

''(E) conducting needed staff training and educational development; and

''(F) other activities that improve surveillance as determined by the Director of the Centers for Disease Control and Prevention.

''(2) DEVELOPMENT AND MAINTENANCE OF INFORMATION EXCHANGE.—

''(A) NATIONAL STANDARDS.—Not later than 180 days after the date of the enactment of this subtitle, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the National Coordinator for Health Information Technology, shall issue guidelines for public health entities that—

''(i) are designed to ensure that all State and local health departments and public health laboratories have access to information systems to receive, monitor, and report infectious diseases and other urgent conditions of public health importance; and

''(ii) are consistent with standards and recommendations for health information technology by the National Coordinator for Health Information Technology, and by the American Health Information Community (AHIC) and its successors.

''(B) SECURE INFORMATION SYSTEMS.—An eligible entity shall use amounts received through a grant under this section to ensure that the entity has access to a web-based, secure information system that complies with the guidelines developed under subparagraph (A). Such a system shall be designed—

''(i) to receive automated case reports of State and national reportable conditions from clinical systems and health care offices that use electronic health records and from clinical and public health laboratories, and to submit reports of nationally reportable conditions to the Director of the Centers for Disease Control and Prevention;

''(ii) to receive and analyze, within 24 hours, de-identified electronic clinical data for situational awareness and to forward such reports immediately to the Centers for Disease Control and Prevention at the time of receipt;

''(iii) to manage, link, and process different types of data, including information on newly reported cases, exposed contacts, laboratory results, number of people vaccinated or given prophylactic medications, adverse events monitoring and follow-up, in an integrated outbreak management system;

''(iv) to geocode analyze, display, report, and map, using Geographic Information System technology, accumulated data and to share data with other local health departments, State health departments, and the Centers for Disease Control and Prevention;

''(v) to receive, manage, and disseminate alerts, protocols, and other information, including Health Alert Network and Epi-X information, as appropriate, for public health workers, health care providers, and public health partners in emergency response within each health department's jurisdiction and to automate the exchange and cascading of such information with external partners using national standards;

''(vi) to have information technology security and critical infrastructure protection as appropriate to protect public health information;

''(vii) to have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters such as floods, tornados, hurricanes, and power outages; and

''(viii) to provide for other capabilities as the Secretary determines appropriate.

''(C) LABORATORY SYSTEMS.—An eligible entity shall use amounts received under a grant under this section to ensure that State or local public health laboratories are utilizing web-based, secure systems that are in compliance with the guidelines developed by the Secretary under subparagraph (A) and that—

''(i) are fully integrated laboratory information systems;

''(ii) provide for the reporting of electronic test results to the appropriate local and State health departments using currently existing national format and coding standards;

''(iii) have information technology security and critical infrastructure protection to protect public health information (as determined by the Secretary);

''(iv) have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters including floods, tornadoes, hurricanes, and power outages; and

''(v) address other capabilities as the Secretary determines appropriate.

''(D) OTHER USES.—In addition to the activities described in subparagraphs (B) and (C), an eligible entity (including the entity's public health laboratory) may use amounts received under a grant under this section for systems development and maintenance, hiring necessary staff, and staff technical training. Grantees under this section may elect to develop their own systems or use federally developed systems in carrying out activities under this paragraph.

''(d) PRIORITY.—In allocating funds under subsection (f)(2) for activities under subsection (c)(2)(B) (relating to secure information systems), the Secretary shall give priority to eligible entities that demonstrate need.

''(e) REPORTS.—Not later than September 30, 2011, and each September 30 thereafter, the Secretary shall submit to Congress an annual report on the activities carried out under this section by recipients of assistance under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $190,000,000 for each of fiscal years 2010 through 2013, of which—

''(1) not less than $95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);

''(2) not less than $60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and

''(3) not less than $32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

"SEC. 2822. FELLOWSHIP TRAINING IN APPLIED PUBLIC HEALTH EPIDEMIOLOGY, PUBLIC HEALTH LABORATORY SCIENCE, PUBLIC HEALTH INFORMATICS, AND EXPANSION OF THE EPIDEMIC INTELLIGENCE SERVICE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out activities to address documented workforce shortages in State and local health departments in the critical areas of applied public health epidemiology and public health laboratory science and informatics and may expand the Epidemic Intelligence Service.

''(b) SPECIFIC USES.—In carrying out subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide for the expansion of existing fellowship programs operated through the Centers for Disease Control and Prevention in a manner that is designed to alleviate shortages of the type described in subsection (a).

''(c) OTHER PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may provide for the expansion of other applied epidemiology training programs that meet objectives similar to the objectives of the programs described in subsection (b).

''(d) WORK OBLIGATION.—Participation in fellowship training programs under this section shall be deemed to be service for purposes of satisfying work obligations stipulated in contracts under section 338I(j).

''(e) GENERAL SUPPORT.—Amounts may be used from grants awarded under this section to expand the Public Health Informatics Fellowship Program at the Centers for Disease Control and Prevention to better support all public health systems at all levels of government.

''(f) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $39,500,000 for each of fiscal years 2010 through 2013, of which—

''(1) $5,000,000 shall be made available in each such fiscal year for epidemiology fellowship training program activities under subsections (b) and (c);

''(2) $5,000,000 shall be made available in each such fiscal year for laboratory fellowship training programs under subsection (b);

''(3) $5,000,000 shall be made available in each such fiscal year for the Public Health Informatics Fellowship Program under subsection (e); and

''(4) $24,500,000 shall be made available for expanding the Epidemic Intelligence Service under subsection (a).

"SEC. 2823. NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.

''(a) IN GENERAL.—At the request of the Council of State and Territorial Epidemiologists, the Director of the Centers for Disease Control and Prevention shall assist the Council in developing or improving a process for States to conduct surveillance and submit reports to the Director on nationally notifiable diseases and conditions.

''(b) LIST OF NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.—The process under subsection (a) shall include a list of nationally notifiable diseases and conditions as follows:

''(1) The Council of State and Territorial Epidemiologists and the Director of the Centers for Disease Control and Prevention will jointly develop—

''(A) not later than 1 year after the date of the enactment of the Strengthening America's Public Health System Act, a list of nationally notifiable diseases and conditions; and

''(B) a process for reviewing the list on an annual basis and, as appropriate, modifying the list, taking into account newly recognized diseases and conditions of public health importance and advances in diagnostic technology.

''(2) A disease or condition will be included on the list only if a majority of the States represented on the Council approve such inclusion.

''(3) The list will include standard definitions for confirmed, probable, and suspect cases for each nationally notifiable disease or condition.

''(4) The list will distinguish between—

''(A) diseases and conditions of urgent public health importance for which immediate action may be needed; and

''(B) diseases and conditions for which reporting is less urgent and mainly for the purpose of monitoring trends and evaluating public health intervention programs.

''(c) NOTIFICATIONS TO CDC.—The process under subsection (a) shall provide for reporting to the Director of the Centers for Disease Control and Prevention as follows:

''(1) For diseases and conditions described in subsection (b)(4)(A), reporting will occur—

''(A) by telephone or by using a system described in section 2821(c)(2)(B); and

''(B) within 24 hours of the State making a determination that a disease or condition meets the criteria for national reporting for that disease or condition.

''(2) For diseases and conditions described in subsection (b)(4)(B), reporting will occur—

''(A) by using a system described in section 2821(c)(2)(B); and

''(B) only if funding is sufficient for the State to conduct individual case surveillance and to have the necessary systems to support electronic reporting.

''(d) DEFINITIONS.—In this section, the term 'nationally notifiable', with respect to a disease or condition, means included on the list developed pursuant to subsection (b).

''SEC. 2824. IMPROVING BINATIONAL SURVEILLANCE AND NOTIFICATION.

''(a) FINDINGS.—The Congress finds as follows:

''(1) Nearly 1,000,000 people cross the international border between the United States and Mexico on a daily basis, and this transmobility of population presents actual cases and the potential risk of transmission of infectious diseases and disease agents between these countries.

''(2) Numerous infectious disease cases in the United States are binational in origin, thus requiring improved epidemiology, surveillance, follow-up investigations, and disease case management along the United States and Mexico border.

''(b) GUIDELINES FOR BINATIONAL COOPERATION.—Not later than 1 year after the date of the enactment of this subtitle, the Director of the Centers for Disease Control and Prevention shall—

''(1) develop an expedited review and approval process and adopt the resultant version of the 'Guidelines for U.S.-Mexico Coordination on Epidemiological Events of Mutual Interest', which have been developed with input from United States and Mexican State health agencies, including the Mexican Federal Health Secretariat, the United States Department of Health and Human Services, and the Centers for Disease Control and Prevention; and

''(2) use these guidelines as the basis for developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the United States and Mexico.

''(c) DEFINITION.—In this section, the term 'binational' refers to both sides of the United States-Mexico border, whether collectively, such as an activity or program being carried out concurrently by or in both countries, a phenomenon (for example, a disease outbreak or health emergency) affecting a population or geographic area in both countries, or a disease case that originated on one side of the border and was transmitted to the other.

''SEC. 2825. EVALUATION OF BEST PRACTICES IN PUBLIC HEALTH SURVEILLANCE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee—

''(1) to evaluate best practices in public health surveillance, including human and animal disease surveillance and environmental health monitoring of harmful exposures through air, water, soil, or other means; and

''(2) to assess systems needed for improving coordination among public health surveillance and monitoring systems.

''(b) COMPOSITION.—The committee established under subsection (a) shall be composed of—

''(1) an epidemiologist employed and designated by the Director of the Centers for Disease Control and Prevention;

''(2) an informatics specialist designated by the Director of the Centers for Disease Control and Prevention;

''(3) an epidemiologist designated by the Director of the Centers for Disease Control and Prevention to represent the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry;

''(4) a representative of an academic center or professional, scientific association designated by the American Society for Microbiology;

''(5) a food scientist designated by the Commissioner of Food and Drugs;

''(6) an individual designated by the Secretary of Agriculture from the Division of Veterinary Services;

''(7) a wildlife disease specialist designated by the Secretary of Agriculture;

''(8) an epidemiologist employed by a State and designated by the Council of State and Territorial Epidemiologists;

''(9) a public health laboratorian employed by a State and designated by the Association of Public Health Laboratories;

''(10) a public health veterinarian employed by a State and designated by the National Association of State Public Health Veterinarians;

''(11) a laboratorian designated by the American Association of Veterinary Laboratory Diagnosticians;

''(12) a State health official designated by the Association of State and Territorial Health Officials;

''(13) a local health official designated by the National Association of County and City Health Officials;

''(14) an environmental health scientist employed and designated by the Administrator of the Environmental Protection Agency; and

''(15) a representative with expertise in the Department of Veterans Affairs' disease monitoring systems.

''(c) FUNCTIONS.—The committee established under subsection (a) shall—

''(1) review innovative approaches adopted by State and local agencies to improve disease detection;

''(2) evaluate best practices in public health surveillance;

''(3) develop model data sharing agreements among local, State, and Federal health agencies;

''(4) assess systems needed for coordinated animal and human disease surveillance and develop recommendations for the improvement of such surveillance; and

''(5) disseminate findings and recommendations to relevant local, State and Federal agencies.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $750,000 for each of fiscal years 2010 through 2011.''.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, along with my colleague Senator SNOWE of Maine and Senator KERRY of Massachusetts, I am introducing legislation to provide incentives for States to adopt the 21st Century Skills Framework. I take this step because the knowledge base and skills set that most students learn in school should expand to provide students with the skills like critical thinking and problem solving, needed to succeed in modern workplaces and communities. Increasingly, these settings are no longer defined by conventional boundaries such as time, distance, language, and culture. Moreover, rigorous higher education coursework, career challenges, and a globally competitive workforce—all demand that America's schools align their classroom environments with real world environments by infusing 21st century skills into their learning and teaching.

What are those skills? The framework describes essential attributes of learning that America's children need in order to succeed as citizens and workers in the 21st century. These include mastery in the core subjects of English, reading, mathematics, science, foreign languages, civics, Government, economics, art, history, and geography. This bill does not ignore core curriculum, but it seeks to add skills and new awareness to this basic knowledge. Today's students need preparation to put their education in context including a sense of global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health and wellness awareness that complements the traditional core subjects. Given the fast pace of our workplace and culture, our students need the ability to engage in life-long learning that ensures adaptability in the face of rapidly changing work environments brought on by new scientific, technological, and social developments. Plus, students need to be able to use information and communications technology both to learn core

academic subjects and to gain 21st century content knowledge and abilities.

The 21st Century Skills Framework also identifies the critical role teachers must play in bringing life skills into their classrooms—skills that include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, self-direction, and social responsibility. West Virginia is working to include this model in their classrooms, and I have watched how this model enhances the engagement of students.

In today's global, knowledge-based economy these 21st Century skills form the lifeblood of a productive workforce particularly in scientific, engineering, and other advanced technological sectors. If the U.S. is to exercise continued economic leadership internationally we must enable strong partnerships to form among educators, administrators, policy makers, and the business community so that they may work collectively to better prepare our students for the realities of the 21st century.

This initiative began in 2002 with funding from the U.S. Department of Education to support innovative education reforms. The partnership was a collaboration of educators and businesses, particularly high-tech business that did surveys and meetings to discuss the real skills that students need to learn to succeed. It clearly builds on the core subjects, but it adds the skills and awareness that are essential to the workplace.

The purpose of the 21st Century Skills Incentive Fund Act is to offer competitive grants from in the Department of Education for States willing to invest in education reform. To qualify, States need to have a plan for implementations of the 21st Century Skills Framework. It also calls an assessment of progress towards the four student learning priorities and evaluation.

Ten States have also already taken steps to implement the 21st Century Skills initiative, including Arizona, Iowa, Kansas, Maine, Massachusetts, New Jersey, North Carolina, South Dakota, West Virginia, and Wisconsin. Such States that are willing and eager to engage in such reforms deserve the chance to compete for incentives.

In my own State of West Virginia and in the other committed States, education leaders report enthusiasm for reforms.

Although the economic downturn has current challenges for new investment in education, waiting for a better time to engage in reform would be unwise. Today's sixth grade class, will be entering the work force in 2015, after high school or 2019 after college, they need to be prepared. The 21st Century Skills Incentive Act makes attention to this imperative a national priority.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I have come to my colleagues today, having come down to the floor last week, when I came to the Senate floor to announce a new plan to give working families and businesses the tools they need to succeed during this current economic crisis we are in. I come today also to add to my Arkansas plan a package of tax cuts and Tax Code simplification measures designed to move Arkansas and our State's hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from the economic crisis stronger and more competitive.

We have a lot of small businesses, hard-working families down in Arkansas; entrepreneurs who unfortunately feel as though during this crisis they are not getting much out of Washington. We want to change that attitude. We want to make sure they are getting our support and that we as the Government are creating an atmosphere and an environment where they can be successful.

We are also going to encourage innovation and entrepreneurship to create new jobs and lessen our dependence on foreign oil and reduce the burden on working families and small businesses by simplifying our Tax Code. It is way too complicated these days. We have created too much of a complicated code that people can't use it for its intended purposes, and that is, obviously, to encourage good, healthy businesses to thrive and to be competitive.

Last week, I introduced a number of legislative measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive than before. This week, my Arkansas plan focuses on encouraging innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. All of us want to be able to be more independent. We want to make sure we are creating jobs here, but we also want to know that, globally, we are more independent as a country and that we are not seeing that dependence on imported oil coming from other places.

Yesterday, I introduced the USA Jobs Act of 2009, which offers a new research and development bonus incentive to companies that both research and manufacture their products in the United States. Before, in the stimulus package, we extended the research and development tax credit to encourage more research and development of new ideas and new products, new methodologies so we could create jobs from those. We also need to make sure we are not sending those new ideas and that new research somewhere else on the globe to be able to be produced or manufactured. We want to incentivize that it stays right here at home.

Our Nation faces record unemployment, with more than 540,000 Americans put out of work last month alone and 90,000 job losses in Arkansas. It is more important now than ever before that we encourage the creation and preservation of American jobs. My bill provides a new job tax credit for manufacturers that do a substantial portion of their research and manufacturing right here at home in the United States. This new tax credit will encourage greater domestic production, which would, in turn, lead to the creation of more American jobs.

Today, I am focused on a series of alternative energy and conservation proposals as well. My first bill provides an even playing field for all renewable energy production. The Federal Tax Code currently offers an income tax credit for the production of electricity produced from renewable energy resources, but not all resources are treated the same. Under current law, some energy resources receive a higher level credit than others, and as a result, certain new renewable energy technologies have a more difficult time finding the necessary investment capital they need to start that process of investing in new technology and getting it to the marketplace in a reasonable way so it is cost-effective.

These are critical ideas that exist out there. We need to make sure everybody is at the table. When we look at renewable energy, we see that there are a multitude of great ideas out there, but getting those ideas to the table and then out into the marketplace is a critical part of that journey. If we don't make sure everyone has that same benefit with their ideas and technologies and being able to get out there, if it is not a fair playing field, then we are going to lose multiple opportunities.

I hope we will look forward and not backward in terms of how we are incentivizing this renewable energy. So much of what we see in terms of complications or challenges small businesses face in finding investment capital is particularly problematic with the pursuit of renewable energy opportunities in my home State of Arkansas, where biomass is a predominant renewable resource but only gets half the tax credit that many other resources receive.

That is ridiculous. We have a tremendous resource right here and available to us—not just in Arkansas but in many States in our country. It can play a tremendous role in lifting our dependence on foreign oil and finding renewable sources of energy.

My proposal would level the playing field for all energy resources by increasing the value of the credit to a full credit level for those resources that currently receive only a partial credit. It certainly makes sense not only in the sense that there are certain resources that exist today that are moving forward in their technology, but there are also resources down the road. It is amazing to me to see what

scientists are doing, even with things like algae, to be able to produce oil, and looking at how we can use our agricultural byproducts—a host of things, any of that woody biomass that we can begin to put to good use in making energy and be less dependent on imported oil.

Also, I am introducing legislation today that provides long-term certainty for producers and consumers of biofuels. Currently, the U.S. Tax Code includes credits to encourage the production of biodiesel and renewable diesel, which are proven alternative fuels that will help us lessen our dependence on foreign oil. Every barrel of biofuel that we produce is a barrel of imported oil we would not have to import. These incentives have been extended on a short-term basis in recent years and are scheduled to expire at the end of this year.

When we see all of these great ideas and we see people who are willing to invest their capital and their time and energy and resources into moving these industries to the marketplace, and in a reasonable, cost-effective way they can then integrate it into the marketplace, it takes resources. But it takes predictability in our Tax Code as well, knowing they are going to be able to depend on a certain tax treatment over a certain period of time that allows them to access that capital in the capital market.

If these credits were allowed to expire, these new technologies in renewable fuels would be priced significantly higher than petroleum diesel and, as a result, would not be competitive in the fuels marketplace. Biofuel producers and consumers in our State need the certainty that these economic incentives provide and help to sustain this new market.

We cannot move forward in changing our mindset and our marketplace from an old energy economy to a new one if we don't embrace the idea that we have to produce some predictability for these new emerging industries and fuels in a way they can—particularly in these difficult economic times—access the capital they need to move forward with the ideas and development and the production of all of these great new ideas that exist out there.

My proposal would provide a 10-year extension of the credits through 2018 to provide a stable environment for the creation of a strong domestic biofuels industry.

I want to highlight a bill I introduced a few weeks ago with Senators ROBERTS, SNOWE, CANTWELL, and COLLINS that would allow electricity from biomass produced onsite to qualify for the section 45 renewable electricity production tax credit.

According to the American Forest and Paper Association, in 2005, the industry produced 28.5 million megawatt hours of biomass-based electricity, which avoided the use of more than 200 million barrels of oil. There it is, plain and simple—what we can be doing with an industry that has available to them—the biomass—from byproducts and from other woody products that are there, which may be discarded or unusable—to be able to produce electricity from a renewable source.

The use of biomass electricity, whether produced onsite or purchased from a utility, has the same positive impact of reducing fossil fuel consumption and should be encouraged. That is exactly what we want to do. We want to encourage these types of activities and what we can do in terms of creating new and innovative ideas with renewable energy.

Later this week I plan to introduce a bill to also encourage workforce training and development. Together, I think these bills will create jobs at home. They will help strengthen our economy and reduce our dependence on foreign oil. These are all priorities I think each one of the Members of this body seek to achieve. I, for one, decided to put together a plan that I think is particularly good for my State, with a series of different types of bills that I am introducing—last week, this week, and next week—in a way that I think can be productive for my State. I think most Senators will find that these are tools that will be just as effective for their States as well. I encourage them to take a look at what we are doing.

Next week, I will complete the rollout of our Arkansas plan by introducing reform measures to simplify the Tax Code and reduce the burden on Americans, and particularly Arkansas's working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

Again, I encourage my colleagues to take a look at these commonsense measures to see how they will benefit their own constituents. I work hard in the Senate to be pragmatic and look for solutions that are good for everybody and, more important, that are focused on the issues that are important to us as a country, like getting our economy back on track, making sure Americans can keep jobs, and for those who have lost jobs, we can put back to work, with the new ideas that we know Americans are so very capable of.

We must make our Nation's working families and our small businesses a top priority. The Arkansas plan does just that. I will continue to fight to bring our families the relief they need and our business owners the tools they require to invest and grow and be competitive in the global marketplace that we have been begging so longingly for over the years. We need to make sure Government is going to create that environment where they can do just that—invest, grow, and be competitive.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we mark the end of National Nurses Week, I want to express my heartfelt appreciation to the dedicated professionals who serve on the front lines of our health care system. Nurses are heroes—not just to their patients, but to the families and loved ones who rely on their compassion and care.

While we celebrate nurses this week, we must also acknowledge that too many nurses are overworked because of staffing levels that are simply inadequate.

Nurses treat patients not just in hospitals or emergency rooms but in homes, schools, community health centers and more. Nurses take on a lot of different duties and roles, but they all have at least one thing in common—they are all on the front lines of providing care to patients.

For decades nurses have been telling us that there are not enough of them, especially in hospitals. Study after study has been done—we know there is a nationwide nursing shortage.

By 2020, it is estimated that the demand for full time nurses will exceed supply by 1 million nurses.

This is unacceptable. We must address a problem that affects the quality of care that patients receive and drives too many nurses away from the hospital bedside.

That is why I am introducing the National Nursing Reform and Patient Advocacy Act, which will not only help address the nationwide shortage of skilled nurses, it will improve the quality of health care for all Americans.

The National Nursing Reform and Patient Advocacy Act champions nursing rights, nursing ratios, and nursing reform.

Specifically, this bill protects the rights of nurses to speak out for their patients and to speak out for themselves, without the fear of discrimination or retaliation, because if there is a problem in a hospital nurses should be able to talk about it.

This bill sets minimum nurse to patient ratios, because you cannot give patients high quality care without giving nurses the time to provide it. It offers transparency in the process of establishing staffing plans in hospitals and puts forward the tools to report inadequate staffing or care.

This bill reforms the role of hospitals not just in retaining nurses but also in training nurses. It creates a Registered Nurse Workforce Initiative that invests in the education of nurses and nursing faculty, because we will need many more nurses to meet the needs of our Nation—especially after we expand access to health care.

President Obama has made improving patient safety and quality care one of the cornerstones of the health care reform effort. You can't have high quality health care without a high quality nurse workforce to provide it.

Ten years ago, nurses in California fought and won a major battle for their

patients and for themselves—and the results were minimum nurse to patient ratios in California hospitals.

I am proud to bring this fight to Washington, DC and to pursue federal legislation that would extend these rights, ratios and reforms to nurses in hospitals across the country.

Reports on California ratios have only begun to show what all of the nurses in this room already know—that setting a minimum standard for safe staffing can be the difference between life and death of patients.

A 2002 study found that for every patient added to a nurse's workload there is a seven percent increase in the chance of death following common surgeries.

In California, the hospitals that have seen the greatest effect in reduced mortality were the ones that started with the worst staffing ratios.

We also know that hospitals are losing good nurses because of these staffing shortages. A poll of nurses nationwide found that almost half of the nurses who plan to quit their job say that inadequate staffing is the reason they are leaving. The cost of replacing these valuable workers has been estimated at $25,000 to $60,000 per nurse.

Too many nurses get burned out by being overloaded with too many patients. Too many nurses have given up on serving in hospitals because the hospitals have given up on providing a better environment for both nurses and patients.

We need to remind hospitals that by investing more in their nursing staff, they will save money by avoiding costly medical mistakes and providing better care for their patients—and most importantly, they will save lives.

I strongly believe that health care reform cannot succeed unless we invest in our health care workforce. At 2.9 million strong, nurses are the largest health care workforce in our country, and this investment is long overdue.

My new legislation builds on the success of California's historic law for registered nurse staffing ratios. Under the California ratios law, lives are being saved, nurses' ability to be effective advocates for their patients is stronger and more registered nurses are entering the workforce and staying at the bedside longer—which is easing the State's nursing shortage.

Nurses are not just the face of the movement to improve health care in our country, they are the face of health care in our country. This bill is for them and the patients they so faithfully serve.

By Mr. LEVIN (for himself and Mr. McCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator McCAIN and I are today introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2010. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1035

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 ''Drinking Water Adaptation, Technology, Education, and Research (WATER) Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the consensus among climate scientists is overwhelming that climate change is occurring more rapidly than can be attributed to natural causes, and that significant impacts to the water supply are already occurring;

(2) among the first and most critical of those impacts will be change to patterns of precipitation around the world, which will affect water availability for the most basic drinking water and domestic water needs of populations in many areas of the United States;

(3) drinking water utilities throughout the United States, as well as those in Europe, Australia, and Asia, are concerned that extended changes in precipitation will lead to extended droughts;

(4) supplying water is highly energy-intensive and will become more so as climate change forces more utilities to turn to alternative supplies;

(5) energy production consumes a significant percentage of the fresh water resources of the United States;

(6) since 2003, the drinking water industry of the United States has sponsored, through a nonprofit water research foundation, various studies to assess the impacts of climate change on drinking water supplies;

(7) those studies demonstrate the need for a comprehensive program of research into the full range of impacts on drinking water utilities, including impacts on water supplies, facilities, and customers;

(8) that nonprofit water research foundation is also coordinating internationally with other drinking water utilities on shared research projects and has hosted international workshops with counterpart European and Asian water research organizations to develop a unified research agenda for applied research on adaptive strategies to address climate change impacts;

(9) research data in existence as of the date of enactment of this Act—

(A) summarize the best available scientific evidence on climate change;

(B) identify the implications of climate change for the water cycle and the availability and quality of water resources; and

(C) provide general guidance on planning and adaptation strategies for water utilities; and

(10) given uncertainties about specific climate changes in particular areas, drinking water utilities need to prepare for a wider range of likely possibilities in managing and delivery of water.

SEC. 3. RESEARCH ON THE EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and provide funding for a program of directed and applied research, to be conducted through a nonprofit drinking water research foundation and sponsored by water utilities, to assist the utilities in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted in accordance with subsection (a) shall include research into—

(1) water quality impacts and solutions, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) on mitigating increasing damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) water quantity impacts and solutions, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at a regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment and wastewater treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence;

(iii) reduced flows in water and wastewater pipelines; and

(iv) extreme flows in wastewater systems; and

(B) on ways of increasing the resilience of existing infrastructure, planning cost-effective responses to adapt to climate change, and developing new design standards for future infrastructure that include the use of energy conservation measures and renewable

energy in new construction to the maximum extent practicable;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) into new sources of water through more cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) energy efficiency and greenhouse gas minimization, including research—

(A) on optimizing the energy efficiency of water supply and wastewater operations and improving water efficiency in energy production and management; and

(B) to identify and develop renewable, carbon-neutral energy options for the water supply and wastewater industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) into improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, because increased conservation practices may diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and improving energy demand management, including research to improve energy efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability and means to assist drinking water utilities in reducing the production of greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of the saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) into efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) into improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change on water supply and water management;

(B) to develop effective communication approaches—

(i) to gain public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) to gain public recognition and acceptance of increased costs; and

(C) to create and maintain a clearinghouse of climate change information for water utilities, academic researchers, stakeholders, government agencies, and research organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2010 through 2020.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 148—EXPRESSING THE SENSE OF THE SENATE THAT THERE IS A CRITICAL NEED TO INCREASE RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

Mr. UDALL of New Mexico submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as ''CCM''), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the ''common Hispanic mutation'', which has been traced to the original Spanish settlers of the Americas in the 1590's, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dramatically reducing healthcare costs: Now, therefore, be it

Resolved, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1092. Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

SA 1093. Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1094. Mr. LEVIN (for himself, Mrs. MCCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1095. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1096. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1097. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1098. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1099. Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1100. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1101. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1102. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD

(for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1103. Mr. UDALL, of Colorado (for himself, Mr. LEVIN, Mr . LIEBERMAN, Mr. UDALL, of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1104. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1105. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1106. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1107. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1108. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1109. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1110. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1092. Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike ''9 months'' and insert ''6 months''.

SA 1093. Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, lines 20 and 21, after ''creditor.'' insert the following:

''(m) NO INTEREST CHARGES ON FEES.—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount.''.

SA 1094. Mr. LEVIN (for himself, Mrs. MCCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''The Board shall'' and inserting the following:

''(A) IN GENERAL.—The Board shall'';

(2) by adding at the end the following:

''(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information—

''(i) a list of each type of transaction or event during the semiannual period for which one or more card issuer has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

''(ii) for each type of transaction or event identified under clause (i)—

''(I) each distinct interest rate charged by the card issuer to a cardholder during the semiannual period; and

''(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such cardholders at each such rate during such month;

''(iii) a list of each type of fee that one or more card issuer has imposed upon a cardholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

''(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month;

''(v) the total number of cardholders that incurred any interest charge or any fee during the semiannual period; and

''(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest.''; and

(3) by adding at the end the following:

''(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

''(A) the imposition of interest rates on cardholders, including separate estimates for—

''(i) interest with an annual percentage rate of less than 25 percent, and

''(ii) interest with an annual percentage rate equal to or greater than 25 percent;

''(B) the imposition of fees on cardholders;

''(C) the imposition of fees on merchants, and

''(D) any other material source of income, while specifying the nature of that income.''.

SA 1095. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 12, after ''transaction.'' insert the following:

''(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.''.

SA 1096. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 9 and 10, insert the following:

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by inserting after subsection (f) the following:

''(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

''(1) IN GENERAL.—Any entity advertising free credit reports in any medium must prominently disclose in each such advertisement that—

''(A) the Fair Credit Reporting Act guarantees a consumer access to a free credit report from each of the three nationwide reporting agencies once every twelve months; and

''(B) AnnualCreditReport.com is the only authorized source for a consumer to get a free annual credit report under Federal law.

''(2) TELEVISION ADVERTISEMENTS.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio or the audio and visual part of such advertisement.''.

SA 1097. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following new section:

SEC. 503. STATUTE OF LIMITATIONS FOR DEBT COLLECTION.

(a) RULES ON STATUTE OF LIMITATIONS.—

(1) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Trade Commission, in consultation with the Federal banking regulators, shall publish a proposed rule in the Federal Register establishing a statute of limitations for the collection of debt associated with a credit card account under an open end credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(2) FINAL RULE.—Not later than 18 months after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall publish a final rule in the Federal Register on the matter described in paragraph (1).

(b) CONTENTS.—The proposed and final rules issued under subsection (a) shall, at a minimum—

(1) establish a statute of limitations for—

(A) the collection of funds from a cardholder responsible for a closed credit card account described in subsection (a);

(B) filing suit in a Federal, State, or local court to collect debt associated with such a closed credit card account; and

(C) enforcing a court judgment to collect debt associated with such a closed credit card account; and

(2) establish when the statute of limitations on debt associated with a closed credit card account described in subsection (a) begins to run and, for purposes of court proceedings, which party has the burden of proof to show whether the statute of limitations has expired.

(c) APPLICABILITY.—The final rule issued under this section shall limit the right of any creditor to collect, sell, or transfer debt associated with a credit card account under an open end consumer credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''credit card'', ''cardholder'', and ''open end credit plan'' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

(2) the term ''creditor'' includes—

(A) a creditor, as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

(B) a debt collector, as that term is defined in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a), whether or not such person is the original creditor with respect to the subject obligation; and

(3) the term ''Federal banking regulators'' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration.

SA 1098. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. ENHANCED DISCLOSURE OF ATM FEES.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(13) The information required to be disclosed under section 904(d)(3) with respect to automated teller machines operated by or on behalf of the creditor, including all fees associated with such transactions, both in and out of network, listed in a conspicuous location on the billing statement.''.

SA 1099. Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

''(1) DISCLOSURE REQUIRED.—A covered educational institution shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

''(2) GIFTS PROHIBITED.—No card issuer or creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end credit plan offered by such card issuer or creditor.

''(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each covered educational institution should consider adopting the following policies relating to credit cards:

''(A) That any card issuer that markets a credit card on the campus of such institution notify the administration of such institution of the location at which such marketing will take place.

''(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

''(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.''.

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(q) COLLEGE CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation , or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

''(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

''(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

''(ii) the amount payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(C) AGGREGATION BY INSTITUTION.—The information reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall from time to time review the reports submitted by creditors and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

(c) EFFECTIVE DATE FOR INITIAL CREDITOR REPORTS.—The initial reports required under paragraph (2)(A) of the amendment made by subsection (a) shall be submitted to the Board before the end of the 90-day period beginning on the date of enactment of this Act.

SA 1100. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. CONSUMER DISCOUNTS; TRANSPARENCY IN MERCHANT FEE INFORMATION.

(a) IN GENERAL.—Section 167 of the Truth in Lending Act (15 U.S.C. 1666f) is amended to read as follows:

"SEC. 167. INDUCEMENTS TO CARD HOLDERS BY SELLERS OF DISCOUNTS FOR PAYMENTS BY CASH, CHECK, OR DEBIT CARDS; FINANCE CHARGE FOR SALES TRANSACTIONS INVOLVING DISCOUNTS.

''(a) CASH, CHECK, AND DEBIT DISCOUNTS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer and any other covered person may not, by contract, rule, or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, debit card, or similar payment device, rather than by use of a credit card.

''(b) FINANCE CHARGE.—With respect to any sales transaction, any discount from the regular price offered by the seller for the purpose of inducing payment by a means not involving the use of a particular open end credit plan or credit card shall not constitute a finance charge, as determined under section 106, if the seller—

''(1) offers the discount to all prospective buyers; and

''(2) discloses the availability of the discount to consumers clearly and conspicuously.

''(c) DISCOUNT DISPLAY RESTRICTIONS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer or any other covered person may not, by contract, rule, or otherwise, restrict the discretion of the seller as to how to display or advertise the discounts offered by the seller.

''(d) PREFERRED FORM OF PAYMENT.—A card issuer and any other covered person may not, by contract, rule, or otherwise, inhibit the ability of any seller to inform consumers regarding the preference of the seller for payment in the form of—

''(1) cash or similar means;

''(2) check or similar means;

''(3) debit card or similar device; or

''(4) credit card or similar device.

''(e) VIOLATIONS.—It shall be a violation of this chapter, enforceable as provided in section 108, for a card issuer or any other covered person to promulgate, impose, or enforce any fine, condition, or penalty on a seller or a cardholder, or use any other means to prevent or limit any seller from offering a discount pursuant to subsection (a), from setting or displaying discounts pursuant to subsection (c), or from informing consumers regarding a preferred form of payment pursuant to subsection (d).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered person' means—

''(A) an electronic payment system network;

''(B) a licensed member of an electronic payment system network; and

''(C) any other person that sets or implements the rules for the use of an electronic payment system network; and

''(2) the term 'processing fee' means any fee that is—

''(A) charged by an electronic payment system network or a licensed member of such network in connection with any aspect of a transaction conducted between a consumer and a seller, using a particular payment card bearing the logo of such electronic payment system network; and

''(B) incurred by the seller.''.

(b) DEFINITIONS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) in subsection (x), by striking ''or similar means'' and inserting ''debit card or similar payment device''; and

(2) by adding at the end the following:

''(cc) DEBIT CARD.—The term 'debit card' means any general-purpose card or other device issued or approved for use by a financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) for use in debiting the account of a cardholder for the purpose of that cardholder obtaining goods or services, whether authorization is signature-based, PIN-based, or otherwise.

''(dd) ELECTRONIC PAYMENT SYSTEM NETWORK.—The term 'electronic payment system network' means a network that provides, through licensed members, processors, or agents—

''(1) for the issuance of credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network;

''(2) the proprietary services and infrastructure that route information and data to facilitate transaction authorization, clearance, and settlement that merchants must access in order to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services; and

''(3) for the screening and acceptance of merchants into the network in order to allow such merchants to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services.

''(ee) LICENSED MEMBER.—The term 'licensed member', in connection with any electronic payment system network, includes—

''(1) any creditor or credit card issuer that is authorized to issue credit cards or charge cards bearing any logo of the network;

''(2) any financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) that is authorized to issue debit cards to consumers who maintain accounts at such financial institution; and

''(3) any person, including any financial institution, that is authorized—

''(A) to screen and accept merchants into any program under which any credit card, debit card, or other payment card or similar device bearing any logo of such network may be accepted by the merchant for payment for goods or services;

''(B) to process transactions on behalf of any such merchant for payment; and

''(C) to complete financial settlement of any such transaction on behalf of such merchant.''.

(c) TRANSPARENCY IN MERCHANT FEE INFORMATION.—Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"SEC. 115. TRANSPARENCY IN MERCHANT FEE INFORMATION.

''(a) FEE INFORMATION.—The Board shall collect, and shall publish at least once every 2 years, in a form that is provided to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and is made available to the public—

''(1) information on the processing fees, as such term is defined in section 167, charged by electronic payment system networks and licensed members of such networks in connection with payment cards bearing any logo of such electronic payment system networks; and

''(2) information on the rules, terms, and conditions to which a merchant is subject under an agreement with an electronic payment system network or a licensed member of such network, directly or indirectly, by contract or through a licensing arrangement for transactions initiated by consumers using payment cards bearing any logo of such electronic payment system network.

''(b) PURPOSE.—The purpose of the publication required under subsection (a) is to regularly inform Congress, businesses, and consumers regarding the types and amounts of processing fees charged in connection with payment cards, and the ways in which those types and amounts of fees change over time.

''(c) REGULATIONS.—For purposes of this section, the Board may prescribe regulations and issue orders requiring any electronic payment system network or licensed member of such network to submit any information, including transaction and fee data, rules, agreements, and contracts, that the Board determines to be necessary or appropriate for the Board to meet the requirements of subsection (a).

''(d) CONFIDENTIAL INFORMATION.—The Board shall exclude from the publication required by subsection (a) any information collected from an electronic payment system network or a licensed member of such network which the Board deems to be confidential, proprietary, or a trade secret, such that public disclosure of the information would harm competition and consumers.''.

SA 1101. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARENTAL ACCESS TO YOUNG CONSUMER CREDIT REPORTS.

Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended by adding at the end the following:

''(f) PARENTAL ACCESS.—Notwithstanding any other provision of law, the parent or legal guardian of a consumer under the age of 18 who is the dependent of that parent or legal guardian, may request the disclosures required under section 609 with respect to that dependent, in accordance with this section, subject to the provision by such person of—

''(1) proper identification as the parent or legal guardian; and

''(2) proof of the dependent's age and relationship to that person.''.

SA 1102. Mr. MENENDEZ submitted an amendment intended to be proposed

to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, strike ''rule.''.'' and insert ''rule.

''(c) UNIVERSAL DEFAULT.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to that account, based solely on a change in the credit risk of the consumer due to a single event relating to another account or other obligation of the consumer.''.

SA 1103. Mr. UDALL of Colorado (for himself, Mr. LEVIN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DISCLOSURE OF CREDIT SCORES.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

''(D) INCLUSION OF CREDIT SCORES.—Each consumer reporting agency described in section 603(p) that develops or uses a credit score with respect to any consumer shall include the information described in section 609(f) with the disclosures required by subparagraph (A) of this paragraph, free of charge.''.

SA 1104. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and

(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

SA 1105. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike ''9 months'' and insert ''3 months''.

SA 1106. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. FINANCIAL AND ECONOMIC LITERACY.

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 90 days after the date that the report under subsection (a) is submitted to Congress.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SA 1107. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 503. STORED VALUE CARDS.

(a) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting ''stored value devices,'' after ''money orders,'';

(2) in paragraph (3)(B), by striking ''; and'' at the end and inserting '', and stored value devices and any other similar money transmitting devices;'';

(3) in paragraph (3)(C), by striking the period at the end and inserting ''; and'';

(4) by adding at the end the following:

''(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device.''; and

(5) by adding at the end the following new paragraph:

''(7) 'Stored value' means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.''.

(b) CRIMINAL PENALTIES.—Title 18, United States Code, is amended—

(1) in section 1956(c)(5)(i), by striking ''and money orders, or'' and inserting ''money orders, stored value devices, and any other similar money transmitting devices, or''; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting '', including funds on fraudulently issued stored value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements,'' after ''funds''; and

(B) in paragraph (2), by striking ''or courier'' and inserting ''courier, or issuance, redemption, or sale of stored value devices or other similar instruments''.

(c) MONEY TRANSMITTING BUSINESSES.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting ''stored value devices,'' after ''travelers checks,''.

SA 1108. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in

Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. REPORTS ON ISSUER PRACTICES DURING THE INTERIM PERIOD BETWEEN THE DATE OF ENACTMENT AND THE EFFECTIVE DATE.

(a) PURPOSE.—The purpose of this section is to require credit card issuers and the agencies that regulate such issuers to report information on increases in consumer interest rates and consumer complaints that occur during the period between the date of enactment of this Act and the effective date of this Act under section 3.

(b) REPORTS TO AGENCIES REQUIRED.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, and every 45 days thereafter, each card issuer shall submit to the appropriate enforcement agency a report containing data on any increase in consumer interest rates by the card issuer made on or after May 1, 2009.

(2) CONTENTS OF REPORTS.—The reports required under paragraph (1)—

(A) shall include—

(i) the number of cardholders affected by each such increase;

(ii) the categories of cardholders affected by each such increase;

(iii) the size of each such increase;

(iv) the reason for each such increase; and

(v) a summary of the volume and nature of any complaints received from cardholders concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(B) need not include information on individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

(c) SUMMARY OF DATA ON COMPLAINTS.—Each appropriate enforcement agency shall—

(1) summarize information on the volume and nature of any complaints received by such agency from a consumer concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(2) provide such summary to the Board for purposes of subsection (e).

(d) REPORTS AND DATA AVAILABLE TO PUBLIC.—Each appropriate enforcement agency shall make the reports and data required under subsections (b) and (c) available to the public.

(e) REPORTS TO CONGRESS.—

(1) REPORTS REQUIRED.—The Board shall submit to Congress periodic reports on practices of creditors that contain a compilation of the reports and data required under subsections (b) and (c).

(2) AGENCY COOPERATION.—Each appropriate enforcement agency shall provide compilations of any reports it receives under this section to the Board for purposes of this subsection.

(3) TIMING OF REPORTS.—The Board shall submit the reports required under paragraph (1) not later than 90 days after the date of enactment of this Act, and every 90 days thereafter.

(f) EFFECTIVE DATE.—Notwithstanding section 3 of this Act, this section shall be effective during the period beginning on the date of enactment of this Act and ending on the effective date of this Act under section 3.

(g) DEFINITIONS.—In this section—

(1) the term ''appropriate enforcement agency'' means, with respect to a card issuer, the agency responsible for administrative enforcement relating to such card issuer under section 108 of the Truth in Lending Act (15 U.S.C. 1607); and

(2) the terms ''cardholder'', ''card issuer'', ''consumer'', and ''open end credit plan'' have the same meanings as section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SA 1109. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PRESIDENTIAL DEBT REDUCTION PLAN.

The President shall submit a comprehensive plan to Congress for reducing Federal outlays for the current fiscal year by at least one-half of 1 percent of total Federal outlays not later than 15 days after the date the total outstanding gross debt exceeds 95 percent of the amount of the statutory limit on public debt (as set forth in section 3101 of title 31, United States Code).

SA 1110. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 3 and all that follows through page 30, line 12 and insert the following:

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustees pursuant to section 111(a) of title 11, United States Code.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 14, 2009 at 10:30 a.m. in room 628 of the Dirksen Senate office building to conduct a business meeting to consider the nomination of Larry J. Echo Hawk to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. 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 May 13, 2009 at 10:30 a.m., to conduct a hearing entitled ''Manufacturing and the Credit Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. 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 May 13, 2009 at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. 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 business meeting on Wednesday, May 13, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, May 13, 2009.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m. to conduct a hearing entitled ''The D.C. Opportunity Scholarship Program: Preserving School Choice for All.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m. to conduct a hearing entitled, ''Small Business Financing: Progress Report on Recovery Act Implementation and Alternative Sources of Financing.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''What Went Wrong: Torture and the Office of Legal Counsel in the Bush Administration'' on Wednesday, May 13, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:15 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Sharon Lee and Conor O'Brien of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Egypt	Pound		426.00						426.00
Israel	Shekel		546.00						546.00
Jordan	Dinar		128.00						128.00
United States	Dollar				8,796.15				8,796.15
Katherine Eltrich:									
Egypt	Pound		426.00						426.00
Israel	Shekel		528.00						528.00
United States	Dollar				9,036.17				9,036.17
Michele Wymer:									
Israel	Shekel		528.00		200.00				728.00
United States	Dollar				7,469.40				7,469.40
Brian Wilson:									
Kuwait	Dinar		996.00						996.00
United States	Dollar				8,053.57				8,053.57
Gary Reese:									
Kuwait	Dinar		996.00						996.00
United States	Dollar				8,053.57				8,053.57
Senator George Voinovich:									
Belgium	Euro		312.00						312.00
Joseph Lai:									
Belgium	Euro		312.00						312.00
Senator Richard Durbin:									
United States	Dollar				10,143.98				10,143.98
Cyprus	Euro		106.48		420.41				526.89
Greece	Euro		70.97						70.97
Turkey	Lira		406.00						406.00
Michael Daly:									
United States	Dollar				8,861.51				8,861.51
Cyprus	Euro		129.26		161.65				290.91
Greece	Euro		51.61						51.61
Turkey	Lira		646.00						646.00
Chris Homan:									
United States	Dollar				10,177.09				10,177.98
Cyprus	Euro		109.14		161.65				270.79
Greece	Euro		35.74						35.74
Turkey	Lira		475.00						475.00
Christopher Bradish:									
United Kingdom	Pound		194.00						194.00
Israel	Shekel		339.00						339.00
Syria	Pound		280.00						280.00
Austria	Euro		294.00						294.00
Belgium	Euro		294.00						294.00
Norway	Krone		204.00						204.00
Iceland	Krona		145.00						145.00
Senator Arlen Specter:									
United Kingdom	Pound		115.00						115.00
Israel	Shekel		283.02						283.02
Syria	Pound		150.81						150.81

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Austria	Euro		179.55						179.55
Belgium	Euro		179.55						179.55
Norway	Krone		102.26						102.26
Iceland	Krona		93.16						93.16
Allen Cutler:									
United States	Dollar				7,991.44				7,991.44
Chile	Peso		1,191.07						1,191.07
Argentina	Peso		698.00						698.00
Howard Sutton:									
United States	Dollar				8,845.44				8,845.44
Chile	Peso		1,191.07						1,191.07
Argentina	Peso		698.00						698.00÷
Total:			13,859.55		87,789.88				101,649.43

SENATOR DANIEL INOUYE,
Chairman, Committee on Appropriations, May 1, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(B), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard H. Fontaine, Jr.:									
Germany	Dollar		394.00						394.000
Senator Joseph I. Lieberman:									
Saudi Arabia	Riyal		91.00						91.00
Egypt	Pound		150.00						150.00
Israel	New Shekel		815.00						815.00
Vance Serchuk:									
Saudi Arabia	Riyal		55.00						55.00
Egypt	Pound		97.00						97.00
Israel	New Shekel		221.00						221.00
Christopher Griffin:									
Saudi Arabia	Riyal		50.00						50.00
Egypt	Pound		100.00						100.00
Israel	New Shekel		200.00						200.00
Daniel W. Fisk:									
Belgium	Euro		169.81						169.81
Richard H. Fontaine, Jr.:									
Belgium	Dollar		412.00						412.00
Senator John McCain:									
Belgium	Dollar		412.00						412.00
Brooke Buchanan:									
Belgium	Dollar		412.00						412.00
Senator Mel Martinez:									
Belgium	Dollar		396.28		15.72				412.00
Total			3,975.09		15.72				3,990.81

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Apr. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert F. Bennett:									
Belgium	Euro		284.00						284.00
United States	Dollar				2,977.68				2,977.68
Mary Jane Collipriest:									
Belgium	Euro		372.00						372.00
United States	Dollar				2,977.68				2,977.68
Amber Sechrist:									
Belgium	Euro		372.00						372.00
United States	Dollar				2,977.68				2,977.68
Total			1,028.00		8,933.04				9,961.04

SENATOR CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, Apr. 3, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Bingham:									
United States	Dollar				8,025.35				8,025.35
Russia	Ruble		2,088.00						2,088.00
Russia	Ruble				1,830.00				1,830.00
Kazakhstan	Ruble		370.00						370.00
Richard Swayze:									
United States	Dollar				13,405.17				13,405.17
Singapore	Dollar		643.28		28.05		7.01		678.34

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China—Hong Kong	Dollar		1,340.23		8.07		6.45		1,354.75
South Korea	Won		359.96		5.48				365.44
Japan	Yen		938.98		114.50				1,053.48
Amanda Hallberg:									
United States	Dollar				9,854.50				9,854.50
Republic of Korea	Won		700.00						700.00
Kristen Sarri:									
United States	Dollar				9,036.99				9,036.99
Poland	Zloty		2,808.00						2,808.00
Ann Zulkosky:									
United States	Dollar				9,068.36				9,068.36
Poland	Zloty		1,252.48						1,252.48
John Richards:									
United States	Dollar				8,841.59				8,841.59
Poland	Zloty		1,732.62						1,372.62
Total			12,233.55		60,218.06		13.46		72,465.07

SENATOR DANIEL INOUYE,
Chairman, Committee on Commerce, Science, and Transportation,
Apr. 29, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allyson Anderson:									
United States	Dollar				8,105.21				8,105.21
France	Euro		1,464.00						1,464.00
Total			1,464.00		8,105.21				9.569.21

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, Mar. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
China	Yuan		254.53						254.53
Hong Kong	Dollar		691.96						691.96
United States	Dollar				11,277.43				11,277.43
Ayesha Khanna:									
China	Yuan		156.70						156.70
Hong Kong	Dollar		713.71						713.71
United States	Dollar				11,277.43				11,277.43
Hun Quach:									
China	Yuan		156.35						156.35
Hong Kong	Dollar		877.54						877.54
United States	Dollar				11,277.43				11,277.43
Christopher Campbell:									
China	Yuan		176.65						176.65
Hong Kong	Dollar		807.92						807.92
United States	Dollar				11,277.43				11,277.43
Keith Franks:									
China	Yuan		171.32						171.32
Hong Kong	Dollar		723.37						723.37
United States	Dollar				11,277.43				11,277.43
Greta Lundeberg:									
China	Yuan		225.53						225.53
Hong Kong	Dollar		908.28						908.28
United States	Dollar				11,277.43				11,277.43
Michelle Miranda:									
China	Yuan		151.29						151.29
Hong Kong	Dollar		783.66						783.66
United States	Dollar				11,277.43				11,277.43
Jeffrey Phan:									
China	Yuan		248.33						248.33
Hong Kong	Dollar		696.66						696.66
United States	Dollar				11,277.43				11,277.43
Brian Rice:									
China	Yuan		242.35						242.35
Hong Kong	Dollar		844.08						844.08
United States	Dollar				11,781.43				11,781.43
Ted Serafini:									
China	Yuan		163.51						163.51
Hong Kong	Dollar		877.93						877.93
United States	Dollar				11,781.43				11,781.43
*Delegation Expenses:									
Hong Kong							50.41		50.41
Total			9,871.67		113,832.71				123,704.38

*Delegation expenses include transportation as well as other official expenses in accordance with the responsibilities of the host county.

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Sept. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Afghanistan	Dollar		200.00						200.00
Senator Robert Casey, Jr.:									
Belgium	Euro		202.00						202.00
Senator Bob Corker:									
Brazil	Real		152.00						152.00
United States	Dollar				7,526.70				7,526.70
Senator John Kerry:									
Egypt	Pound		142.00						142.00
Jordan	Dinar		609.00						609.00
Israel	Shekel		621.00						621.00
Syria	Pound		165.00						165.00
United Kingdom	Pound		205.00						205.00
United States	Dollar				7,991.35				7,991.35
Senator James Risch:									
Belgium	Euro		309.00						309.00
Senator Jeanne Shaheen:									
Belgium	Euro		189.00						189.00
Jonah Blank:									
Afghanistan	Dollar		11.51						11.51
Antony Blinken:									
Afghanistan	Dollar		55.00						55.00
Jay Branegan:									
Qatar	Riyal		519.00						519.00
United States	Dollar				7,927.00				7,927.00
Perry Cammack:									
Egypt	Pound		105.00						105.00
Jordan	Dinar		185.00						185.00
Israel	Shekel		242.00						242.00
Syria	Pound		14.00						14.00
United Kingdom	Pound		115.00						115.00
United States	Dollar				7,764.66				7,764.66
Steven Feldstein:									
El Salvador	Dollar		429.00						429.00
Haiti	Dollar		661.00						661.00
United States	Dollar				2,488.20				2,488.20
Doug Frantz:									
Austria	Euro		697.59						697.59
Israel	Shekel		226.52						226.52
United States	Dollar				8,274.76				8,274.76
Brad Hoaglun:									
Belgium	Euro		110.95						110.95
Frank Jannuzi:									
China	Yuan		2,904.00						2,904.00
United States	Dollar				13,894.04				13,894.04
Jofi Joseph:									
Belgium	Euro		230.00						230.00
Chad Kreikemeier:									
Belgium	Euro		167.00						167.00
Mark Lopes:									
El Salvador	Dollar		336.00						336.00
United States	Dollar				1,612.00				1,612.00
Frank Lowenstein:									
Jordan	Dinar		202.00						202.00
Israel	Shekel		621.00						621.00
Syria	Pound		165.00						165.00
United Kingdom	Pound		205.00						205.00
United States	Dollar				7,977.35				7,977.35
Paul Palagyi:									
Brazil	Real		370.00						370.00
United States	Dollar				7,759.70				7,759.70
Shannon Smith:									
Dem. Rep. of Congo	Dollar		878.00						878.00
Rwanda	Dollar		401.00						401.00
United States	Dollar				10.853.06				10,853.06
Chris Socha:									
Azerbaijan	Manat		785.17						785.17
Georgia	Lari		1,030.19						1,030.19
Ukraine	Hryvnia		832.00						832.00
United States	Dollar				10,128.08				10,128.08
Puneeet Talwar:									
Afghanistan	Dollar		45.00						45.00
Anthony Wier:									
Germany	Euro		218.00						218.00
United States	Dollar				7,196.38				7,196.38
Debbie Yamada:									
Israel	Shekel		380.00						380.00
Syria	Pound		118.00						118.00
Austria	Euro		276.00						276.00
Total			16,328.93		101,393.28				117,722.21

SENATOR JOHN KERRY,
Chairman, Committee on Foreign Relations, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendy Anderson:									
United States	Dollar				8,361.56				8,361.56
Belgium	Euro		151.81		69.00		70.00		290.81
Phil Park:									
Belgium	Euro		362.00						362.00
Total			513.81		8,430.56		70.00		9,014.37

SENATOR JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Apr. 28, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sumpter Johnson:									
United States	Dollar				10,332.04				10,332.04
Tanzania	Dollar		1,938.00						1,938.00
Caya Lewis:									
United States	Dollar				10,504.64				10,504.64
Tanzania	Dollar		1,938.00						1,938.00
Hayden Rhudy:									
United States	Dollar				10,333.22				10,333.22
Tanzania	Dollar		1,938.00						1,938.00
Mona Shah:									
United States	Dollar				12,451.44				12,451.44
Tanzania	Dollar		1,938.00						1,938.00
Total			7,752.00		43,621.34				51,373.34

SENATOR EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions,
Mar. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Pelofsky			582.00						582.00
Randall Bookout			1,650.00						1,650.00
	Dollar				12,574.00				12,574.00
James Smythers			1,215.00						1,215.00
	Dollar				15,968.50				15,968.50
Caroline Tess			580.00						580.00
	Dollar				7,440.00				7,440.00
Andrew Kerr			2,646.00						2,646.00
	Dollar				9,321.45				9,321.45
David Koger			2,646.00						2,646.00
	Dollar				11,327.45				11,327.45
Daniel Jones			1,612.00						1,612.00
	Dollar				8,353.35				8,353.35
John Dickas			1,399.00						1,399.00
	Dollar				8,353.35				8,353.35
Michael Pevzner			870.00						870.00
	Dollar				9,894.00				9,894.00
Eric Pelofsky			368.67						368.67
	Dollar				5,694.04				5,694.04
Paul Matulic			1,864.00						1,864.00
Paul Matulic	Dollar				7,482.96				7,482.96
Eric Pelofsky			44.00						44.00
	Dollar				8,218.29				8,218.29
Sen. Sheldon Whitehouse			60.83						60.83
	Dollar				8,218.29				8,218.29
Total			15,537.50		112,845.68				128,383.18

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Apr. 8, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Clete Johnson			907.00						907.00
	Dollar				9,648.52				9,648.52
Senator Bill Nelson			1,744.00						1,744.00
	Dollar				11,874.44				11,874.44
Caroline Tess			1,464.00						1,464.00
	Dollar				10,929.00				10,929.00
Greta Lundeberg			1,664.00						1,664.00
	Dollar				10,928.94				10,928.94
John Dickas			1,422.00						1,422.00
	Dollar				11,160.00				11,160.00
Jennifer Wagner			1,430.99						1,430.99
	Dollar				11,160.00				11,160.00
Evan Gottesman			810.96						810.96
	Dollar				15,611.33				15,611.33
Andrew Kerr			750.00						750.00
	Dollar				2,627.30				2,627.30
Gordon Matlock			750.00						750.00
	Dollar				2,622.30				2,622.30
Senator Christopher S. Bond			1,973.27						1,973.27
	Dollar				10,704.71				10,704.71
Louis Tucker			1,973.27						1,973.27
	Dollar				10,704.72				10,704.72
Shana Marchio			1,272.00						1,272.00
	Dollar				10,525.00				10,525.00
Michael Dubois			1,272.00						1,272.00
	Dollar				10,525.00				10,525.00
Lorenzo Goco			3,172.00						3,172.00
	Dollar				12,036.54				12,036.54
Randall Bookout			3,292.00						3,292.00
	Dollar				12,036.54				12,036.54
Caroline Tess			482.00						482.00
	Dollar				8,193.00				8,193.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pevzner			843.00						843.00
	Dollar				9,646.52				9,646.52
Senator Olympia Snowe			84.83						84.83
	Dollar				8,428.29				8,428.29
James Smythers			988.00						988.00
	Dollar				14,609.68				14,609.68
John Maguire			1,173.00						1,173.00
	Dollar				14,450.68				14,450.68
Sameer Bhalotra			2,237.00						2,237.00
	Dollar				13,116.06				13,116.06
Michael Pevzner			1,094.00						1,094.00
	Dollar				14,421.00				14,421.00
Caroline Tess			686.00						686.00
	Dollar				2,311.00				2,311.00
Alissa Starzak			560.00						560.00
	Dollar				2,207.00				2,207.00
Randall Bookout			2,586.00						2,586.00
	Dollar				11,503.80				11,503.80
Paul Matulic			2,566.00						2,566.00
	Dollar				11,503.80				11,503.80
George K. Johnson			3,465.00						3,465.00
	Dollar				9,293.67				9,293.67
Bryan Smith			2,221.00						2,221.00
	Dollar				7,843.67				7,843.67
Louis Tucker			1,298.00						1,298.00
	Dollar				10,448.90				10,448.90
Richard Girven			1,388.00						1,388.00
	Dollar				10,488.90				10,488.90
Andrew Kerr			1,372.00						1,372.00
	Dollar				10,519.84				10,519.84
Jennifer Wagner			1,528.00						1,528.00
	Dollar				10,519.84				10,519.84
David Koger			3,850.00						3,850.00
	Dollar				10,544.98				10,544.98
Richard Girven			3,776.00						3,776.00
	Dollar				12,933.52				12,933.52
Matthew Pollard			2,398.90						2,398.90
	Dollar				19,646.33				19,646.33
David Grannis			1,150.00						1,150.00
	Dollar				8,789.42				8,789.42
Sameer Bhalotra			1,282.00						1,282.00
	Dollar				8,789.42				8,789.42
Jacqueline Russell			2,723.00						2,723.00
	Dollar				20,136.83				20,136.83
John Livingston			2,723.00						2,723.00
	Dollar				19,646.33				19,636.33
Kathleen McGhee			2,223.00						2,223.00
	Dollar				19,646.33				19,646.33
Kathleen Rice			2,723.00						2,723.00
	Dollar				19,646.33				19,646.33
James Smythers			1,653.10						1,653.10
	Dollar				15,079.27				15,079.27
John Maguire			322.00						322.00
	Dollar				8,218.29				8,218.29
Total			73,293,32		485,677.04				558,970.36

SENATOR JAY ROCKEFELLER,
Chairman, Committee on Intelligence, Feb. 19, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 4TH QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1, 2008 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to 2008 4th Quarter Report									
Todd Rosenblum			392.00						392.00
	Dollar				1,904.00				1,904.00
Todd Rosenblum			907.00						907.00
	Dollar				9,647.00				9,647.00
Total			1,299.00		11,551.00				12,850.00

SENATOR JAY ROCKEFELLER,
Chairman, Committee on Intelligence, Apr. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ben Cardin:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,056.19						1,056.193
Senator Sheldon Whitehouse:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Senator Tom Udall:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Austria	Euro		1,430.19						1,430.19
Senator Roger Wicker:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Representative Alcee Hastings:									
Austria	Euro		1,301.89						1,301.89
Representative Mike McIntyre:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Fred Turner:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Robert Hand:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,180.19						1,180.19
Macedonia	Denar		1,574.00						1,574.00
United States	Dollar				6,135.92				6,135.92
Shelly Han:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Alex Johnson:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		2,869.18						2,869.18
Albania	Lek		1,152.00						1,152.00
United States	Dollar				9,282.19				9,282.19
Daniel Redfield:									
Israel	Shekel		1,446.00						1,446.00
Syria	Pound		548.54						548.54
Austria	Euro		1,430.19						1,430.19
Winsome Packer:									
Austria	Euro		3,340.00						3,340.00
United States	Dollar				6,092.28				6,092.28
Croatia	Kuna		586.00						586.00
Montenegro	Euro		1,905.00						1,905.00
United States	Dollar				1,682.14				1,682.14
Clifford Bond:									
Macedonia	Denar		1,524.00						1,524.00
United States	Dollar				9,403.92				9,403.92
Total			46,445.18		32,596.45				79,041.63

SENATOR BEN CARDIN,
Chairman, Committee on Security and Cooperation in Europe, Apr. 20, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM FEB. 15 TO FEB. 18, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jessica Lewis:									
Argentina	Peso		1,078.00						1,078.00
Brazil	Real		1,028.00						1,028.00
United States	Dollar				7,440.20				7,440.20
Delegation Expenses	Dollar						110.00		110.00

SENATOR HARRY REID,
Chairman, Majority Leader, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM DEC. 1 TO DEC. 9, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
United States	Dollar				8,244.63				8,244.63
Israel	Dollar		1,446.00						1,446.00
Belgium	Dollar		396.78				77.66		474.44
Don Stewart:									
United States	Dollar				8,244.63				8,244.63
Israel	Dollar		1,446.00						1,446.00
Belgium	Dollar		396.78				64.66		461.44
Total			3,685.56		16,489.26		142.32		20,317.14

SENATOR MITCH McCONNELL,
Chairman, Republican Leader, Apr. 21, 2009.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 80, 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. 80) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. 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 related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 80) was agreed to.

INCREASING RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 148, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 148) expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of New Mexico. Mr. President, Joyce Gonzales had been suffering for 15 years when she was diagnosed. A cluster of blood vessels in her cervical spinal cord were giving her discomfort and pain, but for years her doctors could not understand why. When they were finally able to diagnose her, a quick operation relieved her pain and gave her her life back.

Joyce's second cousin was not so lucky. Her experience with the same mysterious illness ended in a fatal cerebral hemorrhage. She was nine years old.

Medical science has made great strides in unlocking the mystery of illnesses that have plagued humanity for centuries. Scientific breakthroughs have helped control and eliminate diseases that once threatened the life and health of millions. Yet for all our progress, we still face threats that we do not understand and therefore cannot stop.

One of these threats is cerebral cavernous malformation, also known as CCM, or cavernous angiomas. CCMs are caused by abnormal blood vessels that form clusters, known as angiomas, in the brain or spinal cord. If these lesions bleed or press up against structures in the central nervous system, they can cause seizures, neurological deficits, hemorrhages, or severe headaches. CCM took 15 years of Joyce Gonzales's wellbeing, and it took the life of her nine-year-old cousin. With more knowledge of this mysterious killer, both tragedies might have been avoided. With today's resolution, I hope we can move one step towards that knowledge.

In the overall population, about 1 in 200 people has a cavernous angioma, and about one-third of these affected individuals become symptomatic at some point in their lives. In some Hispanic families, however, the rate of prevalence is significantly higher. CCM is what is known as an autosomal dominant disease, which means that each child of an affected parent has a 50-percent chance of inheriting it.

In New Mexico, this genetic mutation has been traced back to the original Spanish settlers of the 1580s. It has now spread down and across at least 17 generations, resulting in what could be tens of thousands of cases of the illness in our State. New Mexico has the highest population density of this illness in the world. The States of Arizona, Texas, and Colorado may not be far behind.

Unfortunately, and in some cases tragically, many of those who suffer from this disease do not know it. Even worse, New Mexico and the Nation face a shortage of physicians who are familiar with the illness. This makes it dangerously difficult to receive a timely diagnosis and appropriate care. It puts potentially thousands of individuals at risk of a stroke, a seizure, or even sudden death.

This dangerous ignorance of a potential killer results in part from a lack of research on the disease. NIH funds only eight projects on CCM. This, despite indications from staff at the National Institute of Neurological Disorders and Stroke that CCM may be a ''paradigm illness,'' meaning research findings on CCM could shed light on other illnesses with similar characteristics.

To fight this ignorance and save lives, I am introducing this resolution today to express the sense of the Senate that there is a critical need to expand education, awareness and research on CCM. I thank my colleagues, Senators MCCAIN, BINGAMAN, LEVIN, KERRY, and VITTER for joining me to urge for increased resources.

This is only a preliminary step in the fight against this disease, but it is an important one. A Senate resolution would send the message that we take this disease seriously. It would encourage ongoing research efforts targeted at the disease and increase public knowledge that could lead to accurate diagnoses and saved lives.

In the long run, I believe a Center of Excellence is needed to advance research and provide cutting edge treatments for families with CCM. This Center would also advance science, health care, and medical education in the Southwest, while providing jobs for New Mexicans who want to serve their fellow citizens. An expansion of the existing DNA/tissue and clinical database is also needed. The current database is underfunded, which means that it cannot accept all the samples that are offered. I will be working on both of these issues.

Before I close, I want to thank three people who have been at the forefront of efforts to understand and fight CCM—Joyce Gonzales, Dr. Leslie Morrison of the University of New Mexico, and Connie Lee, president of the Angioma Alliance. It is my honor to once again join them in this fight by introducing this resolution in the Senate today.

When it comes to diseases like CCM, knowledge can save lives. We can raise the public's and the medical community's understanding of this devastating disease with this resolution. I urge my colleagues to support it.

Mr. DODD. 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. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as ''CCM''), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the ''common Hispanic mutation'', which has been traced to the original Spanish settlers of the Americas in the 1590's, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dramatically reducing healthcare costs: Now, therefore, be it

Resolved, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

ORDERS FOR THURSDAY, MAY 14, 2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, May 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, that the majority control the first half and the Republicans control the second half, and that Senator FEINSTEIN control the majority time.

I further ask that following morning business, the Senate resume consideration of H.R. 627, the Credit Cardholders' Bill of Rights legislation.

Finally, I ask unanimous consent that the mandatory quorums under rule XXII with respect to the substitute amendment No. 1058 and H.R. 627 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, under rule XXII, the filing deadline for germane first-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Thursday, May 14, 2009, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF LAWRENCE M. SULLIVAN, SR. PUBLIC DEFENDER OF THE STATE OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to celebrate and pay tribute to the almost 40 year career of Lawrence M. Sullivan, Sr., as the premier Public Defender of the State of Delaware. Larry's vision and immense belief in providing superb legal services to defendants who could otherwise not afford representation helped develop a Pubic Defenders Office that is the envy of states throughout our country.

Over the past 45 years, Larry has probably served in more capacities and for more Governors than any other Delawarean in the history of our state. While serving predominately on Gubernatorial commissions focused on issues dealing with corrections, courts, drugs, and other issues related to the legal profession, Larry also served as the Register of Wills for New Castle County, as a Mortgage Commissioner for New Castle County, a college professor of business and real estate law, and as a member of the Delaware Trial Lawyers Association, Delaware Bar Association and the American Bar Association.

Larry has been recognized over the years for many achievements, including: Delaware's Outstanding Young Republican of the Year, Wilmington's Young Man of the Year, National Vice-Chairman of the Young Republican National Federation, President of the Active Young Republicans of Wilmington, recipient of the 2003 James P. Ford Award from the Criminal Justice Council of Delaware, 2005 Vision Award from the International Association of Forensic Nurses, 2006 Dorsey Award from the American Bar Association's Government and Public Sector Lawyers' Division, and the 2006 Reginald Heber Smith Award from the National Legal Aid & Defender Association. The awards Larry has received over the years are incapable of recognizing the extraordinary vision and leadership he provided to our state for his entire career.

While Larry may be stepping down as Delaware's Public Defender, we will all remember the indelible print he left on the judicial system and those individuals unable to afford private counsel. I express my heartfelt thanks to Larry for his many years of service, and most of all I thank him for being the individual who actually introduced me to the Republican Party and got me involved in public service. He is a very special friend of mine whose foresight helped many Delawareans.

A TRIBUTE TO RUTH SILBER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ruth Silber, a dedicated public servant for 26 years.

Ruth Silber is a volunteer at Public School 273 in New York City. She was born in Brooklyn, New York and has lived in Brooklyn for eighty-three years.

Mrs. Silber has worked diligently for the Teamster's Union for the 26 years prior to her retirement, and death of her husband, Mr. Silber. Following her retirement, Mrs. Silber volunteered with P.S. 273 to assist in the library.

Mrs. Silber considers volunteering in school the "love of her life", along with her children and grand-children, and brings a constant youthful insightfulness to her volunteer work.

Madam Speaker, Please join me in recognizing Ruth Silber for her time and dedication to public service.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

The House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Mr. HOLT. Mr. Chair, I rise today in support of the Mortgage Reform and Anti-Predatory Lending Act, H.R. 1728, and to commend my colleagues BRAD MILLER, MEL WATT and Chairman FRANK for their leadership and hard work on this measure. I note that Rep. MILLER has worked on this matter for years, long before it became such a consuming issue. I urge my colleagues to support it.

A host of factors contributed to the economic crisis we have been suffering from over the past year, and it is fitting that the term "perfect storm" has so often been used to describe it. But the abusive and predatory practices of certain mortgage lenders certainly are among the factors that top the list. Somewhere along the way, prudent business judgment and careful long-term risk assessment were muscled out of the way by short-term profit seeking, with no thought of the impact that would have on the broader economy in the long run. The end result: the highest rate of home foreclosures in a quarter of a century.

Today, we take another important step in guiding our economy back towards its once stable footing, by prohibiting predatory lending and abusive lending practices, holding banks responsible for the home mortgages they issue, and protecting tenants whose residences go into foreclosure despite their own timely payment of rent.

One of the most prevalent abuses by subprime loan originators has been the practice in which they steer prospective borrowers towards loans that will provide originators with the highest near-term payoff, sometimes through fees the broker or loan officer collects by directing borrowers towards those loans. The Mortgage Reform and Anti-Predatory Lending Act would prohibit mortgage brokers and bank officers from directing borrowers towards loans that will ultimately become more expensive than they can afford, and would mandate that lenders only issue loans that the borrowers can repay. In addition, it will require loan originators to disclose to borrowers any compensation they receive in connection with the mortgage transaction.

One of the reasons loan originators have been unconcerned about issuing loans that they know borrowers might not be able to pay off is because loan originators in recent years have tended immediately to resell, or securitize, the mortgage loans they originate. Therefore, they only retained the risk associated with issuing an unstable loan for a brief period, and then the risk was transferred elsewhere. The Mortgage Reform and Anti-Predatory Lending Act calls for new regulations to require loan originators to retain at least a five percent interest in every loan they issue. Once they are required to retain some of the long-term risk of a borrower defaulting on the loan, the issuers should be expected to reinstate more prudent loan origination practices. In addition, the bill would hold the secondary mortgage market—the institutions that have been purchasing and securitizing mortgages—responsible for complying with the same standard when they purchase and package mortgages for resale.

And the Mortgage Reform and Anti-Predatory Lending Act also includes important protections for some of the most innocent and vulnerable victims of the foreclosure crisis—namely, tenants who reliably pay their rent on time, but wind up homeless when their landlords fail to do the same with their mortgage payments, and their properties go into foreclosure. The bill would require that tenants in such circumstances receive adequate advance notice and are provided with an opportunity to relocate before the foreclosure is completed.

The Mortgage Reform and Anti-Predatory Lending Act includes many important reforms and protections. I am pleased to support it and I urge my colleagues to do the same.

MOREEN BLUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend, Moreen Blum, who was recently honored by the Sherman Oaks Democratic Club for her outstanding contributions to democratic politics in the San Fernando Valley. I have known Moreen for over two decades and have had the pleasure of working with her on many important issues in our community.

A long time volunteer in local politics, Moreen was born in Cleveland, Ohio. She joined the Navy when she was twenty years old and was a member of the Waves until 1952. Shortly after moving to Los Angeles in 1959, she formed the West Hollywood Democratic Club and was a Golden Girl at the John F. Kennedy nominating convention. Currently, she is President Emeritus of the Sherman Oaks Democratic Club, and is very active as the president and founder of the Summerville Democratic Club. Her noteworthy achievements were recognized by the Democratic Party of the San Fernando Valley, as she was presented with the Dorothy Mayer Award. She serves as a worthy example to all political activists.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Moreen Blum for her impressive career and dedication to the people of the San Fernando Valley.

HONORING THE HEROISM OF CHRIS LEVI

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. KING of New York. Madam Speaker, poet and Capitol Tour Guide Albert C. Caswell has penned a poem in honor of Sp. E4 Chris Levi of The North Brigade 410/230 10th Mountain, from Holbrook Long Island. On March 17th 2008, in Sadr City Iraq, Chris lost both of his legs when an EFP struck him. Miraculously, he somehow cheated death. And now like all of our magnificent heroes of the military, who have given their most precious limbs, Chris begins his new fight. A fight that he is winning, winning with his great heart of faith and courage. As like Bob Dole, he too will be an inspiration to us all, for the rest of his life, as we witness the true meaning of the word Hero, all in our time.

10TH MOUNTAIN MEN

10th Mountain Men . . .
Are but those my friends, who will this our nation so defend . . .
Who but in times of war, all for country bore . . . the greatest of all burdens, until the bitter end.
Brilliant Men, who run and fight . . .
Who climb mountains, knock down doors . . . and go through walls to win that night . . .
Who with but their brave hearts so ignite, the fight for freedom to so bring the light!
For well over the many years . . .
There have been so many magnificent heroes, so dear!
Men like Chris Levi, and Bob Dole . . . who are but our Lord's greatest of all men endeared . . .
Are such Men to behold, who with but their fine hearts of gold . . .
With such great inspiration inspire us all so . . . to so warm one's soul . . .
To carry with us as we grow old, in heart's of love so . . . such honor, for them we now so hold!
A New York Man . . . who so boldly in Long Island ran . . . .
Who from Suffolk, without fear . . . with such great courage would so stand . . .
So stand, therein face of death . . . and then to return back home with almost nothing left . . .
Who gave up but his two fine strong legs . . .
As he won't moan, and he won't beg. . . . As he starts his brilliant life all over again . . .
With but his fine heart and soul, showing us all in life. . . . But where lies mankind's true gold.
As step by step . . .
The new pain and heartache, somehow he so accepts . . . as this hero is not done yet!
For He Will Reach Us, as He Will So Teach Us . . . as oh yes, as each of us . . . he Will So Bless . . .
But, with his fine heart of honor so . . .
He now so stands, with all of his band of brothers . . . such great respect he now so commands!
All of our hearts and souls, as he battles through those winds so cold . . . making us all so understand.
That in the end, it's but only with our heart we win!
Arms and legs surely we all need, but without a great heart . . . one cannot so breath . . . to succeed!
To start all over again . . . Chris, you are America's fine son of faith and glory, bless you . . . Godspeed . . .
In life, there are so many Mountains we must climb!
But, only with such unshaken faith and courage, will one so find . . .
All of those fine things, that which so bring such tears to even the Angels' eyes . . . In Chris Levi . . .
We so surely see, what the word hero so implies!
And if I ever have a son, I but hope and pray. . . . That he will be like you this fine one . . . Chris Levi . . .

IN HONOR OF PRESIDENT MA'S FIRST ANNIVERSARY IN OFFICE AS PRESIDENT OF TAIWAN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MARCHANT. Madam Speaker, Mr. Ma Ying-jeou was inaugurated as President of Republic of China (Taiwan) on May 20, 2008. During the last twelve months there has been a considerable reduction of tension across the Taiwan Strait and there have been productive talks between the two sides on issues such as direct airline flights, an economic accord protecting investments, more tourist visits by mainlanders to Taiwan.

President Ma has also been working closely with the U.S. government. The mutual relationship between our two countries is strong. We hope that the relations will grow even stronger in all areas, including trade, science and technology, educational exchange, military sales and Taiwan's participation in international agencies.

It is heartening to learn that Taiwan has been invited to attend this year's World Health Assembly (WHA) in Geneva, Switzerland from May 19 to May 27 as an observer. This is a breakthrough for the Taiwanese government; it is Taiwan's first participation in a formal U.N activity since 1971, when the world body switched its recognition to mainland China.

In celebrating President Ma's first anniversary in office, I join my Congressional colleagues in hoping that Taiwan's participation in the WHA this May will lead to Taiwan's future successes in returning to other international organizations.

INTRODUCTION OF THE VETERANS GROUP LIFE INSURANCE IMPROVEMENT ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BUYER. Madam Speaker, today I am introducing the Veterans' Group Life Insurance Improvement Act of 2009 which increases the amount of life insurance available to veterans. Veterans Group Life Insurance (VGLI) is administered by the Department of Veterans Affairs. The purpose of this program is to give veterans the option to convert their Servicemembers Group Life Insurance (SGLI) coverage that they carry when they are in service to a competitive life insurance product for them and their family in post-military life.

Under current law, veterans have up to one year to convert the amount of SGLI coverage they carry to VGLI. Many separating servicemembers are young and don't see the need to carry a large amount of life insurance coverage. However, as they get older and have a family, many of these servicemembers have expressed a desire to purchase additional coverage but are barred from doing so under current law.

The Veterans' Group Life Insurance Improvement Act of 2009 allows veterans to purchase up to $400,000 of VGLI coverage in $50,000 increments, every five years, until the age of 60. The costs of such increases in coverage will be offset by premiums veterans pay, so there is no direct cost to the government. This bill gives our veterans greater flexibility in their life insurance choices and I urge all members to co-sponsor and support this legislation.

A TRIBUTE TO CONSTANCE V HAY-ALLEYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Constance V. Hay-Alleyne.

Constance has lived life as a goal oriented and knowledgeable Registered Nurse with ambitious and humanitarian social motivations. Constance is well known in the Panamanian and Caribbean communities. Her delightful intellectual curiosity has served her professional

growth well. She holds a BSN and MSN degrees from Medgar Evers College in Brooklyn, New York and Georgetown University, in Washington D.C, respectively. She has distinguished herself as a competent Nurse Manager and Administrator for over three decades, in the Brooklyn, Manhattan, and Washington D.C areas. In 1981, she joined the United States Army Nurses Corps, served as a Captain, active duty and in reserve.

At home, Constance has raised her four children to love and respect everyone especially their elders. She encouraged them to have positive outlooks in life and motivation to do "as much as they can" with care and dignity. It could not be otherwise since this has been an inheritance from her parents: John who died at the age of 114 and Imogene, at age 82. Faithful to that motto, she has been involved in many other activities such as a mediator at the Safe Horizon Brooklyn Mediation Center, as a Board Member of the Community Board 5 and as the Chair for Education and Training for Tashia's Life, a lupus foundation.

She was miraculously rescued from the September 11, 2001 disaster at World Trade Center. This encounter made her redefine her mission on earth, realizing that God had saved her life for some special purpose. She serves the Lord at St. Alban's Episcopal Church in Canarsie, Brooklyn, where she functions as a Lay Ecumenical Minister, as well as a Vestry.

Throughout her career, Mrs. Hay-Alleyne has received numerous awards and recognitions including: being featured in "Who's Who?" in Nursing in Cambridge.

SPEECH OF

RECOGNIZING NATIONAL FOSTER CARE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 2009

Mr. RANGEL. Mr. Speaker, on any given day there are nearly a half million children in our nation's foster care system. These children have endured more pain and suffering in their short lives than many of us could ever imagine. Not only do they experience the physical and emotional trauma that is connected to their mistreatment, but they also face the grief of being separated from their siblings, extended family, friends, and their community. The foster care system serves as a safe sanctuary for these young people and provides services and support to help ease their suffering. It is in the foster care system that children find the help they need to address their pain, and where families can receive the services they need to safely restore their bond with their children. And when it is not possible to safely reunify a child with their parents, it is through the foster care system that a child finds a permanent home with a relative caregiver or an adoptive family.

The month of May is National Foster Care Month. It provides the nation with an opportunity to acknowledge the wonderful contributions of the countless men and women who dedicate their lives to assisting children and families, such as case workers and administrators, child and family advocates, researchers, volunteers, and community organizations such as the Child Welfare Organizing Project, which is doing fantastic work in my district. National Foster Care Month provides us with an opportunity to commend those individuals and families who open up their homes and lives to our most vulnerable children by becoming a foster parent. Foster parents step in to serve as a surrogate mom and dad to children when their parents are not there to comfort and care for them. Their services are invaluable in helping these children overcome their grief and move forward in their lives.

National Foster Care Month also provides us with an opportunity to evaluate our foster care system. Congress made great strides last fall in passing comprehensive, bipartisan legislation that strengthened the child welfare system. The Fostering Connections to Success and Increasing Adoptions Act provided new resources to the system and included policy changes aimed at improving the outcomes of children in care. The legislation has significantly improved the lives of foster children by facilitating their connection to extended family, supporting grandparents and other relative caregivers who care for these children, providing support to older youth in their transition to adulthood, ensuring the health care and educational needs of every child are met, ending the discriminatory practices against Native American children who are under the supervision of tribal governments, enhancing federal training assistance for child welfare workers and court personnel, and strengthening the federal adoption assistance program. The Fostering Connections to Success and Increasing Adoptions Act represented the most significant reform in the child welfare system in over a decade. I am proud of the bipartisan work that the Committee on Ways and Means did in developing the underlying legislation that led to the comprehensive bill. Nevertheless, there is still a great deal of work that needs to be done.

Despite the success of last fall's legislation, Congress needs to remain committed to further strengthening the foster care system and addressing some of the problems that have plagued it for years. Children of color are disproportionately over-represented in foster care. African American and Native American children are removed from their homes and placed in foster care at much higher rates than their white peers. Tragically, once they are removed from their homes, they are more likely to remain in the system for longer periods of time. This problem transcends urban areas and occurs across our nation, affecting not only New York, Michigan and Illinois, but States such as Iowa, Washington State and Minnesota. Many of the provisions included in the Fostering Connections the Success and Increasing Adoptions Act will help to begin to address this problem, yet more reform is still needed.

I ask my colleagues to join me in celebrating National Foster Care Month by saluting the people who come to the aid of our most vulnerable children and families, as well as the men and women who are, or were formerly in, the foster care system. These individuals represent some of our bravest men and women who have overcome a level of grief and suffering that some will never experience in their lifetime. Yet, these remarkable people go on to lead successful lives, often exceeding their wildest expectations. Many of them now volunteer their time and expertise to efforts to improve the lives of those children who are currently in the system, championing their cause in State legislatures and throughout the halls of Congress. I salute these fine men and women for the example that they set for all Americans.

RECOGNIZING ZUNI ELEMENTARY'S 20TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 20th anniversary of Zuni Elementary School in Scottsdale, Arizona. Zuni, first opened its doors to students in the fall of 1989. This fall, Zuni will merge with another nearby school to become Redbird Elementary.

In its two decade existence, Zuni earned many awards of distinction, most notably the Honor Council Excellence Award from the American Student Council Association and the National Association of Elementary School Principals. Zuni earned this award every year since 1993, a remarkable accomplishment. Since 2005, Zuni has received the Arizona Department of Education's highest ranking of "Excelling School."

In addition to its educational successes, Zuni's philanthropic efforts have been an inspiration to our community. Over the past 12 years, Zuni Elementary raised over $106,000 as part of the Jump Rope for Heart campaign that supports heart disease and stroke research by the American Heart Association.

As a former teacher, I personally understand the importance of building a strong educational foundation during elementary school. I would like to congratulate the Zuni Coyotes—teachers, students, and parents—on this exceptional milestone.

Madam Speaker, please join me in recognizing Zuni Elementary on its 20 outstanding years of educational excellence and dedication to scholastic achievement.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, May 12, 2009, I was unable to cast my votes on the Motion to Table the Flake Question of Privilege, H. Res. 413 and H. Res. 378 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 243, on the Motion to Table Representative FLAKE's Question of Privilege, I would have voted "nay."

Had I been present for rollcall No. 244, on suspending the Rules and passing H. Res. 413, Supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009, I would have voted "yea."

Had I been present for rollcall No. 245, on suspending the Rules and passing H. Res. 378, Recognizing the 30th anniversary of the

election of Margaret Thatcher as the first female Prime Minister of Great Britain, I would have voted ''yea.''

TRIBUTE TO ANDREA F. BROOKS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the life of Andrea E. Brooks of Indianapolis, Indiana. She passed away on April 25, 2009 at the age of 65. Andrea was a great leader and an inspiration to us all.

As a government servant, Andrea dedicated her career to working with the Department of Veterans Affairs and as a labor activist to the American Federation of Government Employees (AFGE). Her perseverance stemmed from the belief that unions play a necessary role in the fight for fairness and equal justice in the workplace.

Over the course of 30 years, Andrea had led a brilliant career. She served as the National Vice President of Women's and Fair Practices Department at the AFGE. Before that Andrea was Chief Steward, then Vice President, Secretary-Treasurer, Executive Vice President and then President for ten years of the AFGE Local 490 at the Veterans Affairs Regional Office in Los Angeles, California.

Andrea left behind a legacy of being a visionary activist. Her hope for the union was for it to be a leader for civil rights activism, protecting the rights and freedom of women, minorities and the disabled. Andrea's many accomplishments will continue to motivate everyone who was touched by her work. I extend my deepest condolences to her friends and family as they mourn her passing. My thoughts and prayers are with them all during this difficult time.

Madam Speaker and esteemed colleagues, I urge you to join me in paying tribute to Andrea E. Brooks for her distinguished service to our Nation's workforce.

HONORING MARK HAWKINS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. KILDEE. Madam Speaker, I rise today to honor Mark Hawkins as he retires from the General Motors Truck Assembly plant after 37 years of service. Mark was the Shop Chairman of UAW Local 598 for the past 20 years and a member of the UAW Local 598 bargaining committee for the past 31 years. A celebration will be held on May 15 to recognize his achievements and life.

A graduate of Beecher High School, Mark has worked tirelessly to advocate on behalf of the employees of General Motors. His skill as a negotiator has earned him the respect of GM Management, UAW Local 598 membership and the UAW international leadership. The National Bargaining Committee elected him to chair the National Negotiations in 1993, 1996 and 2003. Mark negotiated a Living Agreement between UAW Local 598 and GM Flint Assembly in 1997. This unprecedented agreement secured new work for the plant and a $500 million investment from the company. He was elected without opposition in his 7th bid for Local 598 chairman. Earlier this year he negotiated a new Local Living Agreement that is serving as the role model for other plants in the United States.

Over the years, Mark has gained a reputation for helping those less fortunate. Starting in 1994, UAW Local 598 membership has donated over $1 million to feed and clothe needy children. Mark has organized the building of 8 playgrounds at local elementary schools and parks. Responding to the tragedy of September 11, he spearheaded the drive to build two trucks with donated labor and GM components for the New York Fire Department. Across the Nation the UAW and General Motors followed his example and a total of 60 trucks were given to the Fire Department.

The community has recognized his contributions and Mark has received the following awards: 2000 Walter Reuther Award, 2000 Liberty Bell Award, 2001 American Red Cross Hero Award, 2002 Martin Luther King Award, and in 2003 he received the Michigan Parks and Recreation Committee Award.

Mark and his wife, Shelley, have been married for 19 years and have 3 children Joseph, Brandi, and Richard and four grandchildren Brooklyn, Olivia, Chace, and Emma.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the life of Mark Hawkins. He has been diligent in fighting for the rights of the UAW membership. Gifted with vision, tenacity, and mediation he has brought a deep comprehension of both sides of a problem to the negotiating table. Deeply engaged in the struggle to bring dignity to the workplace, Mark Hawkins has been a true friend to workers everywhere. I consider him a friend and have valued his insight and wisdom over the future of the U.S. auto industry. I am a better Congressman for having known Mark and I wish him the best as he starts this new phase of his life.

REVEREND CHARLES E. SMITH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BURGESS. Madam Speaker, I have the honor of welcoming and recognizing Reverend Charles E. Smith, who just gave the opening prayer before Congress this 13th day of May, 2009. Reverend Smith is the Pastor at Berea Baptist Church in Forest Hill, Texas. He is joined today by his wife Gloria, his children, and several members of his family and church congregation.

Reverend Smith is a native of Texas and a longtime resident of Fort Worth, where he and his wife live with their six children. A graduate of the Southern Bible Institute and of the University of Texas at Arlington, Reverend Smith has served as a spiritual foundation in his community for over 25 years.

Madam Speaker, I commend Reverend Smith for his long-standing service to Fort Worth and to the members of his congregation whom he has so capably served. It is my pleasure to have Reverend Smith here today, and an honor to represent him in the 26th Congressional District of Texas.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. SIRES. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on May 12, 2009. Had I been present, I would have voted ''yes'' on rollcall 243 to table the motion, ''yes'' on rollcall 244 on H. Res. 413; and ''yes'' on rollcall 245 on H. Res. 378.

A TRIBUTE IN REMEMBRANCE OF STEVEN L. ZELKOWITZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and to honor Steven L. Zelkowitz, a visionary leader in our community and an inspiration to all of New York.

Steven L. Zelkowitz, an independent energy consultant and attorney, is a senior veteran in New York's energy industry. He began as an attorney in private practice, representing utilities and energy companies for twenty years. He then joined Keyspan Corporation, serving as its General Counsel, Chief Administrative Officer, Executive Vice President, and eventually President of the Energy Assets & Supply Group. At every point in his career, Mr. Zelkowitz distinguished himself by his keen understanding of New York's energy needs, his tireless work ethic, and his loyalty.

Steven L. Zelkowitz has also earned an excellent reputation for supporting local organizations and institutions of higher learning. Mr. Zelkowitz serves on the Board of Trustees of Brooklyn Law School and is chair of its Finance Committee. He is also a member of the Board of Trustees of the Volunteer Lawyers Project of the Brooklyn Bar Association, a member of National Board of Governors of the American Jewish Committee, a member of the American Bar Association and the New York State Bar Association, and a past chair of its Public Utility Law Committee.

Madam Speaker, I would like to recognize Steven L. Zelkowitz, a well-respected leader in Brooklyn's business and educational communities.

Madam Speaker, I urge my colleagues to join me in paying tribute to Steven L. Zelkowitz.

REMEMBERING THE QUARTERBACK FOR FREEDOM, JACK KEMP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. RANGEL. Madam Speaker, I rise today in somber remembrance of Jack Kemp, who on and off the field, played his position with sure hands and a compassionate heart. That position—as I called it—was Quarterback for Freedom, a role he assumed effortlessly and

selflessly throughout the span of his career. He was a conservative through and through, of that there was no question, but he possessed a great sense of empathy and community, of respect and a fondness for diversity that uniquely set him apart. The story goes that his time on the football field enamored him of his Black colleagues and etched into his mind how repugnant inequality and discrimination could be.

That experience undoubtedly moved him. But it is my belief that such reverence for the dignity of man—regardless of skin color, race, or ethnicity—came innately and naturally to him. For Jack, ''compassionate'' was not a buzz word placed in front of ''conservative'' without thought or care. He lived, embodied, and applied compassionate activism to his impressive life's work, a work outmatched only by his intensity of spirit and undeniable warmth.

''Civility cannot return to our country unless every person feels that they have an equal shot at the American dream,'' he once said. ''How in the name of American democracy can we say to eastern Europe that democratic capitalism will work there, if we can't make it work in East L.A., or East Harlem, or East Palo Alto, California? How can we tell South Africa and the new Mandela government that democracy and private property and limited government and the rule of law and civility will work there, if it's not working in our own backyard here at home or the South Bronx? How can America go into the next century and leave so many people behind?''

Jack was not an ideologue or political lecturer. He emerged as a statesman instead, far more committed to improving the lot of the American people than scoring cheap points in some political game. While we disagreed on some of the issues, most notably his enthusiasm for the Reagan tax cuts, we were in absolute lockstep in our commitment to rebuilding our cities, particularly in terms of housing and economic development. As Housing and Urban Development secretary, Jack met with minority groups, championed public housing, and worked with members like myself, who sat across the aisle, on issues such as revitalizing inner-city neighborhoods through empowerment zones. He served on the Howard University Board of Directors for 14 years, lending his support to President Swygert and the school, including significant personal financial contributions.

When he ran for vice president, Jack campaigned in Harlem, a visit billed as the first from a Republican candidate for president in at least half a century. Many expected raucous demonstrations from the residents in my community—more because of the ''R'' before his name than because they knew much about Jack Kemp to begin with. No such exchange occurred. I warmly greeted Jack at the local restaurant named Sylvia's and we traded good-natured barbs: He told me that in a Bob Dole Administration, I would be drug czar; I responded that in a Bill Clinton Administration, I would be Chairman of the Ways and Means Committee.

Jack was a veritable hero and inspiration. It is in that light that we remember him today; in awe of his dedication to accomplishment, in reverence of his conviction.

TRIBUTE TO RICHARD SCOTT ALDEN, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CALVERT. Madam Speaker, Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Richard Scott Alden, Jr. On Friday, May 1, 2009, Scott passed away peacefully at his home after a battle with cancer. He will be deeply missed.

Scott was born April 16, 1953 in Pasadena, California. He graduated from Riverside Poly High School in 1971 and received a football scholarship to Arizona State University. While Scott was a Sun Devil, his team won 51 games, four Western Athletic Conference Championships and four Fiesta Bowls.

Scott was a devoted Christian and was ''born again'' through Christ September, 1975. He graduated from ASU with a degree in Business Administration in June, 1976 and married Ann Stiles later that year. After graduation, Scott began work with his father, Dick Alden, founder of Empire Oil Company, now Western Refining-Wholesale, as General Manager, and in 1990 was advanced to President.

Scott was active in Harvest Men's Bible Fellowship, Alliance Petroleum Corporation and served as Chairman of the Advisory Board for The Salvation Army.

Scott was predeceased by his daughter, Jennifer. Survived by his wife, Ann Alden; daughter, Elizabeth Alden of Newport Beach; son, David Alden of Long Beach; parents, Richard Alden of Riverside, and David and Nina Mitchell of Riverside; sister, Michelle Fisher of Aliso Viejo; and brother, Eric Alden of Huntington Beach.

On May 8, 2009, a memorial service celebrating Scott's life will be held at Harvest Christian Fellowship. Scott will always be remembered for his incredible faith, giving spirit, and sense of humor. His dedication to his family, church and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Scott's family and friends; although Scott may be gone, the light and goodness he brought to the world remain and will never be forgotten.

HONORING WILLOW ROAD ELEMENTARY SCHOOL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. McCARTHY of New York. Madam Speaker, I rise today tb recognize the students, faculty and staff of the Willow Road Elementary School and congratulate them upon being honored with the Exemplary Reading Program Award from the International Reading Association.

Every year, the International Reading Association recognizes outstanding reading and language arts programs at all grade levels. One school from each State is given the Exemplary Reading Program Award based on the priority of literacy in the curriculum.

Willow Road Elementary School promotes literacy and focuses on improving the students reading, writing, listening and speaking, devoting a large chunk of the school day towards reading. As a result, the school has been a finalist for the State award for the last two years before finally winning the honor this year.

As a member of the House Committee on Education and Labor, I understand the importance of literacy and recognize the benefits of encouraging our students to start reading at an early age. The future of this country is its children; however, their success would not be possible without the work of the teachers and administrators who dedicate their lives to their students. The teachers and staff of the Willow Road Elementary School are the back-bone of the reading program and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my congratulations and best wishes to the Willow Road Elementary School.

COMMENDING THE EFFORTS OF ADAM LAMBERT

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. BILBRAY. Madam Speaker, today I rise to commend my constituent Adam Lambert for his amazing journey on Season 8 of Fox's American Idol. Every week Adam has entertained the American public with his artistic renditions of American classics, from Johnny Cash's ''Ring of Fire'' to Led Zepplin's ''Whole Lotta Love.'' His performances are inspiring young people everywhere to work hard, aim high and follow their dreams.

With still two more weeks of the competition to go, I join with the people of San Diego, California to wish Adam the best of luck. As one of Adam's favorite artists, Lenny Kravitz once said: ''I just need to know that I did the very best I could and that I was true to myself.'' Adam, we will be rooting for you and looking forward to your next unique and creative performance.

DELIBERATIVE—ATTORNEY CLIENT PRIVILEGE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. BLACKBURN. Madam Speaker, I would like to submit the following memorandum:

DISCUSSION OF SCIENTIFIC SUPPORT AND ANALYSIS

The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30, line 41–46: ''The Administrator believes that the scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified, even if they cannot always be quantified with confidence. The Administrator's

proposed endangerment finding is based on weighing the scientific evidence, considering the uncertainties, and balancing any benefits to human health, society, or the environment that may also occur.''

The finding document remains very separate from the TSD, with only occasional references to the IPCC or particular CCSP report findings, and it is up to the reader's interpretation of the TSD to determine how the evidence has been weighed to arrive at the conclusions above. The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding GHGs seem to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty. (The TSD notes several areas where essential behaviors of GHGs are ''not well determined'' and ''not well understood'' (e.g., why have U.S. methane levels decreased recently?).) This could be remedied by expanding the discussion on pp. 25–31 to articulate more clearly how the Administrator weighed the scientific evidence related to each impact or how/whether she gave more or less weight to particular impacts for either the public health or the welfare finding and how she weighed uncertainty in her deliberations.

For example, the NPRM and TSD outline the following 5 human health effects from climate change: temperature effects, air quality changes, extreme events, climate sensitive diseases and aeroallergens. It is unclear whether temperature effects will result in net mortality increases or decreases and the scientific literature does not provide definitive data or conclusions about aeroallergen impacts. Further, the impact of climate sensitive diseases may be minimal in a rich country like the US. Hence, it seems that the Administrator's public health endangerment conclusion is based on the other two impacts, with the most significant health risks being posed by air quality changes. If so, the discussion here should state this explicitly. Further, the argument for why the increases in ozone from climate change pose a health impact could be fleshed out more thoroughly (p. 27, line 34–39). Since tropospheric ozone is already regulated under the Clean Air Act, EPA should explain why those regulations are inadequate to protect public health from the ozone impacts of climate change.

In addition, the finding could be strengthened by including additional information on benefits, costs, and risks (where this information exists); meeting appropriate standards for peer review; and accepted research protocols. Some issues to cover that would address costs, benefits, and risks include the following:

Methodology or methodologies used for weighing risks and various outcomes and the risks associated with each;

Confidence intervals related to model results at the regional and local scales;

Underlying assumptions of findings, publications on which the findings are based, and ''business-as-usual'' scenarios;

Quality and homogeneity of temperature data from surface networks that may affect estimates of past temperature trends, and calibration and verification of models;

Impacts of climate change on the value of net economic benefits.

The Finding should also acknowledge that EPA has not undertaken a systematic risk analysis or cost-benefit analysis. In the absence of a strong statement of the standards being applied in this decision, there is a concern that EPA is making a finding based on (1) ''harm'' from substances that have no demonstrated direct health effects, such as respiratory or toxic effects, (2) available scientific data that purports to conclusively establish the nature and extent of the adverse public health and welfare impacts are almost exclusively from non-EPA sources, and (3) applying a dramatically expanded precautionary principle. If EPA goes forward with a finding of endangerment for all 6 GHGs, it could be establishing a relaxed and expansive new standard for endangerment. Subsequently, EPA would be petitioned to find endangerment and regulate many other ''pollutants'' for the sake of the precautionary principle (e.g., electromagnetic fields, perchlorates, endocrine disruptors, and noise).

ENDANGERMENT WITHOUT CONSIDERATION OF REGULATORY CONSEQUENCES

EPA should explain whether it considered a finding that methane and the other four non-CO_2 GHGs do in fact contribute to climate change, based on their higher warming potential, but that overriding policy concerns make such a finding infeasible concerning CO_2. Because methane and the other four non–CO_2 GHGs are either already regulated under the CAA or are functionally equivalent to pollutants typically regulated under the CAA, an endangerment finding for these GHGs would be relatively routine. Because GHGs are understood to be long-lived, well-mixed in the atmosphere, and generated by many nations around the globe, the most analogous regulatory approach for controlling GHGs would seem to be Title VI of the CAA. EPA's relevant experience with controlling ozone-depleting substances should inform its decisions on an approach to regulating GHGs.

In contrast, an endangerment finding under section 202 may not be the most appropriate approach for regulating GHGs. Making the decision to regulate CO_2 under the CAA for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities. Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs such as New Source Review.

THE ROLE OF MITIGATION, ADAPTATION, AND/OR BENEFITS OF CLIMATE CHANGE

To the extent that climate change alters our environment, it will create incentives for innovation and adaptation that mitigate the damages from climate change. The document should note this possibility and how it affects the likely impacts of climate change. For example, climate change is likely to unfold slowly and people may migrate from hot regions (e.g., Arizona) to more temperate regions (e.g., Minnesota) and this would mitigate the adverse impacts on health (although people would incur migration costs). Further, climate change is likely to lead to innovation that mitigates the ozone related health impacts; it seems reasonable to assume that in the absence of regulation of GHS, new medicines that lessen the health impacts of ozone will be developed. Moreover, advances in technology and the development of public health programs (e.g., cooling centers) are likely to lessen the negative welfare impacts of heat waves.

Similarly, the document would appear more balanced if it also highlighted whether particular regions of the US would benefit, and to what extent these positive impacts would mitigate negative impacts elsewhere in the United States. For example, it might be reasonable to conclude that Alaska will benefit from warmer winters for both health and economic reasons. Deschenes and Moretti (2007 Review of Economics and Statistics) demonstrate that extremely cold days are more dangerous to human health than extremely hot days. Please add this paper to the literature review in Section 7(a) of the TSD. Further, there should be a consideration of the fertilizing effect of CO_2, which may overwhelm the negative impact of additional hot days on agricultural yields in some regions of the US. In other regions, the net effect is likely to be negative.

AGENCY COMPLIANCE WITH OTHER ENVIRONMENTAL MANDATES

There is some concern that an endangerment finding, and some of the language used to support the finding, will make it more difficult to comply with NEPA and other environmental planning statutes.

This finding and the associated emission standards for these six greenhouse gases may make it much more expensive and difficult to develop other air quality standards (NAAQS in particular). For example, EPA has recently asked BLM to use models that sometimes exceed current budgets in developing resource management plans and environmental impact statements. Also, there are currently no models available that forecast the potential impacts of greenhouse gases on climate change at the regional or local level, which are the levels at which our decisions are made. This rule also could make findings that would leave agencies vulnerable to litigation alleging ''inadequate NEPA'' due to new information (i.e., the endangerment finding) that was not considered when the EIS was developed. Without a model available, an agency would be left with little ability to respond because (i) there are no standards to serve as thresholds, (ii) there are no tools to analyze impacts, and (iii) the cost of analyzing impacts could be exorbitant.

Unnecessarily broad or expansive language with respect to the effects of GHGs or the certainty with which effects will occur could create a basis for finding all GHG emissions significant for purposes of NEPA analysis, thus requiring an EIS for all direct and indirect effects that change GHG emissions in any amount. Similarly, EPA should be very careful to state which effects are significant and their scale to avoid unintentionally trigger NEPA for Federal actions not otherwise considered to have environmental impacts.

FOUR CHEMICALS V. SIX CHEMICALS

EPA proposes to make an endangerment finding on six directly emitted and long-lived GHGs—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, treated as a group as an air pollutant. The proposal, however, defines the terms ''air pollution'' and ''air pollutant'' for purposes of section 202(a) as the six GHGs, two of which are not addressed in the underlying petition and which EPA recognizes are not emitted by new motor vehicles or motor vehicle engines, and on page two, this action is characterized as a ''response'' to the Supreme Court's decision in Massachusetts v. EPA, 549 U.S. 497 (2007), which arose from a petition with respect to the four GHGs. Although the latter two GHGs have similar characteristics and are addressed in UN documents, it is not clear why they are included in the endangerment and ''cause or contribute'' findings. While it appears that section 202(a) provides sufficiently broad authority for EPA to do so and the draft explains this decision as based on the uniform, global nature of GHG ambient concentrations, a seemingly simpler regulatory action might be to base the definition of ''air pollution'' or ''air pollutant'' on the four GHGs emitted by new motor vehicles or motor vehicle engines.

This raises the question of the extent to which EPA intends or does not intend this finding to extend beyond section 202 to the same terms used in other key parts of the CAA, e.g., section 101(a) (general findings

and purpose), section 108 (National Ambient Air Quality Standards), and section 111(b) (New Source Performance Standards). EPA would benefit from making its position explicit in this proposal. Commenters are sure to take this important issue on in some fashion so EPA may as well do what it can to shape the debate and the comments being invited. For example, it could note that the same terms are important parts of other key CAA provisions, but then state that EPA at this time is only addressing and seeking comment on issues directly associated with section 202. Alternatively, it could state that it views these findings as to GHGs to be broadly applicable to the Act as a whole, but nonetheless make clear that EPA is not in this rulemaking attempting to consider or address any of the other regulatory findings that would be necessary to trigger GHG regulation under other CAA programs. A third option would be to invite comment on whether interested parties believed there was any basis for distinguishing the understanding of the terms in the section 202 context from the understanding of the terms in other parts of the Act.

EPA fails to make a case of why the six GHGs should be treated as a single pollutant and why all six should be treated as a group. Treating the gases as a group yields the indefensible result that emissions of PFCs, SF6 and HFCs other than HFC–134a from motor vehicles are asserted to ''cause or contribute: to air pollution, when there are no such emissions from motor vehicles. Further, EPA states that: ''Depending on the circumstances . . . it may be appropriate to set standards for individual gases [of the 6], or some combination of group and individual standards.'' EPA asserts that these regulatory flexibilities would exist whether or not greenhouse gases are treated as multiple pollutants or as individual pollutants. [See discussion on page 32–33.]

These greenhouse gases differ significantly in terms of physical properties, formation mechanisms, and possible mitigation techniques.

Mobile source CO_2 is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO_2. The more efficient the combustion process, the more complete the conversion to CO_2. Unlike for traditional criteria pollutants (e.g., NMHC, CO, NO_X), which can be converted to other substances through emissions aftertreatment (i.e., catalytic converters), no mobile aftertreatment device can convert CO_2 to something that does not contribute to global warming. Therefore, mobile source CO_2 emissions can only be reduced by burning less fossil fuel, either by improving fuel economy or converting to less carbon-intensive fuels.

Mobile source CH_4 and N_2O emissions are by-products of fossil fuel combustion. However, burning less fossil fuel does not necessarily mean reducing CH_4 and N_2O emissions. For example, using methane (CH_4) rather than petroleum could increase CH_4 emissions

Mobile source HFC emissions arise from releases of HFC refrigerants from mobile air conditioners. Therefore, mobile source HFC emissions can only be reduced by using different refrigerants and/or ''hardening'' mobile air conditioners to reduce the potential for refrigerant leaks.

Mobile source CO_2, CH_4, N_2O, and HFC emissions not only have different global warning potentials, they remain in the atmosphere for different amounts of time and are removed from the atmosphere by different mechanisms.

In contrast to EPA's citation of Class I and Class II substances under Title VI, under Title II, EPA treats mobile source NHMC and NO_X as separate pollutants, even though both are precursors to the formation of tropospheric ozone (i.e., urban smog), and both are mitigated through a combination of fuel improvements. In fact, current catalytic converters operate by converting HC, CO, and NO_X into CH_4, N_2O, and CO_2 (and water)—combustion process changes, and emissions aftertreatment. Considering that mobile source CO_2, CH_4, N_2O, and HFC emissions are even more distinct from one another than are mobile source NHMC and NO_X emissions, and that EPA classifies NMHC and NO_X as separate pollutants, EPA should classify these as separate pollutants or, alternatively, classify CO_2 as one pollutant, classify CH_4 and N_2O as another pollutant (class), and classify HFCs as a third pollutant (class).

ACCOUNTING FOR THE GLOBAL NATURE OF GREENHOUSE GAS POLLUTION IN THE FINDINGS

In this draft proposal, EPA finds under Clean Air Act (CAA) section 202(a) that (1) ''air pollution'' in the form of the global mix of six greenhouse gases (or the GHGs) may be reasonably anticipated to endanger public health and welfare (the endangerment finding); and (2) emissions of an ''air pollutant'' in the form of the global mix of the GHGs from new motor vehicles or motor vehicle engines cause or contribute to that air pollution (the contribution finding). The agency characterizes the ''global'' nature of the GHG emissions and concentrations (page 16), notes the effects of GHG emissions globally in making the endangerment finding (page 29), and assesses the contribution of the GHGs emitted by section 202(a) sources as a percentage of global emissions (page 36).

The proposal appears to assume, but does not explicitly discuss why (or solicit comment on whether) these are relevant legal inquiries under section 202(a) the Clean Air Act. This is virtually certain to be a subject of public comment; and we recommend that EPA directly address this matter in the proposal. EPA also factors international considerations into the endangerment and contribution findings differently. On page 29, the agency states: ''The Administrator judges that impacts to public health and welfare occurring within the U.S. alone warrant her proposed endangerment finding.'' On page 36, however, EPA bases its finding on the ''significance'' of the GHG emissions from section 202(a) sources for purposes of the contribution finding in part on their global contribution: It is the Administrator's judgment that the collective GHG emissions from section 202(a) source categories are significant, whether the comparison is global (over 4 percent of total GHG emissions) or domestic (24 percent of total GHG emissions). The Administrator believes that consideration of the global context is important for the cause or contribute test but that the analysis should not solely consider the global context.

It is unclear from the proposal why a difference in treatment of the two findings is necessary or appropriate. Because the Administrator regards the domestic contribution comparison in itself to be significant, it may be simpler (and less open to challenge) to base the contribution finding solely on domestic considerations. (This would not foreclose a discussion of global contribution, provided, as requested above, it is made clear how relevant this is under section 202(a)).

GROUP VERSUS INDIVIDUAL APPROACH TO ''AIR POLLUTANT''

On page 32, EPA proposes to designate the six GHGs, collectively, as the ''air pollutant'' for which the endangerment finding is being made. The proposal, however, then goes on at pages 33–40 to analyze the contribution issue both as to the six GHGs collectively, and as to each individually. Although EPA hints that it believes either a collective or individual approach could be valid and would reach similar results, see page 34, the agency never really says expressly whether or not it is soliciting comment on these issues and whether it would be open to considering a pollutant-by-pollutant-based approach for the final rule. We recommend that this be made explicit.

COMMENT SOLICITATION

EPA limits solicitation of comment on the proposal to the simple statements on page six to the effect that it seeks comment on all aspects of this action (data, methodology, and major legal and policy considerations). While this is efficient and legally sufficient, the agency may want to highlight a few key areas in which comment would be most useful. The first two issues that we've identified above might be worthy of an express request for comment. EPA may also need to clarify the relationship between comment on this proposal and the July 30, 2008 Advance Notice of Proposed Rulemaking on Greenhouse Gas Emissions (ANPR). In footnote 11, EPA indicates that it is responding to a few key comments from the ANPRM in this proposal related to the endangerment and contribution findings and asks commenters to ''submit to the docket for today's action any comments they want EPA to consider as it makes a decision on this proposed determination.'' We recommend that EPA move the footnote 11 discussion up to the main body of the proposal at page 6 and explicitly state that commenters may not rely on prior submission of comments to the ANPR and that if parties wish EPA to consider comments made in response to the ANPR or other rulemakings, they should re-submit those comments here with an appropriate explanation as to how the commenter believes those comments relate to issues raised in this proposal. We can imagine a party trying to make out a challenge to this endangerment finding based on arguments that were raised entirely or primarily in comments submitted in response to the ANPR, not this proposal (a prospect that is somewhat more likely due to the fact that EPA in various places discusses comments made in response to the ANPR).

AGRICULTURAL PRODUCTION

The proposed Finding erroneously suggests that Intergovernmental Panel on Climate Change (IPCC) predicts an increase in both crop and forest production in the U.S. (e.g., pg. 28 lines 21 and 34 of the Proposed Finding, pg. 80 line 26, page 87 line 9). The IPCC findings refer to North America, not the U.S. The Synthesis and Assessment Product 4.3 (SAP 4.3) ''The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity in the United States'' (U.S. Climate Change Science Program/Backlund et al. 2008), which includes more recent and more geographically-specific publications, tempered IPCC's findings substantially, citing water limitations, northward progression of production zones, diminished grain set period, pest infestations, nutrient limitations, air pollution, and wildfire, among other dampening factors to production in agriculture and forestry in the U.S. Significant increases in production may be possible within North America as a whole, but are unlikely within the U.S. itself.

The Findings document should be corrected to reflect that IPCC is referring to North America rather than the U.S. More importantly, the Findings document should be revised to accurately reflect the discussion in the Technical Support Document (TSD). In addition, the placement of the IPCC prediction near the beginning of each section in the absence of any summarization gives the impression that large production

increases are conclusive. This overrides the very salient and far more equivocal discussion which follows, leaving readers with the mistaken impression that climate change is a boon to U.S. agriculture and forestry. A summary statement which more accurately reflects the content of the technical discussions should be composed to lead each section.

EMISSIONS FROM THE COMBUSTION OF DIFFERENT FUELS VS. EMISSIONS FROM DIFFERENT MOBILE SOURCE CATEGORIES

Mobile source CO_2 is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO_2. Therefore, and considering that CO_2 remains in the atmosphere for a long time, national aggregate consumption of different types of fuels provides the most accurate basis for estimating CO_2 emissions. IPCC guidelines for national reporting of GHG emissions account for this fact, and EIA and EPA both use fuel consumption—not vehicle sales and fuel economy—as a basis for estimating and reporting CO_2 emissions. According to the IPCC (emphasis added), ''Emissions of CO_2 are best calculated on the basis of the amount and type of fuel combusted (*taken to be equal to the fuel sold,* see section 3.2.1.3) and its carbon content.''2

Such reporting addresses petroleum consumption in the aggregate and for different petroleum-based fuels, such as shown below from EIA (http://www.eia.doe.gov/oiaf/1605/ggrpt/carbon.html): 2 http://www.ipcc-ggip.iges.or.jp/public/2006gl/pdf/2__Volume2/V2__3__Ch3__Mobile__Combustion.pdf, p. 3–10.

GENERAL EDITORIAL ISSUES

''New Motor Vehicle or Motor Engine'' Reference. The draft sometimes simply refers to emissions from ''motor vehicles'' rather than emissions from ''new motor vehicles or motor vehicle engines.'' (The draft could indicate initially that the term ''motor vehicle'' is intended to refer to both of these.) Statements regarding consideration of current and near-term emissions [page 35], and cumulative emissions [page 17] appear to be inconsistent, and should be clarified. EPA clearly intends that the definition of the ''air pollutant'' emitted by new motor vehicle or motor engine sources to be the six GHGs. In several places, however, the proposal appears to describe the four GHGs emitted by new motor vehicles or motor vehicle engines as the ''air pollutant.'' See, e.g., pages 1 (lines 36–37), 2 (lines 24–27), and 36 (lines 34–37).

THE WRONG KIND OF PARTISANSHIP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. FRANK of Massachusetts. Madam Speaker, I have long believed that people who denounce partisanship in general fail to understand the role that responsible political parties can and must play in a functioning democracy. But there are cases when partisanship gets a bad name because of the kind of advocacy it receives, and those of us who believe that partisanship can be a constructive force have an obligation to dissociate ourselves from this.

The most recent example of this I have seen was reported in CQ Today on Thursday, May 7, in the article on the front page headlined ''Luntz Shapes GOP Messages on Health Care.''

In the article, which summarizes Mr. Luntz's message and in some cases quotes him directly, the writer summarizes part of his message as follows: ''While Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the healthcare system.''

Note, Madam Speaker, that these words are not directly attributed to Mr. Luntz, but I have no reason to think that Mr. Armstrong in any way distorted the essence of Mr. Luntz's message in his summary. And later in the article, in a direct quote, describing the words that Republicans should use in carrying on their effort to stop the Democrats from a successful health care policy, Mr. Luntz is directly quoted as saying ''I could care less about matching the words to the policies . . .''

Madam Speaker, obviously Republican Members of the Congress are free to accept or reject Mr. Luntz's partisanship of the wrong sort, but it does seem to be relevant that he was invited to address a Republican gathering and was, according to the article, warmly received by many. For example, the gentleman from California, Mr. ISSA, is quoted as saying ''We look to him for how do we express the things that we believe in ways that are effective.''

Madam Speaker, the notion that a significant number of Republicans would have as their central purpose in the healthcare debate not adopting a policy or even modifying one, but rather simply preventing the Democrats from being successful in meeting the nation's healthcare needs, is sufficiently disturbing that I believe this article should be reprinted here so that people can fully understand the dimensions of the debate in which we now find ourselves.

[From CQ Today, May 6, 2009]

LUNTZ SHAPES GOP MESSAGES ON HEALTH CARE

(By Drew Armstrong)

Republican message guru Frank Luntz is back—this time to help Republicans try to win the war of words as they battle Democrats on overhauling health care.

Speaking at a closed-door session with House Republicans on Wednesday, Luntz said the GOP needs to get away from ''markets'' and focus on ''patients.'' And while Republicans might not be able to get their own ideas enacted, he went on, they could at least stop Democrats from achieving the political victory created by a successful revision of the health care system.

For example, he said, the GOP should throw private health insurance companies under the bus.

''For 10 years we were carrying the water of the insurance companies because they were backing us on health care,'' he said. ''Well, they're not anymore. They've sold out, so now you can go right back at them, because the American people blame the insurance companies more than almost anybody else for why health care is such a mess in this country right now. So you don't have to be nice to them at all.''

A detailed account of the presentation was given to Congressional Quarterly by multiple people who attended the session.

Luntz, the author of the book ''Words That Work,'' about the political effect of specific phrases and words, offered Republicans a detailed presentation on what language to use when talking about health care and how to attack Democratic proposals, along with a long list of ''don'ts.''

Republicans will get little chance to present their own vision, Luntz warned, but they will have plenty of opportunities to stand in opposition to Democrats.

''You're not going to get what you want, but you can kill what they're trying to do,'' he said.

Republicans need to start defining specific words on favorable terms in order to win, he said, specifically pointing out President Obama's promises of a high-quality health care system. And they need to make sure that voters think ''quality'' means getting the health care they want whenever they want it.

''Don't let them define it. If you define it this way, they can't do well,'' he said of Democrats. ''They can't provide that treatment. They can't provide that health care.''

FROM ''PRIVATE'' TO ''PATIENTS''

Much of Luntz's presentation was an attempt to correct the way Republicans talk with voters about health care. He urged them to stop using economic terminology like ''free market'' and ''private'' and to talk instead about ''doctors,'' ''nurses'' and ''patients.''

''If you use the phrase ''private health insurance market competition,'' you deserve to be down to 160 seats in the House, because nobody understands that language,'' Luntz said.

He also had advice for choosing the photos in mailers sent to constituents: ''Get pictures of seniors that look like they make apple pie every day forever, and the children who look so angelic that it just makes you feel compassionate, which I know is sometimes tough for people in this room,'' he said.

And he called on Republicans, when describing the consequences of the Democratic proposals, to use language that would scare voters.

''What's the word that people are afraid of?'' Luntz said. ''Deny.''

''The idea that a doctor or a hospital would deny care that they need is what frightens them the most about a Washington takeover,'' he said.

Luntz came to the presentation with polling data, all done in the last few months, to back him up.

''Each of these words has been carefully chosen. This is not random, this is not gut. I could care less about matching the words to the policies, I have no investment in the words—except that these are the words that the American people want,'' he said.

Luntz, who helped craft Republican messages through the 1990s, was a fixture in Washington GOP circles until 2005, when he left for Hollywood after an alleged falling-out with House Republican leader John A. Boehner of Ohio.

He returned to Capitol Hill Wednesday, at the invitation of the House Republican Conference, to try to focus the message on health care.

Gathered in a meeting room of the Cannon House Office Building, lawmakers and aides applauded as Luntz was introduced. ''Welcome home!'' shouted one attendee.

''We've reached out to Frank,'' said House Republican Conference Chairman Mike Pence, R–Ind. ''I would say, enthusiastically, Frank is back.''

Republicans who attended the meeting said they were glad to have him back. ''We look to him for how do we express the things that we believe in ways that are effective,'' said Darrell Issa, R–Calif.

''He told us to stop talking like a bunch of wonks and politicians and start talking like people,'' said Michael C. Burgess, R–Texas, who has become a prominent voice on health care issues.

RECOMMENDING A CHANGE IN ''TONE''

At times, Luntz badgered the members, castigating them for their failures of political acumen—and for the ringtones on their cell phones.

At one point, he was clearly angry over leaks to the media earlier in the day that described parts of his presentation. When an audience member asked if Luntz would e-mail the slides he was using, he fired back, ''I will forward you the PowerPoint so that way I can then read it in some newspaper two days from now. What the hell?''

And as Luntz urged members to focus on healthy lifestyles and wellness, Louie Gohmert, R–Texas, piped up: ''I don't want to live that kind of life.''

''You don't want to live that kind of life?'' Luntz asked.

''Yeah, you're eating your BBQ. Clearly you don't want to live that kind of life,'' he went on, to some laughter.

''Hey, ribs are a food group,'' an unidentified member called out, to which Luntz responded: ''His ribs could actually get up and walk out of the office.''

When a cell phone belonging to F. James Sensenbrenner Jr., R–Wis., started ringing, Luntz told a young aide that Sensenbrenner needed to change the ringtone. ''That's gonna be your job, when Sensenbrenner comes back in here,'' Luntz said to the aide, though Sensenbrenner had not actually left the room—and let Luntz know it.

''You need to get him a telephone ring for the 21st century,'' Luntz continued, ''Like 'Play that funky music, white boy.' Something much more interesting.''

RECOGNIZING NATIONAL POLICE WEEK AND THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mrs. MYRICK. Madam Speaker, in 1962, Congress passed a resolution recognizing the week of May 15 as National Police Week. Today, I want to thank and honor those brave men and women who daily protect and serve our neighborhoods, and those who have given the ultimate sacrifice in the line of duty.

I also want to extend a special thanks to the Charlotte Mecklenburg Police Department. This week, 20 officers from the CMPD and the Mecklenburg County Sheriff's Office embarked on a 410-mile bike ride to Washington, DC, to honor the memory of all officers killed in the line of duty. These dedicated servants started the annual ride in 2007 after CMPD Officers Jeff Shelton and Sean Clark were killed. Not only do these officers ride to remember their fallen brothers and sisters, but they also raise money for the National Law Enforcement Memorial Fund, which commemorates the service and sacrifice of law enforcement officers.

We must never forget that we are kept safe because of those who take up the charge as law enforcement officers. This week, I join with the 9th District of North Carolina and my colleagues in honoring and remembering these brave men and women who are the truest example of American heroes.

IN HONOR OF GEORGE AND ROSEMARY ESSEFF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GALLEGLY. Madam Speaker, I rise to honor George and Rosemary Esseff: entrepreneurs, philanthropists, American patriots and world citizens.

George and Rosemary are being honored this week by Many Mansions, a nonprofit organization in my district that has been providing hope, homes, and life-enriching services to homeless and low-income citizens for 30 years. George and Rosemary are among those who have had a strong and generous hand in Many Mansions' success.

I have the privilege of calling George and Rosemary my friends.

George and Rosemary are the epitome of the American success story. George began his career in 1951 as a chemist/metallurgist for the U.S. Army Corps of Engineers before striking out on his own and going on to become one of the world's most successful titanium entrepreneurs.

Along the way, George and Rosemary have used their wealth to help those in need also have the opportunity to become successful. One example is $1 million they donated to Many Mansions for a housing project several years ago—only part of their legacy with Many Mansions.

George and Rosemary are devout Catholics and George's brother, John, is a monsignor. The family traces their roots to Lebanon. Three years ago, George, Rosemary, John and their grandson, Andrew, traveled to Lebanon to further their humanitarian work, including donating equipment to a hospital. Monsignor Esseff planned to lead a retreat for nuns belonging to the Missionaries of Charity, the order founded by Mother Teresa,

Then war broke out. It was not the first time the Esseffs found themselves in wartime Lebanon and it only cemented their belief that their help is needed and beneficial.

One avenue for their philanthropy is The Esseff Foundation, which they founded in 1979 in memory of his grandfather, George Abdanour Esseff. The Esseff Foundation is a non-political, non-profit organization dedicated to relieving the sufferings of the poor both in America and around the world.

In pursuit of that goal, the foundation funnels its resources to those organizations whose track records demonstrate their abilities to assist and house the homeless, feed and clothe the poor and provide medical care to those in need.

George takes his politics as seriously as he takes business and philanthropy. He spelled out his beliefs and what it means to be a Republican and a patriotic American in an ad titled, ''What I Am,'' that ran in the Washington Post on October 20, 2004.

Mr. Speaker, George and Rosemary Esseff mirror the American Dream and have been instrumental in helping others pull themselves up and realize the Dream for themselves. I know my colleagues will join me in thanking them for being role models for Americans—striving for success honorably and morally and bringing others along with you with generosity and compassion—and in congratulating them for their well deserved honors.

IN RECOGNITION OF MR. B.S. TURNER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House today to pay recognition to an important day in the life of a constituent of mine, Mr. B.S. Turner.

In June of 1969, Mr. Turner started a small car dealership based on years of experience in the auto industry. Today, after 40 years of business, Pee Wee Turner Motors remains an example of the entrepreneurial spirit that fulfills the American dream.

I would like to congratulate Mr. Turner for reaching this important professional milestone and recognize him for this important entrepreneurial and professional achievement.

WOMEN'S HEALTH INSURANCE FAIRNESS ACT OF 2009

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation that will end practices that obstruct women from attaining affordable insurance policies on the individual market. The Women's Health Insurance Act of 2009 would end discrimination against those women looking for health coverage who either do not have access to an employee-sponsored plan or those who earn too much money to qualify for Medicaid. Recent findings from the Kaiser Family Foundation have shown that 5.7 million American women in 2007 received health insurance on the individual market. During this difficult economic climate and with unemployment rising, it is becoming much more likely that more women will be looking for health coverage through individual insurance markets.

Unfortunately it is common practice in the individual market today to charge women higher premiums than men for the identical coverage. Individual market insurers also can limit coverage due to pregnancy or delivery methods. This is because individual market insurers have the ability to deny coverage based on a ''pre-existing condition.'' For instance, a woman who has had a Cesarean section in the past can currently be charged a higher premium, imposed a waiting period, or denied coverage until she has been sterilized or can no longer bear children. The vast majority of these policies also do not provide coverage for maternity care. These conditions exist today because there is no federal protection to stop these practices on policies sold in the individual market.

Due to the aforementioned problems, the Women's Health Insurance Fairness Act of 2009 is that much more important. This legislation will prevent insurers in the individual market from charging women higher premiums than men. The current practice is gender discrimination and should not be accepted in today's system. This gender rating harms women by not only inflating premiums, but by

blocking women financially from obtaining proper health care coverage. Furthermore, this act will prevent insurers in the individual market from either denying or limiting coverage based on a current or past pregnancy as well as method of delivery. This bill will eliminate the insurers from punishing women who are either pregnant or have been in the past. The bill will also require individual market insurers to provide comprehensive maternity coverage. This legislation will not only save the insurer money, but I believe it will improve the health outcomes of both the mother and the child.

To ensure that individual market insurers enforce these regulations, this bill will provide the Secretary of Health and Human Services with the authority to monitor compliance with this act. The Secretary will be able to assess fines of at least $10,000 against any health insurance company that fails to submit the required data. The act will also require the Government Accountability Office to issue a report by December 31, 2010. This report will address any remaining problems for women on the individual insurance market throughout the entire country.

This bill will grant more women access to affordable health insurance that will meet their health needs. No longer will women be punished for their gender. I urge my colleagues to support my legislation to prevent this type of gender discrimination in the health insurance market.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DAVID JENNINGS BROWN, SR.

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of David Jennings Brown, Sr., whose business acumen, community service and family dedication are inspirational.

Acclaimed as a pioneer developer of Silicon Valley and San Francisco Bay Area business parks, David J. Brown is a man of vision, compassion and energy. David began his business career developing and managing commercial and industrial income properties for Newhall Land & Farming Company and Holvick deRegt & Koering. He then became the Regional Vice President of Boise Cascade Building, where he completed the acquisition and commenced the development and management of four major Bay Area Business Parks.

With a vision to create a commercial and industrial real estate development and management company offering the utmost level of integrity and service, David founded Orchard Properties in San Jose, California in 1973. During its 32 years of operations, Orchard Properties developed over 1,400 acres and 7 million square feet of commercial/industrial property in Santa Clara, San Mateo, Alameda, and Sacramento Counties. Through the teamwork of over 200 individuals, Orchard Properties earned numerous awards and special recognitions over the years, including being named Developer of the Year four times. And, as a result, David is being inducted into the ''Developer Hall of Fame'' by the National Association of Industrial and Office Properties (NAIOP) in May 2009.

Beginning in 2007 NAIOP Silicon Valley felt that it was important to take a moment to reflect upon the significant role that very few individuals have had in shaping the look and feel of Silicon Valley and the role Silicon Valley's Commercial Real Estate community has played in the international business community. Silicon Valley, as we know it today, is the result of the efforts of a few developers who did big things in the 60's and 70's, including building speculative, flexible buildings that allowed high tech companies to expand, contract and change creatively, a visionary concept from the 1960's. It was considered to be very, very risky and was not often attempted. Yet, the NAIOP Developer Hall of Fame honorees were pioneers who took risks, had vision and worked tirelessly building an industry providing a foundation of the entrepreneurial economy that today is replicated around the world.

In 1995, David acquired a ranch located in Wolf Creek Valley outside of Pagosa Springs, Colorado where his family built BootJack Ranch, which has become one of David's true passions. BootJack Ranch is a one-of-akind world-class family compound and retreat. The ranch is considered to be one of the finest and most beautiful recreational and fly fishing ranches in the country. The Brown Family enjoys using BootJack Ranch as a tranquil retreat to provide rest, renewal and introspection for their family, Christian ministry leaders, executives and others in need of a place of silence and solitude.

BootJack Ranch is also the backdrop numerous philanthropic events including the annual Music in the Mountains Festival. The Browns also founded the Pagosa Springs affiliate of the Durango festival of the same name in 2001. Music in the Mountains, Pagosa is a world class music festival featuring a wonderful variety of composers, artists and styles from classical to country and Celtic showcased in the beautiful mountain scenery.

David has 3 daughters, 2 sons and 11 grandchildren. He and his wife recently relocated to Paradise Valley, Arizona where David is currently the Vice Chairman of the Mayo Clinic Arizona Leadership Advisory Council.

I would like to thank David for his contributions to the community and commend him on his meaningful and productive career.

TRIBUTE TO RICK MUTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Orange County, California are exceptional. Orange County has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Rick Muth is one of these individuals and he is also one of my closest friends. On April 17, 2009, Rick celebrated his 60th birthday with friends and family.

Rick's success in life began with the positive influence from a special teacher at Mater Dei High School. Henry Enriquez encouraged Rick to join the track team where Rick discovered a talent that he never knew he possessed. Track built Rick's confidence and steered him in the right direction: towards college. Rick attended Santa Ana College where he became the Freshman Vice President and won national honors on the track team. He transferred to the University of Southern California, USC, earned his Bachelor's of Science in Marketing and still holds a spot on the track team's all-time three-mile list. Upon graduation from USC, Rick went to work for a labor relations firm, then spent two years as an administrative trainee in plant construction at Northrop Aircraft. Rick continued his education at Chapman University, where he earned a Master's Degree in Business Administration.

In 1975, Rick joined the ORCO Block Company, Inc. a family-owned business, as assistant office manager. In many ways, Rick had always been a part of the family business. Rick picked up broken pieces of block as a kid, and he repaired wooden pallets, in the summer after the fifth grade, to earn the new bike that he wanted. In his high school and college years, Rick spent his summers making deliveries, taking orders and working with customers. Rick learned the business from the bottom up, and held almost every position in the company. In 1994, Rick ascended to the position of President and currently oversees the day-to-day operations of the multi-million-dollar company. He has continued the development of its extensive product line, directed the company's aggressive expansion and helped maintain ORCO's high industry profile and leadership role.

Throughout his career at ORCO Block Company, Inc. Rick also has continued the legacy that his father established: service, leadership and community. Rick started this legacy in his own community—at ORCO's headquarters in Stanton, California. Rick's father, Pete Muth, established the Stanton Boys and Girls Club, and Rick continued to support the Club by serving as President, assisting with fundraising and guiding the increase in children from 100 to 650. Rick also serves as a Board Member of the Orange County Performing Arts Center and has helped raise approximately $1.8 million in donations and matching funds. Rick has also contributed to his own industry by serving as former Chairman of the Board for the National Concrete Masonry Association, NCMA, and establishing the NCMA Foundation, which has raised $6 million to support research and development. Rick and his father Pete were the first father-and-son team to both serve as NCMA Chairman.

Rick has also not forgotten to give back to the schools that gave so much to him. He was a Capital Campaign Committee Member for Mater Dei High School. Additionally, for the past 28 years, as an alumnus for Santa Ana College's Track Team, Rick has raised money, assisted with coaching and provided jobs for members of the track team. At USC, Rick has been a member of the Orange County Planning and Development Council, partial annual scholarship provider to architecture students and former co-chair for the first USC Symphony Orchestra performance in Orange County. Rick also sits on the Business School Advisory Council at Chapman University, and he and his family have donated funds to support the construction of a new library named in honor of the Muth Family and ORCO Block Company, Inc.

Rick has never expected anything in return for his community service, but his contributions have been recognized. Rick was inducted into the Santa Ana College Hall of Fame, honored as ''Man of the Year'' by Cypress College and awarded the Ethics in Business award by the Freedom Foundation. Rick received the California SBA Business Person of the Year in 2003. In 2001, the Orange County Business Journal and California State University Fullerton presented Rick with the prestigious Family Owned Business Award. In the spirit of the ''America Way,'' Rick started a group called USA Owned/USA Made, to support companies whose products are made in the United States. Rick worked with Congress to pass a proclamation called ''Try American Day,'' celebrated in conjunction with Labor Day. Many states and cities ratified this proclamation and recognized Rick's valuable contribution. However, to Rick, what is even more prestigious than awards or recognition is that in his personal life Rick is a husband of over 30 years to his wife Nancy and father to his two daughters, Veronica, 26, and Stephanie, 25. Rick also enjoys hobbies like wake boarding, snow boarding, being a private pilot and running as a master's track competitor.

Rick's tireless passion for American business and community service has contributed immensely to the betterment of the community of Orange County, California. I am proud to call Rick a fellow community member, American and close friend. I know that many community members are grateful for his work and salute him on his 60th birthday.

HONORING OUR MEDICAL HEROES AND HEROINES ON NATIONAL NURSES' RECOGNITION WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. RANGEL. Madam Speaker, I rise today in awe of all the amazing work our nation's nurses accomplish—from the battlefield in Iraq and Afghanistan, to the late-hours in the local hospitals of our communities. These men and women on the frontlines of our health care system deserve our utmost praise, and in this week, we salute their herculean efforts. But in the coming months, as we ambitiously attempt to bolster and reform America's health care, let's keep their concerns and their voices at the forefront. Let's do right by them, as we should by the 45 million uninsured Americans who need our help.

The elimination of health disparities is a central goal of health reform. Minorities are more likely to be uninsured and often experience worse health outcomes. This is unacceptable and has been the case for far too long. If we do health reform right, we have a great opportunity to address the fundamentally inequitable health disparities that plague our nation. The first major step is to get everyone insured, but that is not enough. We must ensure that we have enough primary care, specialty doctors, and registered nurses to serve everyone. We must take steps to improve the health workforce and infrastructure so that insurance veritably translates into access to high-quality care. In addition, we must ensure that the millions of people who are Limited English Proficient have access to culturally and linguistically appropriate providers and care.

The nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession. They are an indispensable component in the safety and quality of care for hospitalized patients, and are prepared to meet the different and emerging health care needs of our community. As a founding member of the Congressional Nursing Caucus, with a mandate to educate Congress on all aspects of the nursing profession and how nursing issues impact the delivery of safe, quality care, I will continue to advocate on behalf of these notable professionals.

I honor registered nurse's accomplishments and efforts to improve our health care system, and we should all show our appreciation for the nation's registered nurses—not just this week but at every opportunity throughout the year.

CONGRATULATING THE INDIANA SCHOOL FOR THE DEAF BASEBALL TEAM, 2009 HOY CLASSIC CHAMPIONS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to offer my congratulations to the Indiana School for the Deaf Baseball Team. Last month, they were crowned the national champions at the Hoy Classic in Fremont, California.

Since the inception of this program four years ago, this was the first time that the Indiana School for the Deaf captured the championship title. I applaud the team for its exceptional performance. This was also the first time that they played on a Varsity Schedule. The team exemplified themselves at the tournament by finishing with a record of 4–1, defeating the host California School for the Deaf by 5–3.

This year's team was led by an impressive roster of talented athletes who were recognized for their outstanding sportsmanship. Pitcher Tyler Crace was named the Most Valuable Player at the event, with 16 strikeouts in nine innings. Tony Dall and Jose Mast were selected for the all-tournament team. I would also like to recognize Will Fetzer, Dylan Osbourne and Trevor Rouse as some of the top players throughout the competition.

It is important to mention that this exceptional achievement would not have been possible without the dedication of first-year Head Coach, Rusty Crace and Assistant Coach, Steve Sorse. With their unwavering support, these coaches pushed the team to reach their full potential. Additionally, the dynamic faculty, staff and student body should be recognized for their enthusiasm and pride in their team.

Today, I ask my colleagues to join me in congratulating this outstanding baseball team, the coaching staff and the school for their marvelous achievement in winning the Hoy Classic championship title and distinguishing themselves as one of the best baseball teams in the nation.

MARISSA BAUM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Marissa Baum who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Marissa Baum is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Marissa Baum is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Marissa Baum for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD WAR II ACT OF 2009

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. ISSA. Madam Speaker, I rise in support of the Merchant Mariners who served during World War II. Tasked with delivering troops, tanks, food, airplanes, fuel and other supplies to war theaters, Merchant Mariners suffered the highest casualty rate of any of the branch of the service. Their bravery for our country deserves recognition.

I am a proud cosponsor of H.R. 23, the ''Belated Thank You to the Merchant Mariners of World War II Act of 2009.'' This legislation will provide certain honorably discharged U.S. Merchant Marine veterans with a monthly $1,000 benefit.

With each passing year, there are fewer surviving Merchant Marine veterans. I urge my colleagues in the House and the Senate to join me in supporting H.R. 23 to give these veterans their recognition.

JOHN BADGETT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud John Badgett who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. John Badgett is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by John Badgett is exemplary of the type of achievement that can be attained with hard work and

perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to John Badgett for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during Tuesday's three rollcall votes.

Had I been present, I would have voted against tabling the Flake Privileged Resolution, in favor of H. Res. 413, and in favor of H. Res. 378, amended.

DANIEL BENAVIDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Daniel Benavidez who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Daniel Benavidez is a senior at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Daniel Benavidez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Daniel Benavidez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN RECOGNITION OF MS. IDA MAE DUKE RICE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day in the life of a constituent of mine, Ms. Ida Mae Duke Rice.

On May 25, Ms. Rice will celebrate her 100th birthday. To help commemorate this special occasion, her friends and family are holding a celebration on June 20 at Barfield Baptist Church.

Ida Mae Duke Rice was born in Clay County, AL to Steve Morris and Zeda Eudora Duke. She married Charlie Henry Rice on February 26, 1930 and has five children, 10 grandchildren, 16 great-grandchildren and 1 great-great-grandchild.

Ms. Rice served as an LPN at Lineville Nursing Home and retired after 30 years of service. She is a member of New Fellowship Baptist Church.

I would like to congratulate Ms. Rice on reaching this important milestone in her life, and wish her the happiest of birthdays at this special occassion.

MEGAN BOWEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Bowen who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Bowen is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Bowen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Bowen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

REGARDING INTRODUCTION OF THE STRATEGIES TO ADDRESS ANTIMICROBIAL RESISTANCE (STAAR) ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. MATHESON. Madam Speaker, I rise to re-introduce the "Strategies to Address Antimicrobial Resistance (STAAR) Act," which I believe has the potential to save many thousands of lives by strengthening the United States' response to infectious pathogens, including H1N1 influenza, that are becoming increasingly resistant to existing antimicrobial drugs (antibacterials, antivirals, antifungals, etc.).

I have been working on the issue of antimicrobial resistance for several years and it is alarming how often reports of resistant infections now appear. I do not believe the public health community simply is crying "wolf." We no longer can be complacent.

When I first introduced this bill two years ago, we were facing reports of extensively-drug resistant tuberculosis (XDR–TB) and fears of an Avian flu pandemic. Over the last few weeks, we all have followed the H1N1 influenza outbreak as we ramped up our awareness of influenza mitigation strategies and the impact of infectious pathogens. What received less attention is the fact that H1N1 is resistant to some of the drugs in our arsenal. The Centers for Disease Control and Prevention (CDC) will continue to watch the spread and evolution of this pathogen as flu season hits the southern hemisphere. Hopefully, we again will buy some time before we truly face a pandemic. But, now the possibility of a pandemic has become real to many of us. We have been forced to think about how quickly an infection can spread, especially in the age of international air travel, and the disastrous result if it were a strain of bacteria that failed to respond to our current antiviral drugs.

Another resistant infection that caught our attention over the past year is community-acquired methicillin-resistant Staphylococcus aureus (CA–MRSA). Historically, this infection was acquired during a hospital stay, but now is impacting young, healthy people and spreading in our communities. We've heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Many of our constituents are facing serious illness and death due to MRSA infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive. In my own state of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has increased by almost 20 fold over the past two decades.

There are still more infections to worry about. We have numerous reports of our soldiers coming home from Iraq and Afghanistan with Acinetobactor—a resistant bacterial infection that is especially difficult to treat and the only option is a very toxic antibiotic.

Other examples of concern include vancomycin-resistant Staphylococcus aureus (VRSA), an alarming development because vancomycin is the drug of last resort for treating several serious infections, and Escherichia coli (E.coli), which has caused outbreaks due to contamination of spinach, peanut butter, and other foods we regularly consume.

Madam Speaker, I believe strongly that this year we must take this issue seriously and ensure we have the public health infrastructure in place to both monitor and respond to these emerging drug resistant infections. The STAAR Act is the most comprehensive legislation introduced to date to address this serious and life-threatening patient safety and public health problem. We must act now to begin to reverse the alarming trend, and infectious disease experts tell me that the multi-pronged approaches contained in the STAAR Act provides our best chance to address the multiple problems that face us.

We have taken antimicrobial drug development for granted. Few of us remember medicine before the discovery of antibacterial and antiviral drugs. Antibacterial drugs in particular have allowed many medical advances, including routine invasive surgeries, organ transplants, and other procedures that otherwise would be impossible due to resulting infections. But we are falling behind in our ability to protect ourselves against infections, and we have a lot of catching up to do. Fifteen years ago, the Congressional Office of Technology Assessment (OTA) examined the problem of antimicrobial resistance and reported to Congress that "The impacts of antibiotic-resistant

bacteria can be reduced by preserving the effectiveness of current antibiotics through infection control, vaccination and prudent use of antibiotics, and by developing new antibiotics specifically to treat infections caused by antibiotic-resistant bacteria.''

In addition, there are problems of significant and inappropriate use of antimicrobials; a lack of adequate research to address the many facets of resistance, including basic, clinical, interventional, and epidemiologic research as well as research to support the development of new diagnostics, biologics, devices and, of course, drugs; a fractured and under-funded resistance surveillance system; and insufficient coordination of the federal response, which is critically needed as the solutions to addressing antimicrobial resistance involve multiple agencies and departments.

To begin to respond to the drug resistance problem, eight years ago Congress passed legislation that became Section 319E, ''Combating Antimicrobial Resistance'' of the Public Health Service Act. This law directed the Secretary to establish an Antimicrobial Resistance Task Force to coordinate Federal programs relating to antimicrobial resistance; required research and development of new antimicrobial drugs and diagnostics; established educational programs for medical and health personnel in the use of these drugs; and established demonstration grants for programs promoting the judicious use of antimicrobial drugs and the detection and control of the spread of antimicrobial-resistant pathogens. Authorization for these programs expired September 30, 2006. The STAAR Act reauthorizes these programs and builds on the Federal efforts that have been highlighted in the Public Health Service Action Plan to Combat Antimicrobial Resistance, published in 2001 by the Task Force.

The Action Plan identified thirteen key elements (out of 84 elements) as top priority action items that are critically necessary to address the growing resistance crisis. Regrettably, the Action Plan has never been funded.

In spite of these past efforts to address the problem, antimicrobial resistance continues to grow. In 2004, the Infectious Diseases Society of America (IDSA) published, ''Bad Bugs, No Drugs: As Antibiotic Discovery Stagnates a Public Health Crisis Brews'' to highlight the lack of research and development for new antibiotics. Updates to this report continue to make the case that we need to do more. Antibacterial drugs are not profitable compared to those that treat chronic (long-term) conditions and lifestyle issues. In addition, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. Also, antibiotics are taken for short periods of time—unlike those for chronic disease which may be taken daily. As a result, big pharmaceutical companies have pretty much turned their back on antibiotic development. IDSA has published several other reports that support many of the provisions found in the STAAR Act.

The ''Strategies to Address Antimicrobial Resistance (STAAR) Act'' is comprehensive legislation that advances the thirteen key elements identified in the federal Action Plan and authorizes adequate funding for these strategies.

My bill strengthens existing efforts by establishing an Antimicrobial Resistance office (ARO) within the Office of the Secretary of Health and Human Services. The Director of the ARO would serve as the director of the existing interagency task force and work in conjunction with the many Federal agencies which share responsibility to address antimicrobial resistance to ensure accountability and progress on the Action Plan. Also, to encourage input from experts outside the federal government, and to ensure accountability, my bill would establish a Public Health Antimicrobial Advisory Board (PHAAB) to provide much needed advice about antimicrobial resistance and strategies to address it. The STAAR Act will strengthen existing surveillance, data collection, and research activities as a means to reduce the inappropriate use of antimicrobials, develop and test new interventions to limit the spread of resistant organisms, and foster the development of new tools to detect, prevent and treat these ''bad bugs.'' Infectious diseases experts have said they strongly support this multi-faceted, strategic approach.

The STAAR Act has been endorsed by a number of organizations, including: Infectious Diseases Society of America (IDSA), American Academy of Family Physicians (AAFP), Alliance for the Prudent Use of Antibiotics (APUA); American Association of Critical-Care Nurses (AACN); National Parent-Teacher Association (PTA); American Public Health Association (APHA); National Foundation for Infections Diseases (NFID); Council of State and Territorial Epidemiologists (CSTE); and Michigan Antibiotic Resistance Reduction Coalition (MARA); American Society of Health-System Pharmacists (ASHP); Association for Professionals in Infection Control and Epidemiology (APIC); International Society of Microbial Resistance (ISMR); Michigan Antibiotic Resistance Reduction Coalition (MARA); National Athletic Trainers Association (NATA); Society of Infectious Diseases Pharmacists (SIDP); and Trust for America's Health (TFAH).

This legislation has been a long time coming. I urge my colleagues to join me in supporting this legislation and to work with me to give our federal agencies the tools they need to ensure that combating antimicrobial resistance becomes a priority.

NATHAN BOECK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nathan Boeck who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nathan Boeck is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nathan Boeck is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nathan Boeck for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to get to the House floor in time on Wednesday, May 6, 2009, and therefore unable to cast a vote on the House floor that afternoon.

However, had I been present I would have voted ''aye'' on H. Res. 348, congratulating the University of North Carolina men's basketball team for winning the 2009 NCAA Division I Men's Basketball National Championship.

SHELBY BEAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Shelby Bean who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Shelby Bean is a senior at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shelby Bean is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Shelby Bean for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TEN HONORED AT ANNUAL SENIOR HALL OF FAME BREAKFAST

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. WEXLER. Madam Speaker, today in Tamarac, Florida, ten outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These ten seniors being honored have volunteered in their communities and have spent countless hours helping others. Their outstanding character and compassion have truly set them apart and make them worthy of this prestigious honor.

Dorothy Arbogast of Pembroke Pines, who has been battling Lupus for many decades, has been volunteering with the Senior Companion Program since 2004, serving over 3,300 hours with people with tremendous physical, developmental, and emotional needs; as well as frail elders in their homes; adult day care centers; and providing relief to caregivers

caring for loved ones with Alzheimer's. Dorothy also volunteers with the Lupus Foundation, the Street People of Oakland Park, Cancer Foundation and Leeza's Place, and serves with great compassion, dedication, and humility.

Mayor Samuel S. Brown of Lauderdale Lakes was elected mayor in 1998, and under his leadership, the City made numerous positive strides in redevelopment and capital improvement, while continuing to provide quality services to its residents. A unifying force in the community, Mayor Brown is involved in many charitable and philanthropic efforts and has been responsible for overseeing several community service projects. He also organizes an annual Thanksgiving Food Drive for seniors and has made it possible for hundreds of needy children to receive gifts during the holidays through the Angel Tree Gift Giving Program.

Joan Fink of Hillsboro Beach has devoted time to the Northeast Focal Point Senior Center for over 12 years and is currently Treasurer of the Children's, Alzheimer's, Seniors and Adult Services (CASA) Board of Directors, Auxiliary, and Child Development Center. She is active in many fundraising events, including the annual Auxiliary Fashion Show and the "Cuisine of the Region." Joan has also volunteered at the North Broward Medical Center and has been a member and recording secretary of the American Association of University Women—Pompano Beach Chapter for the past 13 years, where she has helped raise funds to promote educational scholarships for women.

Hazel Haas of Margate has used her formal theater education and vast experience with the performing arts to improve the lives of Broward County residents since 1989, adding humor to her volunteering efforts with several organizations, including the Northwest Medical Center and the Margate Chapter of the Parkinson's Support Group, and she shares her warmth, humor and knowledge of the community by presenting sessions for Continuing Education Credit at the Aging & Disability Resource Center's Annual Broward Aging Network Conference. Hazel's mother, Nettie Gross, was honored as a member of the Senior Hall of Fame in 1993, and for the past five years, Hazel has facilitated the link between generations by funding the Nettie Baron Gross Memorial Scholarship for Broward College students studying issues impacting seniors' lives.

Judy Henry of Tamarac has been volunteering for many years for a number of organizations, serving as President of American Woman's ORT, President of the Coral Springs Soccer Association, and as a Board Member as one of the Founding Families of Temple Beth Orr of Coral Springs. Judy has dedicated her time to the Jewish Federation of Greater Fort Lauderdale and the United Way of Broward County, and through her role as a Board Member of Cooperative Feeding, she has assisted in providing food, counseling and other basic needs for the homeless. She has also initiated mail boxes for the homeless, and as President of Volunteer Broward, has been working on an agricultural project, teaching neighborhoods how to garden and grow food for themselves.

Mayor Judy Paul of Davie has worked tirelessly for Broward County, as she is active on the boards of the 4–H Foundation, Broward County Farm Bureau, Junior Achievement, Davie Area Land Trust, Broward Extension Foundation, Davie Boys and Girls Club, and South Florida Trail Riders. Mayor Paul served on the Davie Town Council from 1998 to 2007, as well as the Davie Charter Review Board from 1996 to 2007, and is President of the Friends of Davie Farm Park, Inc., and an honorary member of the Board of Directors for Old Davie School. A retired teacher, Mayor Paul is outspoken about caring for the environment, promoting enhancing green space and working on projects to provide the general public opportunities to learn more about agriculture.

Mayor Sylvia Poitier is a lifelong resident of Deerfield Beach and served on the City Commission from 1973 to 1985 and from 2005 until today, serving as Mayor in 1976 to 77 and acting Mayor since December 2008, as well as the County Commission from 1986 to 1998, and has committed herself to providing affordable housing to residents and senior program funding during her time in office. Mayor Poitier has also volunteered for many social service boards and committees, has served as an advocate for senior, Alzheimer's, and children services, as well as intergenerational programs. She is currently Chair for the Community Action Agency, a Member of the Salvation Army Board, and was the First African American President of the Broward County Council of Parent-Teacher associations.

Marcia Slow Sandler of Pembroke Pines has been working tirelessly for over 15 years in many capacities, including President and Member of the Children's Cancer Caring Broward Chapter and Founder of the Angels in the Outfield Chapter of Joe DiMaggio Children's Hospital. She has also been a contributor to social service fundraising activities and served four years on the Aging & Disability Resource Center's Advisory Council, where she secured Fair Share Appropriations from local municipalities.

Senator Nan H. Rich is a lifelong resident of Weston and serves District 34 in the Florida Senate. Prior to entering politics, Nan devoted many years to volunteering with children and the handicapped, and in Tallahassee, her commitment to elders has been evidenced repeatedly through her voice and her actions, continuing to seek and secure critical funding for necessary services. Senator Rich is active on various boards in the religious sector and is highly respected as the true voice of reason in an atmosphere that too often disregards the oppressed and the victimized.

Greta Silver of Coconut Creek has an enthusiasm and energy that make her an invaluable volunteer at the Alzheimer's Family Center, where she helps clients to cope with their fears and frustrations. As a talented journalist, Greta also writes a quarterly newsletter called "The Volunteer Vine," and in December 2008 she coordinated a Holiday Volunteer Day for the Center, planning lunch, entertainment, favors, centerpieces, and guest speakers. Greta is also a trained volunteer for the Project Lifesaver Safety Program and is extremely active within her homeowner's association.

Madam Speaker, I would like to again congratulate these ten outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

GABRIEL BARRIOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gabriel Barrios who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gabriel Barnios is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Gabriel Barnios is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gabriel Barnios for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE INTRODUCTION OF THE HIGHWAY TRUST FUND FAIRNESS ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise today to introduce the Highway Trust Fund Fairness Act of 2009. I urge all of my colleagues to support this common-sense legislation.

This year, Congress is tasked with the much larger mission of reauthorizing the country's surface transportation programs to meet the needs of a constantly-evolving highway and transit system. Later this year, we will have to really look at ways to make the Highway Trust Fund more solvent, but in the meantime, we can make smaller changes that would help ease the burden.

The Highway Trust Fund Fairness Act does just that. It allows the Highway Trust Fund to be treated like other federal trust funds by allowing refunds and credits through the General Fund. The bill will also allow the Highway Trust Fund to accrue interest on its balance. These are very basic, common-sense changes that will save money in the long-run.

In 1962, President John F. Kennedy created National Transportation Week. He recognized that transportation was fast becoming one of the most sensitive and important issues facing our nation. It affects every person, every day. How do you get to and from school and work safely and efficiently every day? How do you visit family, friends, and loved ones?

When I was first elected to Congress, I served on what was then the Public Works and Transportation Committee. It is now the Transportation and Infrastructure Committee chaired by my good friend and colleague Mr. OBERSTAR. I went on to eventually serve on the Ways and Means Committee where I chair the Oversight Subcommittee. Although we

don't work directly on transportation issues in this Committee, we do have the opportunity to deal with how our nation's infrastructure is funded.

The Highway Trust Fund was established in 1956 to provide a dedicated source of federal support for highways and transit programs across the country. Unfortunately, the Highway Trust Fund's balance continues to diminish every year. First and foremost, the Highway Trust Fund is financed primarily through fuel taxes. Combined with high gas prices last year and greener living, people are driving less. This means there is less money going into the Trust Fund. Second, the projects funded out of the Trust Fund are more costly. Consequently fewer initiatives can be funded from the Trust Fund.

As you can see, Madam Speaker, since National Transportation Week was first created, our Nation's transportation and infrastructure has become much more complex—as has our economy. Jobs are created where there is good connectivity—roads, trains, bridges, public transit, walkable, bikable streets and communities. Before we tackle these larger issues, we can start with the basics. I urge all of my colleagues to support this very simple legislation.

NATE BURIANAK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nate Burianak who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nate Burianak is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nate Burianak is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nate Burianak for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CONGRATULATING CATERPILLAR, INC.

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. FOSTER. Madam Speaker, I am submitting this statement to express congratulations to Caterpillar, Inc. for their receiving EPA's Clean Air Excellence Award.

Caterpillar was honored for developing its D7E, a revolutionary new bulldozer that consumes up to 30 percent less fuel and performs necessary construction operations 25 percent more efficiently. These impressive increases in efficiency will allow construction workers, miners and other earthmoving workers to do their jobs while emitting significantly fewer carbon dioxide emissions.

After more than two years of research, the D7E represents exactly the kinds of new technology we need to move our country and our economy into the 21st Century. Its electric drive is a platform from which Caterpillar can begin exploring the possible use of alternative fuels to power American construction.

Production of these innovative tractors is set to begin later this year in my home state of Illinois. As a former small businessman myself, and one who worked to keep manufacturing jobs in the Midwest, I would like to further congratulate Caterpillar for its commitment to reinvest in the communities that have supported them for nearly 100 years.

It is my honor to represent the employees of Caterpillar's Aurora, Montgomery and Dixon manufacturing facilities, and I thank them for all their hard work.

ROSALINDA BUSTILLOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rosalinda Bustillos who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rosalinda Bustillos is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rosalinda Bustillos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rosalinda Bustillos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO MS. CHRISTA ALTMAN

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Christa Altman for her service to the students at St. Aloysius Gonzaga Academy in Shepherdsville, Kentucky. She was recognized with the Catholic Education Foundation's Teacher Award.

Ms. Altman is devoted to making sure the students that pass through her classroom receive the best education possible. Her first-grade class consistently performs near the top on the school's annual test that measures student achievement.

Ms. Altman's positive influence on her students is also evident outside of the classroom. She regularly volunteers for school activities and important causes, such as raising funds for St. Jude Children's Research Hospital. By showing this spirit of volunteerism, Ms. Altman is inspiring future generations to make a difference in their communities.

Ms. Altman's passion for making a difference in the lives of her students is an example for all Kentuckians to follow. I thank Ms. Altman for her commitment to the students in Shepherdsville.

IN HONOR OF THE RETIREMENT OF COLONEL JAMES GEURTS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the service of Colonel James Geurts, United States Air Force, on the occasion of his retirement after twenty-two years of dedicated service to this Nation.

A distinguished graduate of the Lehigh University and the Air Force's Institute of Technology, Colonel Geurts was commissioned as an officer in the Air Force in 1987. He has served as a career acquisition program manager with engineering and program management experience in numerous weapon systems including Intercontinental Ballistic Missiles, surveillance platforms, tactical fighter aircraft, stealth cruise missiles, and special operations manned and unmanned aircraft.

As the Program Executive Officer for Fixed Wing at United States Special Operations Command, Colonel Geurts spearheaded the largest recapitalization and growth of Special Operations Forces Air Component fleet in its 22 year history. More than anyone else, Colonel Geurts helped shape the future of Special Operations aviation.

Colonel Geurts was instrumental in planning and executing numerous urgent deployment acquisition programs in support of Operations Enduring Freedom and Iraqi freedom. He fielded multiple aircraft, which led the Secretary of Defense to proclaim his efforts as ''the single greatest expansion of Intelligence, Surveillance, and Reconnaissance capability flowing to the United States troops.''

Colonel Geurts' distinguished career is marked by numerous awards and decorations that include the 2008 Packard Award, the Global War on Terrorism Advanced Concept Technology Demonstration Transition Team of the Year, and the William Perry Award. In addition, he has been awarded the Legion of Merit, Defense Meritorious Service Medal (1 oak leaf cluster), Meritorious Service Medal, Air Force Commendation Medal, Joint Service Achievement Medal (1 oak leaf cluster), and the Air Force Achievement Medal (1 oak leaf cluster).

On behalf of Congress and the United States of America, I express our appreciation of Colonel Geurts for his tireless service and support of the warfighter. His professionalism, expertise, and efforts showcase his patriotism, and his dedication to the Special Operators in the field: Colonel James Geurts is truly a great American.

I congratulate Colonel Geurts on completing an exceptional military career and am humbled by his dedicated service to our Nation. I

wish Colonel Geurts, his wife Kelly, and their sons Jimmy and Brandon many blessings and much success as he begins his future endeavors and embarks on new adventures.

IN RECOGNITION OF CYNTHIA C. SNIDER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a constituent of mine, Mrs. Cynthia C. Snider.

Cindy has been named Teacher of the Year at Ohatchee High School in Ohatchee, Alabama for the 2008–09 school year.

Cindy was born in Mississippi to Eugene and Bobbie Champion and was the oldest of five children. Her paternal grandmother, Carol Champion, was a teacher in Highland Home, Alabama and always encouraged Cindy to love learning. Cindy grew up in Montgomery, Alabama and graduated from Auburn University with a degree in Accounting.

After spending her career working as an English as a Second Language Instructor for Anniston City Schools, she went back to school at Jacksonville State University and earned her teaching certificate.

She has been the Spanish Teacher at Ohatchee High School since 2005.

Cindy's passion for teaching is evident inside and outside the classroom, and I am proud to congratulate her today for this important recognition.

VERONICA BELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Veronica Bell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Veronica Bell is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Veronica Bell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Veronica Bell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A TRIBUTE TO MS. PATTY NEVITT

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Patty Nevitt for her service to the students at Bethlehem High School in Bardstown, Kentucky. She was recognized with the Catholic Education Foundation's Teacher Award.

Ms. Nevitt primarily works with special needs students in the Marlona Ice Learning Center. She pushes her students to reach their maximum academic potential while providing the assistance the students need to be successful in the classroom.

In addition to her full case load of students, Ms. Nevitt also works with teachers to develop instructional practices to ensure the success of all students. Her leadership and willingness to serve in whatever capacity she is most needed to make her a valuable asset to Bethlehem High School.

Ms. Nevitt's passion for making a difference in the lives of her students and teachers is an example for all Kentuckians to follow. I thank Ms. Nevitt for her commitment to the students and teachers in Bardstown.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 14, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 15

9:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce.
SD–342

MAY 19

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army proposed defense authorization request for fiscal year 2010 and the Future Years Defense Program.
SH–216

10 a.m.
Finance
Energy, Natural Resources, and Infrastructure Subcommittee
To hold hearings to examine oil and gas tax provisions, focusing on the President's Fiscal Year 2010 budget proposal.
SD–215

Environment and Public Works
To hold hearings to examine business opportunities and climate policy.
SD–406

Health, Education, Labor, and Pensions
Business meeting to consider S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and any pending nominations.
SD–430

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine protecting Americans, focusing on holding foreign manufacturers accountable.
SD–226

10:15 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine funding and oversight of the Department of Energy.
SD–138

Foreign Relations
To hold hearings to examine challenges and opportunities for U.S.-China cooperation on climate change.
SD–419

11 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration, and John D. Porcari, of Maryland, to be Deputy Secretary, both of the Department of Transportation, Rebecca M. Blank, of Maryland, to be Under Secretary for Economic Affairs, and Lawrence E. Strickling, of Illinois, to be Assistant Secretary for Communications and Information, both of the Department of Commerce, and Aneesh Chopra, to be Chief Technology Officer, Office of Science and Technology Policy at the Executive Office of the President.
SR–253

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

Foreign Relations
To hold hearings to examine pathways to a green global economic recovery.
SD–419

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the Discount Pricing Consumer Protection Act, focusing on a ban on vertical price fixing.
SD–226

Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Department of Defense and the Department of the Navy military construction programs.
SD–138

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine public health challenges in our nation's capital.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
S–407, Capitol

MAY 20

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold an oversight hearing to examine the Troubled Asset Relief Program (TARP).
SD–538

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Department of State.
SD–192

10 a.m.
Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine securing the border and America's points of entry.
SD–226

Joint Economic Committee
To hold hearings to examine oil and the economy, focusing on the impact of rising global demand on the United States recovery.
210, Cannon Building

2 p.m.
Foreign Relations
To hold hearings to examine foreign policy priorities in the President's fiscal year 2010 international affairs budget.
SH–216

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for military space programs; to be possibly followed by a closed session in SVC–217.
SR–232A

Aging
To hold hearings to examine pension plans.
SR–432

2:30 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine criminal prosecution as a deterrent to health care fraud.
SD–226

Health, Education, Labor, and Pensions
Business meeting to consider S. 717, to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and any pending nominations.
SD–430

Armed Services
Personnel Subcommittee
To hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for active component, reserve component, and civilian personnel programs.
SR–222

MAY 21

2:30 a.m.
Intelligence
To hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency, and Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.
SH–216

9:30 a.m.
Foreign Relations
To hold hearings to examine a new strategy for Afghanistan and Pakistan.
SD–419

Veterans' Affairs
Business meeting to markup pending legislation.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for NASA.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5397–S5457

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 1027–1035, and S. Res. 148. **Page S5435**

Measures Reported:

S. 384, to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, with amendments. (S. Rept. No. 111–19)

S. Con. Res. 19, expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed, with an amendment in the nature of a substitute and with an amended preamble. **Page S5435**

Measures Passed:

Authorizing the Use of Emancipation Hall: Senate agreed to H. Con. Res. 80, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha. **Pages S5455–56**

Cerebral Cavernous Malformations Research, Awareness, and Education: Senate agreed to S. Res. 148, expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations. **Pages S5456–57**

Measures Considered:

Credit Cardholders' Bill of Rights Act: Senate continued consideration of H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, taking action on the following amendments proposed thereto: **Pages S5409–29**

Adopted:

Isakson Amendment No. 1104 (to Amendment No. 1084), to require the Comptroller General to conduct a study on the relationship between fluency in the English language and financial literacy. **Pages S5416–21**

Gillibrand Amendment No. 1084 (to Amendment No. 1058), to amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers. **Page S5409**

Rejected:

By 28 yeas to 65 yeas (Vote No. 190), Vitter Amendment No. 1066 (to Amendment No. 1058), to specify acceptable forms of identification for the opening of credit card accounts. **Pages S5409, S5421–23**

Pending:

Dodd/Shelby Amendment No. 1058, in the nature of a substitute. **Page S5409**

Landrieu Amendment No. 1079 (to Amendment No. 1058), to end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards. **Pages S5425–26**

Collins/Lieberman Amendment No. 1107 (to Amendment No. 1058), to address criminal and fraudulent monetary transfers using stored value cards and other electronic devices. **Pages S5426–29**

During consideration of this measure today, Senate also took the following action:

By 33 yeas to 60 nays (Vote No. 191), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 302 (f) of the Congressional Budget Act of 1974 with respect to consideration of Sanders Modified Amendment No. 1062 (to Amendment No. 1058), to establish a national consumer credit usury rate. Subsequently, a point of order that the amendment was not germane to the provisions of the Budget Resolution was sustained, and the amendment thus fell. **Pages S5409, S5423**

By 59 yeas to 35 nays (Vote No. 192), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 305 of the Congressional Budget Act of 1974 with respect to consideration of McConnell (for Gregg) Amendment No. 1085 (to Amendment No. 1058), to enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions,

Federal websites, and in new legislation. Subsequently, a point of order that the amendment was not germane to the provisions of the Budget Resolution was sustained, and the amendment thus fell.

Pages S5409, S5423–25

A motion was entered to close further debate on Dodd/Shelby Amendment No. 1058 and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, May 15, 2009. **Page S5426**

A motion was entered to close further debate on the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, May 15, 2009. **Page S5426**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, May 14, 2009, and that all first-degree amendments be filed at the desk by 1 p.m., on Thursday, May 14, 2009. **Page S5457**

Hayes Nomination: Senate resumed consideration of the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior. **Pages S5399–S5409**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 39 nays (Vote No. 189), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Page S5407**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior. **Page S5407**

Messages from the House: **Pages S5432–33**

Measures Referred: **Page S5433**

Executive Communications: **Pages S5433–35**

Executive Reports of Committees: **Page S5435**

Additional Cosponsors: **Pages S5435–37**

Statements on Introduced Bills/Resolutions: **Pages S5437–43**

Additional Statements: **Pages S5431–32**

Amendments Submitted: **Pages S5443–48**

Notices of Hearings/Meetings: **Page S5448**

Authorities for Committees to Meet: **Pages S5448–49**

Privileges of the Floor: **Page S5449**

Record Votes: Four record votes were taken today. (Total—192) **Pages S5407, S5423, S5424**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:19 p.m., until 9:30 a.m. on Thursday, May 14, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5457.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF LABOR BUDGET

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the Department of Labor, after receiving testimony from Hilda L. Solis, Secretary of Labor.

ENVIRONMENTAL PROTECTION AGENCY BUDGET

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the Environmental Protection Agency, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency.

DEPARTMENT OF HOMELAND SECURITY BUDGET

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

MANUFACTURING AND THE CREDIT CRISIS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy concluded a hearing to examine manufacturing and the credit crisis, after receiving testimony from Holly Hart, Steelworkers Union, and David Marchick, The Carlyle Group, both of Washington, D.C.; Eugene R. Haffely, Jr., Assembly and Test Worldwide, Inc., Dayton, Ohio, on behalf of the Association for Manufacturing Technology; Lieutenant General Lawrence P. Farrell, Jr., USAF (Ret.), National Defense Industrial Association, Alexandria, Virginia; and William E. Gaskin, Precision Metalforming Association, Independence, Ohio, on behalf of the National Tooling and Machining Association.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the

nominations of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Department of Transportation, who was introduced by Senator Murray, Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade, who was introduced by Senators Nelson (FL) and Martinez, Raphael William Bostic, of California, to be Assistant Secretary for Policy Development and Research, who was introduced by Representative Schiff, Sandra Brooks Henriquez, of Massachusetts, to be Assistant Secretary for Public and Indian Housing, who was introduced by Representative Frank, and Mercedes Marquez, of California, to be Assistant Secretary for Community Planning and Development, all of the Department of Housing and Urban Development, and Michael S. Barr, of Michigan, to be Assistant Secretary of the Treasury for Financial Institutions, after the nominees testified and answered questions in their own behalf.

TOURISM IN TROUBLED TIMES

Committee on Commerce, Science, and Transportation: Subcommittee on Competitiveness, Innovation, and Export Promotion concluded a hearing to examine tourism in troubled times, focusing on the state of the U.S. travel and tourism industry, after receiving testimony from Senator Reid; Mary Saunders, Acting Assistant Secretary for Manufacturing and Services, International Trade Administration, Department of Commerce; Chad Prosser, South Carolina Department of Parks, Recreation, and Tourism, Columbia; Jay Rasulo, Walk Disney Parks and Resorts, Burbank, California; Jay S. Witzel, Carlson Hotels Worldwide, Minnetonka, Minnesota; Sam Gilliland, Sabre Holdings Corporation, South Lake, Texas; Rossi Ralenkotter, Las Vegas Convention and Visitors Authority, Las Vegas, Nevada; and Judy Zehnder, Bavarian Inn Lodge, Frankenmuth, Michigan.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine reauthorization of the Federal Aviation Administration (FAA), focusing on perspectives of aviation stakeholders, after receiving testimony from Charles M. Barclay, American Association of Airport Executives, Alexandria, Virginia; Marion C. Blakey, Aerospace Industries Association, Arlington, Virginia; James C. May, Air Transport Association of America, Inc., Ed Bolen, National Business Aviation Association, Patrick Forrey, National Air Traffic Controllers Association, John Prater, Air Line Pilots Association International, Ken Hall, International Brotherhood of Teamsters, Tom Brantley, Professional Aviation Safety Specialists, and William McGlashen, Association of Flight Attendants-CWA, AFL–CIO, all of Washington, D.C.; and Robert Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Daniel B. Poneman, of Virginia, to be Deputy Secretary, David B. Sandalow, of the District of Columbia, to be Assistant Secretary for International Affairs and Domestic Policy, both of the Department of Energy, and Rhea S. Suh, of California, to be Assistant Secretary for Policy, Management and Budget, and Michael L. Connor, of Maryland, to be Commissioner of Reclamation, both of the Department of the Interior.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Philip J. Crowley, of Virginia, to be Assistant Secretary for Public Affairs, who was introduced by Representative Moran, and Judith A. McHale, of Maryland, to be Under Secretary for Public Diplomacy, who was introduced by Representative Van Hollen, both of the Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, and Bonnie D. Jenkins, of New York, for the rank of Ambassador during her tenure of service as Coordinator for Threat Reduction Programs, after the nominees testified and answered questions in their own behalf.

VIOLENCE AGAINST WOMEN IN CONFLICT ZONES

Committee on Foreign Relations: Subcommittee on African Affairs concluded a joint hearing with Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues to examine confronting rape and other forms of violence against women in conflict zones, after receiving testimony from Melanne Verveer, Ambassador-at-Large for Global Women's Issues, Esther Brimmer, Assistant Secretary for International Organization Affairs, and Phillip Carter, Acting Assistant Secretary of the Bureau of African Affairs, all of the Department of State; Chouchou Namegabe, South Kivu Women's Media Association, Democratic Republic of Congo; Robert Warwick,

International Rescue Committee, Baltimore, Maryland; Niemat Ahmadi, Save Darfur Coalition, and John Prendergast, The Enough Project, both of Washington, D.C.; and Eve Ensler, New York, New York.

D.C. OPPORTUNITY SCHOLARSHIP PROGRAM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the D.C. Opportunity Scholarship Program, focusing on preserving school choice for all, after receiving testimony from Anthony A. Williams, former Mayor of the District of Columbia, on behalf of DC Children First, Bruce B. Stewart, Sidwell Friends School, Latasha Bennett, Tiffany Dunston, and Ronald Holassie, all of Washington, D.C.; and Patrick J. Wolf, University of Arkansas College of Education and Health Professions, Fayetteville.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Florence Y. Pan, of the District of Columbia, who was introduced by Representative Gonzalez, and Marisa J. Demeo, of the District of Columbia, who was introduced by Senator Bingaman, both to be an Associate Judge of the Superior Court of the District of Columbia, and David Heyman, of the District of Columbia, to be Assistant Secretary of Homeland Security

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the nomination of Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

TORTURE

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine torture and the Office of Legal Counsel in the Bush Administration, after receiving testimony from Philip Zelikow, University of Virginia, and Robert F. Turner, University of Virginia Law School Center for National Security Law, both of Charlottesville; Ali Soufan, Soufan Group, LLC, New York, New York; David Luban, Georgetown University Law Center, Hyattsville, Maryland; and Jeffrey F. Addicott, St. Mary's University School of Law Center for Terrorism Law, San Antonio, Texas.

MILITARY AND OVERSEAS VOTERS

Committee on Rules and Administration: Committee concluded a hearing to examine problems for military and overseas voters, focusing on why many soldiers and their families cannot vote, after receiving testimony from Gail H. McGinn, Acting Undersecretary of Defense for Personnel and Readiness; Donald Palmer, Director, Division of Elections, Florida Department of State, Tallahassee; Bob Carey, National Defense Committee, Alexandria, Virginia; Patricia M. Hollarn, Shalimar, Florida; Joseph L. DeCaro, Hurlburt Field, Florida; and Eric Eversole, Washington, D.C.

SMALL BUSINESS FINANCING

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine small business financing, focusing on a progress report on Recovery Act implementation and alternative sources of financing, after receiving testimony from Karen G. Mills, Administrator, Small Business Administration; Susan Sobbott, American Express OPEN, Washington, D.C.; Marianne Garvin, Community Development Corporation of Long Island, Centereach, New York; Bill Bynum, Enterprise Corporation of the Delta and Hope Community Credit Union, Jackson, Mississippi; and Stephen H. Watkins, Entrex Inc., Chicago, Illinois.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 2378–2402; and 6 resolutions, H. Con. Res. 125–126; and H.Res. 432–433, 435–436 were introduced. **Pages H5580–81**

Additional Cosponsors: **Pages H5581–82**

Report Filed: A report was filed today as follows:

H. Res. 434, providing for consideration of the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009 (H. Rept. 111–107). **Page H5580**

Speaker: Read a letter from the Speaker wherein she appointed Representative Salazar to act as Speaker Pro Tempore for today. **Page H5489**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Charles E. Smith, Berea Baptist Church, Forest Hill, Texas. **Page H5489**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, May 12th:

Supporting the goals and objectives of a National Military Appreciation Month: H. Con. Res. 84, to support the goals and objectives of a National Military Appreciation Month, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 247; **Pages H5498–99**

Herbert A Littleton Postal Station Designation Act: H.R. 2162, to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station", by a ⅔ recorded vote of 420 ayes with none voting "no", Roll No. 248; and **Pages H5499–H5500**

Congratulating the American Dental Association for its 150th year: H. Res. 204, to congratulate the American Dental Association for its 150th year of working to improve the public's oral health and promoting dentistry, supporting initiatives to improve access to oral health care services for all Americans, and emphasizing the benefits of prevention of disease through support of community prevention initiatives and promotion of good oral hygiene, by a ⅔ recorded vote of 424 ayes with none voting "no", Roll No. 253. **Page H5549**

21st Century Green High-Performing Public School Facilities Act: The House began consideration of H.R. 2187, to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities. Further proceedings were postponed. **Pages H5492–98, H5500**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H5507**

Agreed to:

George Miller (CA) amendment (No. 1 printed in H. Rept. 111–106) that replaces the bill's provision regarding charter schools (section 308) with a new provision that makes technical corrections and clarifies the disposition of excess funds. Expands the allowable uses of funds to include repairing, replacing, and installing water supply and building envelopes. Adds a new section to Title I of the bill giving priority consideration to schools that would use funding to remove asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or a proven carcinogen. Increases the set-aside for tribal and outlying schools from 1% to 2%; **Pages H5509–10**

McKeon amendment (No. 2 printed in H. Rept. 111–106) that requires states to be in compliance with the public school choice, supplemental education services, private school participation, and military recruiters provisions of the Elementary and Secondary Education Act to be eligible to receive funding under the bill; **Pages H5510–11**

McKeon amendment (No. 6 printed in H. Rept. 111–106) that prohibits funds appropriated under the bill to be used for congressional earmarks as defined by clause 9(d) of rule XXI of the Rules of the House of Representatives; **Pages H5513–14**

Reichert amendment (No. 8 printed in H. Rept. 111–106) that allows funds to be used to install or upgrade technology to ensure schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters; **Page H5515**

Maffei amendment (No. 9 printed in H. Rept. 111–106) that requires the Education Secretary, in consultation with the Labor Secretary, to work with funding recipients to promote opportunities for individuals enrolled in Job Corps to gain employment experience on modernization, repair, and construction projects funded under the Act. Requires the Secretary of Education, in consultation with the Secretary of Labor, to work with recipients of funds to promote appropriate opportunities for individuals enrolled in a junior or community college; **Pages H5515–16**

Heinrich amendment (No. 12 printed in H. Rept. 111–106) that allows funds to be used to install and upgrade recreational structures and physical education facilities; **Pages H5518–19**

Schwartz amendment (No. 13 printed in H. Rept. 111–106) that permits funds to be used for constructing greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings; **Pages H5519–20**

Schrader amendment (No. 14 printed in H. Rept. 111–106) that requires the GAO to conduct a study within one year of enactment on the extent and types of projects in keeping with the uses of funds authorized, the geographic distribution of green, high-performing schools (including by urban, suburban, and rural areas), and the relative access to such schools of the demographic groups described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965. These groups include: economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency; **Pages H5520–21**

Titus amendment (No. 3 printed in H. Rept. 111–106) that adds a new section 314 requiring the Secretary of Education to establish an Advisory Council to the Secretary on green, high-performing schools. The Council will advise the Secretary on the impact of green, high-performing schools on teaching and learning, health energy costs and environmental impact; work with the Secretary to recommend Federal policies to increase the number of green, high-performing schools; provide technical assistance to states; and identify Federal policies that are barriers to helping states make schools green and high-performing. The Council will consult with the Chair of the Council on Environmental Quality, the Commerce Secretary, Energy Secretary, Health and Human Services Secretary, Labor Secretary, EPA Administrator, and the GSA Administrator (by a recorded vote of 270 ayes to 160 noes, Roll No. 249); **Pages H5511–12, H5521**

Roe (TN) amendment (No. 4 printed in H. Rept. 111–106) that adds a new section 314 requiring the Education Secretary to enter into an agreement with the Department's Institute of Educational Sciences to evaluate the impact of projects funded under the bill on student academic achievement, including a comparison of students attending public schools receiving funding under the bill with students attending public schools that are not receiving such funding (by a recorded vote of 432 ayes to 2 noes, Roll No. 250); and **Pages H5512–13, H5521–22**

Ellsworth amendment (No. 5 printed in H. Rept. 111–106) that amends section 309 (green schools) to provide that nothing in the bill shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber for public school modernization, renovation, repairs, or construction. Amends section 310 (reporting) to require agencies receiving grant funds under the bill to disclose whether any flooring installed was from renewable sources (by a recorded vote of 425 ayes to 7 noes, Roll No. 251). **Pages H5513, H5523–24**

Proceedings Postponed:

Giffords amendment (No. 7 printed in H. Rept. 111–106) that seeks to specify that local educational agencies receiving funds under the act may encourage schools receiving funds for projects to educate students about those projects, including how they function, and their environmental, energy, sustainability, and other benefits; **Pages H5514–15**

Bright amendment (No. 10 printed in H. Rept. 111–106) that seeks to require the Secretary to reserve 5 percent of section 102 grant funds for grants to local educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster; and **Pages H5516–17**

Griffith amendment (No. 11 printed in H. Rept. 111–106) that seeks to include reducing the incidence and effects of asthma and other respiratory illnesses in children among the voluntary guidelines for high performing school buildings. It also will add reducing the incidence and effects of asthma and other respiratory illnesses to the list of demonstrable and expected benefits. The amendment includes the reduction and elimination of human exposure to airborne particles such as dust, sand, and pollens among the approved uses for grant funds used by local educational agencies. **Pages H5517–18**

H. Res. 427, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 248 yeas to 175 nays, Roll No. 246, after agreeing to order the previous question without objection. **Pages H5492–98**

Suspension: The House agreed to suspend the rules and agree to the following measure:

Providing for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense: H. Res. 432, to provide for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, by a ⅔ yea-and-nay vote of 428 yeas with none voting "nay", Roll No. 252. **Pages H5524–30, H5538–39**

The Chair announced that pursuant to H. Res. 432, H.R. 2101, as amended by the amendment in the nature of a substitute printed in the bill, is considered as passed; S. 454, as amended by the text of H.R. 2101 as passed by the House, is considered as passed; and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon. H.R. 2101 was laid upon the table without objection. **Page H5539**

The Chair appointed the following conferees: Representatives Skelton, Spratt, Ortiz, Taylor, Abercrombie, Reyes, Snyder, Smith (WA), Loretta Sanchez (CA), McIntyre, Tauscher, Brady (PA), Andrews, Davis (CA), Langevin, Cooper, Ellsworth, Sestak, McHugh, Bartlett, McKeon, Thornberry, Jones, Akin, Forbes, Miller (FL), Wilson (SC), Conaway, Hunter, and Coffman (CO). **Pages H5549–50**

Agreed to authorize conferees to close meetings of the conference when sensitive national security information may be broached by a yea-and-nay vote of 409 yeas to 11 nays, Roll No. 254. **Page H5550**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces: H. Res. 377, to recognize Armed

Forces Day and the exemplary service of the members of the United States Armed Forces;

Pages H5530–31

Medal of Honor Commemorative Coin Act of 2009: H.R. 1209, to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; and **Pages H5531–34**

Granting the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II: H.R. 347, to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II. **Pages H5534–38**

Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Representative Luján. **Page H5550**

Senate Message: Message received from the Senate today appears on pages H5489, H5577.

Quorum Calls—Votes: Four yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H5498, H5499, H5499–H5500, H5521, H5522, H5523, H5538–39, H5549, H5550. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:42 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on the Secretary of Agriculture. Testimony was heard from Tom Vilsack, Secretary of Agriculture.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on the Secretary of the Interior. Testimony was heard from Ken Salazar, Secretary of the Interior.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Secretary of Veterans Affairs. Testimony was heard from Eric Shinseki, Secretary of Veterans Affairs.

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on the State Department. Testimony was heard from Jack Lew, Deputy Secretary, Management and Resources, Department of State.

DEFENSE BUDGET

Committee on Armed Services: Held a hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Robert M. Gates, Secretary; and ADM Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff.

ENERGY DEPARTMENT NATIONAL SECURITY BUDGET

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2010 National Defense Authorization Budget Request for the Department of Energy national security programs. Testimony was heard from the following officials of the Department of Energy: Thomas P. D'Agostino, Administrator, National Nuclear Security Administration; Ines R. Triay, Assistant Secretary, Environmental Management (Acting); and Glenn S. Podonsky, Chief, Health, Safety, and Security Officer.

PREVENTING FORECLOSURES

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Role of NeighborWorks and Housing Counseling Intermediaries in Prevention of Foreclosures." Testimony was heard from public witnesses.

LOW INCOME COUNTRIES/GLOBAL ECONOMY

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled ''Implications of the G–20 Leaders Summit for Low Income Countries and the Global Economy.'' Testimony was heard from public witnesses.

INTERNATIONAL AFFAIRS BUDGET

Committee on Foreign Affairs: Held a hearing on Building Capacity to Protect U.S. National Security: The Fiscal Year 2010 International Affairs Budget. Testimony was heard from Jacob J. Lew, Deputy Secretary, Management and Resources, Department of State.

HOMELAND SECURITY BUDGET

Committee on Homeland Security: Held a hearing entitled ''The President's FY 2010 Budget Request for the Department of Homeland Security.'' Testimony was heard from Janet Napolitano, Secretary of Homeland Security.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 848, amended, Performance Rights Act; and H.R. 2344, Webster Settlement Act of 2009.

The Committee began consideration of the following bills: H.R. 1741, Witness Security and Protection Grant Program Act of 2009; and H.R. 2247, Congressional Review Act Improvement Act.

The Committee also approved pending Committee business, including a resolution expanding the responsibilities of the impeachment task force to conduct an inquiry into whether U.S. District Judge Samuel B. Kent should be impeached.

STRENGTHENING FORENSIC SCIENCE

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the National Research Council's publication ''Strengthening Forensic Science in the United States: A Path Forward.'' Testimony was heard from Kenneth Melson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives and former Director, Executive Office for the U.S. Attorneys, Department of Justice; Pete Marone, Director, Department of Forensic Science, State of Virginia; and public witnesses.

MIGRATORY BIRD CONSERVATION MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 1916, Migratory Bird Habitat Investment and Enhancement Act; H.R. 2062, Migratory Bird Treaty Act Penalty and Enforcement Act of 2009; and H.R. 2188, Joint Ventures for Bird Habitat Conservation Act of 2009. Testimony was heard from Representative Dingell; Paul Schmidt, Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service, Department of the Interior; Kristin Saunders Evans, Assistant Secretary, Land Resources, Department of Natural Resources, State of Maryland; and public witnesses.

AIG COLLAPSE AND RESCUE

Committee on Oversight and Government Reform: Held a hearing on AIG: Where is the Taxpayer's Money Going? Testimony was heard from public witnesses.

SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of H.R. 2346, the Supplemental Appropriations Act, 2009. The rule provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment printed in the Rules Committee report shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. Finally, the rule provides one motion to recommit the bill with or without instructions. Testimony was heard from Chairman Obey and Representatives Kaptur, Doggett, Hinojosa, Cuellar, Lewis of California and Wolf.

NATIONAL CLIMATE SERVICE ACT

Committee on Science and Technology: Subcommittee on Energy and Environment approved for full Committee action, as amended, the National Climate Service Act of 2009.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009; AUTO INDUSTRY SMALL SUPPLIERS MANUFACTURERS

Committee on Small Business: Ordered reported, as amended, H.R. 2352, Job Creation Through Entrepreneurship Act of 2009.

The Committee also held a hearing entitled ''The Role of Small Business Suppliers and Manufacturers in the Domestic Auto Industry.'' Testimony was heard from public witnesses.

CIVIL RESERVE AIR FLEET'S ECONOMIC VISIBILITY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Economic Viability of the Civil Reserve Air Fleet, (CRAF) Program. Testimony was heard from GEN Duncan J. McNabb, USAF, Commander, U.S. Transportation Command, Scott Air Force Base, Department of Defense; and public witnesses.

COAST GUARD/MARITIME BUDGET

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Fiscal Year 2010 Budget Requests of the Coast Guard, Maritime Administration, and the Federal Maritime Commission. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: ADM Thad Allen, USCG, Commandant; and Master Chief Petty Officer, Charles Bowen, USCG; David J. Rivait, Associate Administrator, Budget and Programs, and Chief Financial Officer, Maritime Administration, Department of Transportation; and the following Commissioners of the Federal Maritime Commission: Joseph E. Brennan; Harold J. Creel, Jr., and Rebecca F. Dye.

INNOVATIVE HEALTH TECHNOLOGIES/ TREATMENTS HELPING VETERANS

Committee on Veterans' Affairs: Held a hearing on Innovative Technologies and Treatments Helping Veterans. Testimony was heard from public witnesses.

BRIEFING—INTELLIGENCE COMMUNITY DIVERSITY REPORT

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Intelligence Community Diversity Report. The Committee was briefed by Patricia T. Taylor, Director, Equal Employment Opportunity and Diversity Office, Office of the Director of National Intelligence.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D530)*

H.R. 586, to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement. Signed on May 12, 2009. (Public Law 111–19)

COMMITTEE MEETINGS FOR THURSDAY, MAY 14, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine the proposed budget request for fiscal year 2010 for national intelligence program and military intelligence program, 10:30 a.m., SVC–217.

Full Committee, business meeting to mark up proposed budget request for fiscal year 2009 supplemental for Iraq, Afghanistan, Pakistan, and the pandemic flu, 2 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine proposed defense authorization request for fiscal year 2010 for the Future Years Defense Program, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: to hold hearings to examine S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009; to be followed by a business meeting, 2:30 p.m., SD–366.

Committee on Environment and Public Works: business meeting to consider S. 1005, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, S. 849, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions, H.R. 80, 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, H.R. 388, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, S. 529, to assist in the conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, H.R. 813, to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse", H.R. 837, to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; and Army Corps of Engineers Study Resolution: Miles City and Vicinity, Montana, 10 a.m., SD–406.

Committee on Finance: to hold a closed meeting to examine expanding health care coverage, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Jeffrey D. Feltman, of Ohio, to be Assistant Secretary for Near Eastern Affairs, and Robert Orris Blake, Jr., of Maryland, to be Assistant Secretary for South Asian Affairs, both of the Department of State, 9:45 a.m., SD–419.

Full Committee, to hold hearings to examine the Middle East, focusing on the road to peace, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine delivery reform, focusing on the roles of primary and specialty care in innovative new delivery models, 10 a.m., SD–430.

Committee on Indian Affairs: business meeting to consider the nomination of Larry J. Echo Hawk, of Utah, to be Assistant Secretary of the Interior for Indian Affairs, 10:30 a.m., SD–628.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 3:30 p.m., S–407, Capitol.

House

Committee on Agriculture, Subcommittee on Horticulture and Organic Agriculture, hearing to review food safety standards for horticulture and organic agriculture, 10 a.m., 1399 Longworth.

Committee on Appropriations, Subcommittee on Financial Services, General Government and Related Agencies, on District of Columbia, 9:15 a.m., 2362–A Rayburn.

Subcommittee on Interior and Environment, and Related Agencies, on National Park Service, 9 a.m., B–308 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of the Navy, 10 a.m., and a hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of the Army, 2:30 p.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Families and Communities, hearing on Improving Child Nutrition Programs to Reduce Childhood Obesity, 10 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''How Should the Federal Government Oversee Insurance?'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe, hearing on The United States and Turkey: A Model Partnership, 10:30 a.m., 2172 Rayburn.

Committee on Homeland Security, to mark up H.R. 2200, Transportation Security Administration Authorization Act, 10 a.m., 311 Cannon.

Committee on the Judiciary, oversight hearing on the Department of Justice, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 129, To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 762, To validate final patent number 27–2005–0081, and for other purposes; H.R. 865, To convey the New River State Park campground located in Mount Rodgers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; H.R. 1442, To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; H.R. 1471, 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; and H.R. 1641, Cascadia Marine Trail Study Act, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on H.R. 2008, Bonneville Unit Clean Hydropower Facilitation Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform,, hearing entitled ''Protecting the Public from Waste, Fraud, and Abuse: H.R. 1507, Whistleblower Protection Enhancement Act of 2009,'' 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing entitled ''Protecting the Protectors: An Assessment of Front-line Federal Workers in Response to the H1N1 Flu,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, hearing on An Overview of the Federal R&D Budget for Fiscal Year 2010, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''The Consumer Product Safety Improvement Act and Small Business,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on An Independent FEMA: Restoring the Nation's Capabilities for Effective Emergency Management and Disaster Response, 11 a.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Reauthorization of the Department of Transportation's Hazardous Materials Safety Program, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining Appellate Processes and Their Impacts on Veterans, 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, hearing on Federal Contract Compliance, 1:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade. hearing on Investment Protections in U.S. Trade and Investment Agreements, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Intelligence Support in Afghanistan, 4 p.m., 304 HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 14

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 627, Credit Cardholders' Bill of Rights Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 14

House Chamber

Program for Thursday: Complete consideration of H.R. 2187—21st Century Green High-Performing Public School Facilities Act. Consideration of H.R. 2346—Supplemental Appropriations Act, 2009 (Subject to a Rule).

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