The House met at 10 a.m. and was called to order by the Speaker.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAP'TUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAP'TUR 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. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

KEEP THE GOVERNMENT OUT OF THE DOCTOR’S OFFICE

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

Mr. POE of Texas. Mr. Speaker, most of the American people oppose the government plan to take over health care. It costs too much; it borrows too much; it taxes too much; it’s inefficient; and it gives government bureaucrats the control of our personal medical decisions. We should just fix what’s broken. People should be able to buy health insurance across State lines to get competitive rates. Small businesses should be able to pool together to get better rates through larger risk pools. Businesses that help take care of their employees should get tax breaks rather than tax increases. People should own their own health insurance policies—and that’s real portability.

If anybody loses or leaves their jobs, they don’t lose their insurance. People should not be cancelled for having pre-existing conditions, and we should figure out a way to provide for catastrophic illness, catastrophic injury and affordability.

These are things that most Members agree on. These things don’t cost billions of dollars. These things help keep government out of the doctor’s office. We should fix what the American people want us to fix and keep the government from destroying America’s health.

And that’s just the way it is.

BOBBY SALCEDO

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

Ms. CHU. Mr. Speaker, today I am introducing a resolution decrying the shocking violence of the Mexican drug cartels, and I am urging the Mexican Government to bring to justice those responsible for the killing of Bobby Salcedo and of countless innocent bystanders.

This past New Year’s Eve, Bobby Salcedo, a young elected official and rising star from my district in El Monte, California, was brutally executed in Gomez Palacio, Durango, Mexico. Despite having no connection to the Mexican drug trade, Mr. Salcedo’s death is part of a recent and pervasive surge in violence against innocent bystanders. Bobby’s death reminds us that the violence of the Mexican drug cartels is not some faraway land but that it affects us here in the United States as well.

This violence must be stopped. Bobby’s killers must be brought to justice. That is why I encourage my colleagues to support this resolution in urging the United States and Mexico to bring an
end to the gruesome violence of the Mexican drug cartels.

Honoring the Life of Technical Sergeant Anthony C. Campbell

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

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the life of Technical Sergeant Anthony C. Campbell, an Air Force Reservist and Cincinnati police officer from Florence, Kentucky. Sergeant Campbell made the ultimate sacrifice in service to our Nation on December 15, 2009, in Afghanistan while serving with the 932nd Civil Engineer Squadron.

Tony Campbell was a model citizen and patriot. His dream was to serve in the military and in law enforcement. After graduating from Boone County High School in 1992, he joined the U.S. Air Force. After active duty, he spent 10 years working as a pipeliner and Air Force Reservist before fulfilling his dream to become a Cincinnati police officer. Tony was recalled to active duty and deployed to Afghanistan in October 2009.

Today, as we honor the service of this exceptional Kentuckian, my heartfelt prayers are with Tony’s wife, Emily, their children, Jordan, Ryker and Devin, and his loving parents. We are all indebted to Tony for his bravery, dedication, and willingness to answer the Nation’s call to defend freedom.

Human Rights Abuses in Egypt

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

Mr. SQUIRES. Mr. Speaker, I rise today to share my concerns and outrage over human rights abuses in Egypt.

The Egyptian Government must uphold the rights of all religious communities by ending discrimination and harassment of these groups and prosecuting those who do harm to these groups.

An attack that happened 2 weeks ago starkly illustrates the need for change in Egypt. On January 6, the night before Coptic Christmas, a drive-by shooting killed six Coptic Christians. While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian Government has yet to recognize the full significance of the violent act or the overarching issue of intolerance in the country.

Violence in the name of religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling. Religion is a fundamental freedom that must be upheld and respected in every nation and in every community. I urge my colleagues and the House to join me in calling for religious freedom and basic rights for all people.

Military Tribunals for Terrorists Act

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

Mr. BUCHANAN. Mr. Speaker, this week, I introduced legislation that requires terrorists to be tried in military courts. The American people are outraged that foreign terrorists that are waging war against the United States are being treated as common criminals. The al Qaeda-trained Nigerian terrorist accused of trying to blow up Flight 253 on Christmas Day—I was in Detroit that day—is only the latest example of this misguided policy.

The mastermind behind the 9/11 attacks is going on trial in New York City, just blocks from Ground Zero. Even the New York Democratic Governor disagrees with this approach.

Putting terrorists on trial before military tribunals has many benefits, including the fact that sensitive U.S. intelligence sources and methods will be protected. I urge all my colleagues on both sides of the aisle to support and cosponsor the Military Tribunal for Terrorists Act.

Expressing Thanks to the Volunteers in Iowa

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

Mr. LOEBSACK. Mr. Speaker, I want to express my sincere appreciation and thanks to the volunteers who have worked and continue to work in the flood-ravaged community of Cedar Rapids, Iowa. It is the efforts, dedication, and a sense of shared community like I experienced on Monday that is the heart and soul of Iowa, and indeed our great Nation.

While I have been able to work with Congress to provide supplemental disaster assistance toward flood recovery, it is the volunteers from not only Iowa, but all over the country who have offered their hearts and time and made a truly monumental impact in our State. Thank you again, volunteers, for all you do.

International Child Abduction Prevention Act

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

Mr. OLSON. Mr. Speaker, my constituent, Deana Hebert, last saw her then 18-month-old daughter, Bianca Lozano, on April 7, 1995. Bianca’s father, Juan Lozano, took her for a scheduled child custody visit and then abducted her to Mexico. That was almost 15 years ago.

I was shocked to learn that there are over 950 open reports of U.S. citizen children being taken into Mexico by a parent. No parent should ever go through Deana’s nightmare. That is why I have been working with all levels of government to urge cooperation with Mexico and allow this mother to see her child again.

Congress should pass H.R. 3240, the International Child Abduction Prevention Act of 2009, which would establish an Office on International Child Abductions within the State Department. I am a proud cosponsor of this legislation, which would strengthen the tools we have available to ensure that children like Bianca Lozano know they have a mother who loves them and come home.

The Long View on Job Creation

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, as we consider new job initiatives to create more jobs for unemployed Americans, the Joint Economic Committee will be producing a series of charts over the next few weeks to help us better understand the economic missteps that led and contributed to this great recession. This chart goes back to 1992, the year that President Clinton was elected. It shows that during his time there was very robust job creation in the private sector, and then during the Bush years it fell dramatically. This dark line is the job creation, going up during the Clinton years, falling dramatically under the Bush administration. It also shows that Democrats have been considerably more effective at creating private-sector jobs.

Economic reality was actually even worse than this chart shows. As Nobel Prize-winning economist Joseph Stiglitz has pointed out, job creation during the Bush administration was fueled by a bubble that inflated housing prices and spurred consumption and hiring, and when that bubble burst, this chart goes back to 1992. We owe it to the millions of unemployed who fell victim to the failed economic policies of the past to invest in Democratic job creation policies that have actually put people back to work in the private sector.
opposition, the Environmental Protection Agency quietly perpetrated one of the largest power grabs ever.

A little-noticed decision last year expanded the definition of “air pollutant” in the Clean Air Act to include greenhouse gases. This means the federal government now has the authority to regulate everything from carbon dioxide to water vapor. As a result, every living person is now a source of pollution from exhaling CO$_2$ and water vapor. Every breath you take, every word you utter is now subject to EPA regulations.

The American people need room to breathe; so I have sponsored H.R. 391 to do just that. I hope my colleagues will join me because the hot air that comes out of this Chamber would qualify us as a Superfund site.

HONORING NGUOI-VIET DAILY NEWS FOR ITS 31 YEARS OF SERVICE IN LITTLE SAIGON

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

Ms. LORETTA SANCHEZ of California, Mr. Speaker. I rise today to honor Nguoi-Viet Daily News for its 31 years of media service in Orange County, California. Nguoi-Viet Daily News was the first and the largest daily newspaper published in Vietnamese in the United States, and it was founded by Mr. Do Ngoc Yen in 1978.

While its first 4-page issue, dated back on December 15, 1978, was printed in Mr. Do’s garage, today he has more than 60 employees and a daily circulation of 18,000, and Nguoi-Viet online edition is among the most widely read services with 1.5 million hits a month.

Nguoi-Viet News has provided the Vietnamese community with appealing editorials and local and international news stories that highlight community service and activism while bringing the community together. I applaud Nguoi-Viet News for those important achievements for 31 years, and I look forward to its contribution in the next 31 years.

IN DEFENSE OF OUR WARFIGHTERS

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

Ms. GRANGER. Mr. Speaker, soon courts-martial of the three Navy SEALs accused of beating a suspected terrorist will begin. These trials and the outcomes are being followed closely by our servicemembers. There is broad concern that political correctness may be impacting the decision to accuse servicemembers of crimes stemming from the treatment of terrorists and accused terrorists. This is not acceptable. Our soldiers must be able to carry out their missions without considering the sensitivities of the ACLU.

There is another group that is also following these courts-martial, the terrorists. In fact, the al Qaeda handbook specifically directs any operative who is detained to immediately claim he is tortured and mistreated. We cannot stand by and allow our warfighters to be manipulated by the enemy.

When these charges are brought, many of our servicemembers elect to have civilian defense counsel, based on their level of experience and expertise, at their own expense. Even when acquittals or the charges are dropped, these servicemembers are left with significant debt. This is also unacceptable.

The people who so willingly defend this country deserve the very best defense and should be acquitted or the charges dropped. It is the responsibility of our government to pay these costs. Today I am introducing a resolution to address this inequity. I will continue to fight for our soldiers, sailors, airmen, and marines, and I urge all Members of Congress to do the same.

AMERICA IS TOO BIG TO FAIL

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

Ms. SPEIER. Mr. Speaker, Americans’ thirst for real change did not end with the election in 2008. Across this country, people are mad, mad that the rampant speculation in our financial markets which led to the current economic meltdown and the double-digit unemployment have not yet been addressed.

I want to thank President Obama for his announcement this morning acknowledging what former Fed Chair- man Paul Volcker has been saying for months: It’s time to reinstate the institution protections that safeguarded our country for more than half a century, the Glass-Steagall Act, ironically repealed in 1999 at the behest of the financial services industry.

The only thing in America that can ever be deemed too big to fail is America itself. It is time for those of us in Congress to grow a backbone, to have the courage of our convictions and stand up to the big banks. No longer can we allow the greed of a few to put the entire Nation at risk.

Just as we are united in our effort to combat threats from abroad, we must be vigilant to those very real threats from within. We were sent here by the voters to take care of them, the taxpayers and the consumers. The banks can take care of themselves.

MR. OBAMA, PULL DOWN THAT HEALTH CARE BILL

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

Mr. HALL of Texas. Mr. Speaker, as we approach President Ronald Reagan’s birthday, I remember very well 22 years ago when he thought our country was threatened by Russia and the future of our children and their children was in danger of being imperiled. He stood at the Brandenburg Gate in Germany, shook his fist at Russia and said, “Mr. Gorbachev, tear down this wall.”

I rise in honor in a few days in my Fourth Congressional District and all across the land the man who said, Tear down this wall. Today I say to the leader of another country, our country, Mr. Obama, your health bill and your 34 cars: Tear down that wall that separates you from the American people. Pull down your health bill and start over. The people have spoken. We need jobs, not bribes and broken promises. Pull down that bill. Pull down that bill. Pull down that broken health bill.

HONORING CATHOLIC SCHOOLS

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

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor Catholic schools in my district and across the country for their contributions to their students and communities.

January 31 through February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Education Association and the United States Conference of Catholic Bishops.

I have a number of Catholic schools in my district, including St. Therese, Our Lady of Fatima—where a number of our neighborhood kids go—Saint Anne’s, Saint Bernadette, Saint Joan of Arc, Saint Pius X, and Saints Peter and Paul. Each of these schools is advancing strong academic goals in the classroom, and each is developing well-rounded young adults in our communities.

I congratulate these Catholic schools in the Seventh Congressional District, as well as the students, parents, and teachers for their ongoing dedication to a quality education. Receiving a quality education is key to our children’s success and as a parent of three, I am well aware of this.

In closing, I extend my best wishes to the students who attend the Catholic schools in the Seventh Congressional District and wish every student in Colorado the best of luck in this school year.

President’s Deficit-Cutting Commission

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

Mr. PENCE. If you are concerned about your Federal spending and a rising national debt, you won’t find a lot of comfort in today’s headlines.

After passing a government takeover of health care costing over $1 trillion
and a budget that will triple the national debt in the next 10 years. Democratic leaders are now talking about actually bringing legislation that will raise our debt limit by $1.9 trillion. But we are told by the same Democratic leadership that they are going to get serious in 2010 about fiscal discipline.

I guess, along those lines, President Obama is expected to announce a bipartisan commission that will look for ways to reduce deficits in the future. Sounds like an appealing idea, but the devil is always in the details in Washington, D.C.

The President’s commission on close examination actually looks like a guard dog with no bite. It looks like fiscal discipline, but it could be easily ignored by Congress.

Remarkably, the President’s proposal, as I have heard about it, is prohibited from recommending cuts in any discretionary spending. That will be about $1.4 trillion. And the bridge to nowhere is completely off-limits.

And, as many of us know, with the partisan bias and the structure of it, as reported, it is likely this commission will just be an excuse to raise taxes.

The American people don’t want more government, more taxes, and more political posturing about spending. They want this Congress to show the character and the strength to make the hard choices to put our fiscal house in order.

SUPPORT H.R. 2829 and H.R. 3053

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

Mr. CARSON of Indiana. Mr. Speaker, each year tens of thousands of ex-offenders are released from prison back into our communities. Many of them return to our neighborhoods with few prospects and no way to provide for themselves and their families.

Unfortunately, months of waiting for benefits often push these ex-offenders back into criminal activity. Without an income to purchase health care and food, many see it as the only way to survive.

Today, I believe this Congress has the responsibility to address this clear danger to the public. That is why I introduced two bills last year, H.R. 2829 and H.R. 3053, which will ensure that former inmates have access to TANF, Medicaid, Social Security disability, and other benefits upon their release from prison.

By removing months of waiting, we can help these individuals successfully reenter society and avoid returning to a life of crime. I hope that all of my colleagues will consider cosponsoring these important bills, both for the future of ex-offenders and for the safety of our communities.

NATURAL GAS DRILLING

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

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to talk about an issue that has taken root in my district and across Upstate New York, and that is the concern over natural gas drilling prospects in a procedure called “hydraulic fracturing.”

Natural gas is a great natural resource for this country to cultivate to use for heat and energy. However, in Upstate New York we have another natural resource that is critical to our survival and prosperity, and that is our water.

Our water supply is precious, and we are so fortunate in Upstate New York to have an abundance of water resources that I never want to take for granted and will always fight to protect.

Now, I don’t want to oppose natural gas drilling in Upstate New York because there is a definite opportunity for gas drilling that has a positive impact, and I think that that’s an important thing if we are going to address energy costs and local jobs in the region.

But I don’t want to sacrifice the purity of our water resources by rushing to drill before the infrastructure is in place in New York to regulate it in the way that it needs to be regulated.

I will stand with the people in my district who could be affected by natural gas drilling to ensure that their water is protected.

HEALTH CARE

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

Mr. BURTON of Indiana. Mr. Speaker, some people just don’t get it.

I was reading the Wall Street Journal this morning. And when the Democrat Senators met, one of the aides was asked by a reporter what was going on; and the aide to one of the Democrat Senators said this: “People are hysterical right now.”

Hysterical? Because the American people realize that this health care bill is an absolute disgrace and a tragedy, and they didn’t want it and they overwhelmingly voted against it in Massachusetts, they are hysterical.

I would just like to say to that young man and any of my colleagues who really haven’t gotten the message from Massachusetts and Virginia and New Jersey; the American people don’t like the direction this country is heading in. They don’t like the big spending. They don’t like all these new socialist programs. And they don’t want the government coming between them and their doctor. And I hope my colleagues will get there to work together to solve these problems facing the Nation regarding health care.

TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes, and ask for its immediate consideration in the House.

The Clerk reads the title of the bill. The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 3254

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 “Taos Pueblo Indian Water Rights Settlement Act.”

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. Pueblo Rights.
Sec. 5. Pueblo water infrastructure and watershed enhancement.
Sec. 6. Taos Pueblo Water Development Fund.
Sec. 7. Marketing.
Sec. 8. Mutual-Benefit Projects.
Sec. 9. San Juan-Chama Project contracts.
Sec. 10. Authorizations, certifications, confirmations, and conditions precedent.
Sec. 11. Waivers and releases.
Sec. 12. Interpretation and enforcement.
Sec. 13. Disclaimer.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE NON-PUEBLO ENTITIES.—The term “Eligible Non-Pueblo Entities” means the Town of Taos, El Prado Water and Sanitation District (“EPWSD”), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acquia Madre and the Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Honda Mutual Domestic Water Consumers Association, and the Laguna Quechado Mutual Domestic Water Consumers Association.

(2) ENFORCEMENT DATE.—The term “Enforcement Date” means the date upon which the Secretary publishes the notice required by section 16(f)(1).

(3) MUTUAL-BENEFIT PROJECTS.—The term “Mutual-Benefit Projects” means the projects described and identified in articles 6 and 10 of the Settlement Agreement.

(4) PARTIAL FINAL DECREE.—The term “Partial Final Decree” means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7966-BB (U.S. S.D.N.M.) and 7939-BB (U.S. S.D.N.M.) (consolidated), for the resolution of the Pueblo’s water rights claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.
Pueblo shall not be denied all or any part of its rights or water rights under section 10(e) if the Pueblo contracts for the purchase of water from another water supplier in the same geographic area, if the Pueblo pays for the water at the same rate per unit as water from the San Juan-Chama Project, as defined in article 8 of the Settlement Agreement.

SEC. 7. MARKETING.

(a) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(c) LIMITATION.—

(1) In general.—Diversion or use of water from Pueblo contract rights to San Juan-Chama Project water subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) Effect on water rights.—Such diversion or use of water from Pueblo contract rights to San Juan-Chama Project water shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—In general.—The maximum term of any water use lease or sublease, including all re-leases, shall not exceed 99 years in duration.

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (e), a Federal law, or any applicable State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(3) The Secretary shall have the right to withdraw monies from the Fund, unless the Secretary has approved or disapproved any lease or sublease, including all applicable State Engineer permitting and reporting requirements.

(4) EXPENDITURE PLAN.—(A) In general.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under subsection (c).

(B) LIMITATION.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(5) ANNUAL REPORT.—The Secretary shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) FUNDS AVAILABLE UPON APPROVAL.—Notwithstanding subsection (d), $15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(5) shall be available upon approval or made available from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 3.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, and permits for water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under subsection (e), a Federal law, or any applicable State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

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(B) LIMITATION.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

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(5) ANNUAL REPORT.—The Secretary shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) FUNDS AVAILABLE UPON APPROVAL.—Notwithstanding subsection (d), $15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(5) shall be available upon approval or made available from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 3.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, and permits for water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under subsection (e), a Federal law, or any applicable State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(3) The Secretary shall have the right to withdraw monies from the Fund, unless the Secretary has approved or disapproved any lease or sublease, including all applicable State Engineer permitting and reporting requirements.

(4) EXPENDITURE PLAN.—(A) In general.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under subsection (c).

(B) LIMITATION.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(5) ANNUAL REPORT.—The Secretary shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) FUNDS AVAILABLE UPON APPROVAL.—Notwithstanding subsection (d), $15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(5) shall be available upon approval or made available from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 3.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, and permits for water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement.
Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease with a term of less than 20 years.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not apply to water use leases, including agreements, that purport to authorize or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo’s water outside of New Mexico.

SEC. 8. MUTUAL-BENEFIT PROJECTS.

(a) ENVIRONMENTAL COMPLIANCE.—There is authorized to be appropriated under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(b) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87–483 (76 Stat. 96) or any other provision of law—

(1) The Secretary shall waive the entirety of the Pueblo’s share of the construction costs, both principal and interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo’s share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) The Secretary’s waiver of the Pueblo’s share of the costs is in the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONDITIONS PRECEDENT, AND CONDITIONS.

(a) RATIFICATION.—

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

(b) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(c) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) TAOS PUEBLO INFRASTRUCTURE AND WATER-FED FUND.—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, $30,000,000, as adjusted under paragraphs (3) and (4), for the period of fiscal years 2010 through 2016.

(2) TAOS PUEBLO WATER DEVELOPMENT FUND.—There is authorized to be appropriated to the Secretary for the Taos Pueblo Water Development Fund, established at section 6(a), $58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) MUTUAL-BENEFIT PROJECTS FUNDING.—There is further authorized to be appropriated to the Secretary for water rights grants pursuant to section 8, a total of $33,000,000, as adjusted under paragraphs (3) and (4), for the period of fiscal years 2010 through 2016.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary’s execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

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


(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties’ motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided the necessary funds to the National Environmental Policy Act or the Partial Final Decree may be placed in a lease, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water with the Pueblo is entered into, and the Settlement Agreement and this Act reflect that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(h) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to sections 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).
SEC. 10. Waivers and Releases.

(a) Claims by the Pueblo and the United States.—In return for recognition of the Pueblo’s water rights, whether claimed or perfected, but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement (including water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.)) (consolidated) from—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project Act of August 9, 1937 (50 Stat. 564), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 251), as authorized by the Indian Trust Act (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts or made available from other appropriated sources, together with any interest in or right to receive for the Pueblo parties, as set forth in the Settlement Agreement and this Act, (2) all claims for enforcement of the Settlement Agreement, the Final Decree, exhibitho, the Final Decree, or this Act.

(b) Reservation of Rights and Retention of Claims.—Nothing in the waivers and releases authorized in this Pueblo on behalf of itself and its members, and the United States acting in its sovereign capacity to take actions authorized in its capacity as trustee for the Pueblo, (3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (46 Stat. 1500), or made available under sections 5(d) and 6(f) of the Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), and the regulations implementing such Acts;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation in the United States, the Pueblo’s water rights in New Mexico v. Abeyta and New Mexico v. Arellano, (5) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or interpretation of the Settlement Agreement, exhibits theo, the Final Decree, or this Act;

(c) Reservation of Rights and Retention of Claims.—Nothing in the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project Act of August 9, 1937 (50 Stat. 564), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts or made available from other appropriated sources, together with any interest in or right to receive for the Pueblo parties, as set forth in the Settlement Agreement and this Act, (2) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project Act of August 9, 1937 (50 Stat. 564), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 564), and the Pueblo Lands Act of May 9, 1938 (52 Stat. 251), as authorized by the Indian Trust Act (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts or made available from other appropriated sources, together with any interest in or right to receive for the Pueblo parties, as set forth in the Settlement Agreement and this Act, (3) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or interpretation of the Settlement Agreement, exhibits theo, the Final Decree, or this Act;

(d) Tolling of Claims.—Nothing in this section revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(e) Limitation.—Nothing in this section prejudices the pending or future period of limitations or time-based equitable defense under any other applicable law.

SEC. 12. Interpretation and Enforcement.

(a) Limited Waiver of Sovereign Immunity.—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to such action, provided that no claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) Subject Matter Jurisdiction Not Affected.—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction, including but not limited to the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo’s water rights.

(c) Regulatory Authority Not Affected.—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights within the future.

SEC. 13. DISCLAIMER.

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, including but not limited to hunting, fishing, gathering, or cultural rights; and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.
it shall be in order to consider the amendment printed in part A of House Report 111-399 if offered by the gentleman from California (Mr. McCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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. 3254.

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

There was no objection.

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

Today, the Committee on Natural Resources is bringing before this body for consideration three bills which would provide for the settlement of the legitimate water claims of several Indian tribes.

Many Americans rarely give a thought to having clean, potable water in their homes. We turn on the taps in our kitchens, and we take it for granted that water will flow forth. But that, unfortunately, is not the case in all places.

There is no scarcity of water in my home State of West Virginia. We are rich in water. It flows freely.

Yet, today we continue to work to ensure that all of our citizens have access to clean, potable water, as well as to be served by sanitary wastewater systems; and I have and will continue to fight this fight every day of my tenure in this body. This is with understanding and with compassion that I bring these three measures to the floor today.

The pending measure, and I give him full credit for his leadership and bringing it to our attention, sponsored by the gentleman from New Mexico, BEN Lujan, would adjudicate the water rights of the Pueblo of Taos and end 40 years of active litigation by ratifying a settlement agreement.

For many years, my colleagues, 40 years of litigation: that is what the pending legislation would end. And I cannot commend enough Mr. Lujan and Mr. Heinrich, the other gentleman from New Mexico and member of our Committee on Natural Resources, for their efforts in this matter.

Similarly, I commend the chairwoman on the Subcommittee on Water and Power, the gentlewoman from California, Grace Napolitano, for the hearings and all of her hard work on the measures that we are considering today.

This legislation implements a settlement agreement that was signed in May of 2006 by the Pueblo of Taos, the State of New Mexico, 55 community ditch associations, the town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations. Collectively, the parties to the agreement represent a majority of water users in the Taos Valley.

Let me emphasize that point. This settlement provides water certainty to both tribal and non-tribal communities.

Under this settlement agreement, funds would be authorized for the Taos Settlement Fund, the Taos Infrastructure and Watershed Fund, and for various projects that are mutually beneficial to the pueblo and non-pueblo parties.

I would note that the Taos Pueblo has settled for a water right that is far less than what the claims asserted in litigation by the United States and the pueblo. This potential value is much more than what is authorized to be appropriated in H.R. 3254, a clear financial benefit to all taxpayers.

Yet we will hear from some on the other side of the aisle that they are not sure whether or not this settlement agreement is fair. They just do not know, they will say.

Well, all the parties which finally came together to settle 40 years of litigation, I remind you, believe that this is a good settlement. The gentleman from New Mexico expresses those people in this body believes it is a good deal. The gentlewoman from California, Grace Napolitano, who held hearings on this bill and worked with all the concerned parties, believes it is a good settlement. And the Committee on Natural Resources, which approved a pending measure, thought it was a good enough settlement to send to the full House.

Let me be clear: Both the Departments of the Interior and Justice were involved in this settlement agreement. Rather than engage in protracted litigation, both Republican and Democrat administrations for over the last 20 years believe that negotiated Indian water rights settlements are the preferred course of action.

In testimony before the Water and Power Subcommittee, the Commissioner of the Bureau of Reclamation stated: ‘‘Settlements improve water management, removing certainty not just to the quantification of a tribe’s water rights but also as to the rights of all water users.’’

He added further: ‘‘Indian water rights settlements are consistent with the Federal trust responsibility to Native Americans, and with a policy of promoting Indian self-determination and economic self-sufficiency.’’

We do indeed have a trust responsibility to Indian country, and fulfilling that responsibility is at the heart of what we are doing. The Taos Pueblo has had to fight for its water rights against Spanish settlers, with Mexico, and then as part of the United States. Let us today end this long fight and provide certainty to all the water users in the Taos Valley.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to reluctantly oppose this and the two other claimed settlement bills that are being considered on the House floor today.

As a Member from a part of the United States, I am well aware of how important these settlements can be to tribal and non-tribal communities. In general, Indian water rights settlements are instruments to reduce litigation and bring water supply certainty to communities in the western part of the United States. When done right, they provide not only certainty to all parties, but they also benefit the American taxpayer, who could end up paying much more if the litigation went forward.

It is indeed Congress’ statutory role to consider and approve these settlements when these settlements are complete. The Congress would have all the information it needs to conduct a proper review and pass judgment on the merits of approving these settlements. Yet we do not have all such information on these three bills today. The most critical missing element is a clear, direct answer from the Department of Justice, through the Attorney General, on whether these settlements represent a fair resolution to the taxpayer.

As I mentioned during committee consideration of these bills, it is appropriate that these agreements are largely worked out by the people at the local level, but taxpayers from across the country have to pay for such agreements.

So, Mr. Speaker, in that context, while I applaud the idea that local groups are working it out in their best interests, which I think is a positive statement, these do have to be paid for by the American taxpayer, and we must be able to answer this question: Is this the best deal that can be reached and is it in the interest of the parties to the settlement, as well as to the taxpayers of this country?

The three bills that the House will consider today total over $500 million in potential Federal expenditure. Before Congress spends over one-half billion dollars, we certainly should know whether the taxpayers are getting fair treatment.

The American people are highly concerned about the spending that’s gone on in this Congress. Whether it’s the stimulus spending that has failed to create the promised jobs or the government takeover of health care with a price tag of well over a trillion dollars, the spending in this Congress is out of control. Congress needs to get serious about the record debt being run up during President Obama’s first year in office. This means not only stopping the
megaspending bills, but also taking a hard look at the smaller bills, such as the $500 million bills that are represented under these three bills. We need the Attorney General to provide us with a clear, direct answer.

The ranking Republican of the Water and Power Subcommittee, Mr. McCLENTOCK of California, has been working to elicit such answers. Months ago, in September and October of last year, he wrote to the Attorney General asking direct questions. No response was received. Two days ago, just as these bills were headed to the floor of this House for a vote. Regrettably, this bill does not provide the direct answer to the questions asked. They finally replied at the 11th hour with ambiguity and generalities, but not with a clear answer that this Congress and the American taxpayers deserve.

So, Mr. Speaker, let me repeat again, while I support the concept of the settlement bills because, by definition, these are local people on the ground making decisions in their best interest, and the possibility that these three bills merit passage by the House, without a clear answer, as I talked about earlier, from the Department of Justice and taxpayers are getting a fair deal, I cannot support this legislation. So, therefore, I urge my colleagues to oppose all three of these bills.

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the lead sponsor of this bill, whom I referenced in my opening remarks, the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I rise today in support of H.R. 3254, the Taos Pueblo Water Rights Settlement Act. Before I begin, I would like to thank Chairman RAHALL and Chairwoman NAPOLITANO for the way in which all three settlement bills we are considering on the House floor today, which are such an important part in meeting the water needs of the people in my district.

Mr. Speaker, it’s taken nearly three decades of work by so many New Mexicans for me to be able to stand here today and address this body about the critical issue of water management and water security in my State. I’d like to thank all the tribal leaders and community members who have represented, traveled from Taos to Washington, across New Mexico, to work on this legislation throughout the years. Generation after generation, Mr. Speaker, people have been coming together to try to find resolution to benefit the community, to save taxpayers money, to prevent costly litigation from moving forward through the Federal court system.

As we consider these water settlements today, we should remember that behind this legislative language, the procedural necessities, and the committee reports, these bills are about the basic human need and water. These settlements are the fulfillment of a promise made by the United States. Let me repeat that, Mr. Speaker. These settlements are the fulfillment of a promise made by the United States to its people, tribal and nontribal alike, that their needs would be met. The preservation of the ancient culture of the Taos Pueblo as well as the future of the modern Taos community depend upon the passage of this legislation.

I want to take a little history about this settlement and why it’s so important to pass this legislation today. The legal proceedings that led to the Taos Pueblo Indian Water Rights Settlement, also known by my constituents as the Abeyta settlement, began in 1969 by the New Mexico State Engineer. The State Engineer’s office in New Mexico is charged with the distribution and management of water resources in our State. The litigation under this agreement and negotiations of the Abeyta settlement began.

It has taken until today for these negotiations to reach a point where it could be possible to enact this settlement into law to resolve the water allocation between these community members in the Taos area.

This legislation will bring to a close decades of litigation and uncertainty with regard to water resources for the people of my district. The passage of this legislation will bring security to water users in Taos by making water available for future generations and ensure that this valuable resource is protected. H.R. 3254 quantifies and protects Taos River and provides further security for water users of the town of Taos and many other non-Indian water users, including existing individual domestic wells. They are all essential to the Taos community. The passage of this legislation will also secure water under this agreement.

The work that has been done between all the settlement parties and the Federal Government is truly a testament to the necessity of passing this legislation. It is important to pass this legislation for the benefit of Taos.

The most important question at issue, and that is: Do these settlements exceed the likely liability of the government, as these settlements were negotiated by the Attorney General. It is important to pass this legislation for the benefit of our government directly responsible to our stockholders. How can we do any less as the Congress of the United States?

I’m new around here, but I spent 22 years in the California Legislature, many of them on the relevant committee that heard settlement bills. The central testimony in all of these settlements was from the attorney general’s office as the State’s legal counsel. They’d appear before us and they’d testify that in their professional legal judgment the settlements were justified. They’d assure us that the States’ liability and legal costs would likely exceed the settlement if the matter went to trial.
I’m told that’s the way it used to work around here. The Attorney General would negotiate the best possible settlement on behalf of the United States and then submit that settlement to Congress. Congress would then approve or disapprove. Now it seems to us we’re working in precisely the opposite manner. Congress now does the negotiating and then presents the bill to the Attorney General. Mr. Speaker, that is not going to end well.

I wrote to the Attorney General’s office in September and again in October asking for their legal assessment of the cases involved. This is hardly unprecedented. For example, in 1994, the Department of Justice testified before Congress on a similar water settlement in the Colville case. There, Peter Stenland, a Clinton Justice Department official, testified, “The Federal Government is not that well postured for a victory on this claim which has been pending for over 40 years. Absent the settlement, the government could well litigate it for another 10 years and the outcome could easily be a significant cost to the taxpayers and the public.” Well, if the Clinton administration could give Congress a straight answer on an Indian water settlement bill, then I figure there was no reason why the current one shouldn’t also be straight with the Congress.

There’s a simple word for this. It’s called “transparency.” We’ve been assured the transparency principle of this administration. We truly need some transparency in these cases if we’re to do our job competently and to do justice to both sides in these claims, yet the administration remained completely untransparent on this issue. That’s why I submitted a simple amendment to all three bills. The amendment would require that before the settlements take effect, the Department of Justice has to certify that the settlement is within the legal liability of the government, and only then submit that settlement for consideration and approval by the Congress.

I’d like to thank the members of the Rules Committee who granted the rule allowing these amendments to be presented today. But as the gentleman from Washington has said, a funny thing happened after the Rules Committee voted that rule out on Tuesday night. Two hours after the Rules Committee, 7:45 in the evening, our office received a letter from the administration that said my requests made way back in September and October of last year, and in it the Departments of Justice and Interior finally are prepared to state, although somewhat ambiguously and circuitously, that “settlement would be preferable to litigation of these claims.”

I certainly hope this is not going to be their pattern. We have many more Indian water settlements pending for substantial amounts of money, and the Congress should not have to wait for months to get a straight answer on the state of the administration for each settlement. The Congress should not be forced to choose a funding amount in the dark and without an informed legal opinion from our Attorney General at the outset. These matters should not have to wait until the eve of a congressional vote.

Mr. Speaker, since the administration has been raising the question whether litigation is preferable to the amendments raised by the amendments that I’m prepared to offer, I’m not going to introduce them to these bills today. But it is hard to square their assurances of this week with the Department of the Interior’s letter to the subcommittee chairman of November 10 with respect to the White Mountain Apache settlement, that says: “Given the benefits being obtained by the tribe under this settlement, the administration would consider the approximately $109 million of additional funding for a development fund authorized under this bill to be excessive if it were viewed as settlement consideration.”

I’d also point to concerns raised by the administration—again, this is unique to the White Mountain Apache settlement upcoming in the same letter—objecting to language “which waives the sovereign immunity of the United States.” They warn, “This provision will engender additional litigation and likely in competing State and Federal forums—rather than resolving the water rights disputes underlying adjudication.”

Obviously, this administration has a lot of work to do before future water settlements are considered. I believe Congress needs to demand that the administration be candid and forthcoming in all future water settlements and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, has determined all of the details, has certified that the settlement is within the legal liability of the government, and only then submit that settlement for consideration and approval by the Congress.

We need to make this happen in committee, not the night before a bill is sent to the House floor. And I believe that a growing number of us will have a problem agreeing to the advancement of future water settlements without these reforms. Anything less is breach the fiduciary responsibility that we hold to the people of the United States. And I want to dwell on that term for just a moment. Congress’ fiduciary responsibility, that sounds laughable today, but to the Framers of our Constitution, the term “Congress’ fiduciary responsibility” was a punch line. It was a bedrock principle. It’s high time we restored and respected that principle.

Mr. RAHALL. Mr. Speaker, it’s my honor to now yield such time as he may consume to the gentleman from New Mexico, MARTIN HEINRICH, another cosponsor of this legislation and a valued member of our Committee on Natural Resources.

Mr. HEINRICH. I thank the chairman for yielding.

Mr. Speaker, the Taos Pueblo Indian Water Rights Settlement Act is critically important to the Taos Pueblo and all of northern New Mexico. I want to commend you, Mr. Speaker, for his leadership on this important issue. I also want to thank Chairman RAHALL and Chairwoman NAPOLITANO for their support of this bill during the committee process.

This bill is the result of many, many long years of negotiation among the parties to find a fair and equitable resolution to this conflict. Like the other longstanding water rights cases, this case has been in Federal court for 40 years. More than a decade ago, community leaders realized that litigation would not solve this problem but negotiation might. I want to commend the hard work and cooperation of all the stakeholders. This outcome demonstrates a real compromise by all the parties involved.

Taos Pueblo is the only living Native American community registered as a National Historic Landmark, and it has been continuously inhabited for over 1,000 years. Under New Mexico State law, that long history gives Taos Pueblo senior water rights and reinforces our duty to help protect their water resources while providing certainty to both Indian and non-Indian water users in the Taos Valley. This settlement also protects one of the pueblo’s most sacred sites, the buffalo pasture. The pueblo has agreed to give up some of its water rights in exchange for protecting the ground water that feeds the buffalo pasture.

A settlement agreement was signed in May of 2006 by Taos Pueblo, the State of New Mexico, and many affected non-Indian water users and acequia associations in the Taos Valley. But this settlement still needs ratification and approval by the United States Government, and that’s what this bill will do. This settlement will bring the much-needed certainty to the Taos Valley and New Mexico water users.

As anyone from a Western State knows, water is the lifeblood of our communities. Whether you live in downtown Albuquerque, on a ranch, or at a pueblo, every New Mexican depends on their community’s right to clean, reliable water. This settlement is a historic step in ensuring that New Mexico communities have clear and reliable water rights to the water that they need.

I would urge my colleagues to vote “yes” on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend, the distinguished chairman, if he has any more speakers on this bill?

Mr. RAHALL. I am prepared to close, Mr. Speaker.

Mr. HASTINGS of Washington. If that’s the case then, Mr. Speaker, I know that Mr. MCCLINTOCK is not going to offer his amendment. So with that, I yield myself the balance of my time.
Mr. Speaker, hopefully, we’ve made it very clear in this debate that the agreement and the settlement of the claims is preferable to litigation when fair resolutions are met. I think most people would agree with that. We certainly don’t agree on this side of the aisle. That it is better to be working out these issues at the local level, rather than resorting to expensive lawyer fees and years of fighting. And these bills have had a long time of years of fighting, we know that.

Yet we, as Representatives, owe it to our constituents to make certain that settlements are not being made that overly compensate or benefit one community or locality while ultimately being paid out of the pockets of the taxpayers. Settlements must be fair to claimants, the effected community and to taxpayers. Despite several months of efforts to get a clear, direct answer from the Attorney General on the question of whether these settlements are in the best interest of the taxpayers, they responded, unfortunately, at the very last minute with a short and vague letter that leaves the question largely unanswered.

These three bills, as I mentioned, Mr. Speaker, spend over $500 million. Taxpayers deserve a transparent and straightforward reply. Because that has not been forthcoming, as I mentioned, I must oppose all three bills. But, Mr. Speaker, in the future, I would hope that the Democrat majority would be put on notice that we expect to hear directly from the Justice Department on the merits of the proposed settlements while this is being considered in the Natural Resources Committee. With hundreds of millions of dollars being spent, these settlements need to be fully vetted and explained in a fully transparent manner with clear answers from the Justice Department. Until that happens, these types of bills should not be advanced to the floor. And if these three bills were advanced to the House floor.

So with that, Mr. Speaker, I urge a “no” vote on this bill. I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and ask for its consideration in the Natural Resources Committee.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the text of the bill, as amended, is as follows:

H.R. 3342
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 “Aamodt Litigation Settlement Act”.

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

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

TITLE I—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

Sec. 102. Operating Agreement.
Sec. 103. Acquisition of Pueblo water supply for the Regional Water System.
Sec. 104. Delivery and allocation of Regional Water System capacity and water.
Sec. 105. Aamodt Settlement Pueblos’ Fund.
Sec. 106. Environmental compliance.
Sec. 107. Authorization of appropriations.

TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

Sec. 201. Settlement Agreement and contract approval.
Sec. 203. Conditions precedent and enforcement date.
Sec. 204. Waivers and releases.

SECTION 2. DEFINITIONS.

In this Act:

(A) AAMODT CASE.—The term “Aamodt Case” means the civil action entitled State of New Mexico, State Engineer of the State of New Mexico v. United States of America, Pueblo of Nambe, Pueblo of Pojoaque, Pueblo of San Ildefonso, and Pueblo of Tesuque v. R. Lee Aamodt, et al., No. 66 CV 60/MV/LOS (D.N.M.).

(B) ACRE-FEET.—The term “acre-feet” means acre-feet of water per year.

(C) AUTHORITY.—The term “Authority” means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(D) CITY.—The term “City” means the city of Santa Fe, New Mexico.

(E) COUNTY.—The term “County” means Santa Fe County, New Mexico.

(F) COUNTY DISTRIBUTION SYSTEM.—The term “County Distribution System” means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(G) COUNTRY WATER UTILITY.—The term “County Water Utility” means the water utility organized by the County to—

(i) receive water distributed by the Authority; and

(ii) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(H) ENGINEERING REPORT.—The term “Engineering Report” means the report entitled “Pojoaque Regional Water System Engineering Report” dated September 2008 and any amendments thereto, including any modifications which may be required by section 101(d)(2).

(I) FUND.—The term “Fund” means the Aamodt Settlement Pueblos’ Fund established by section 105(a).

(J) OPERATING AGREEMENT.—The term “Operating Agreement” means the agreement between these Pueblos and the County executed under section 102(a).

(K) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term “operations, maintenance, and replacement costs” means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term “operations, maintenance, and replacement costs” does not include construction costs or costs related to construction design and planning.
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(13) POJOAQUE BASIN.—
(A) IN GENERAL.—The term "Pojoaque Basin" means the geographic area limited by a surface water divide (which can be drawn on a topographic or hydrographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—
(i) the Rio Pojoaque; or
(ii) the 2 unnamed arroyos immediately south; and
(iii) 2 arroyos (including the Arroyo Alamo) that are north of or in confluence of the Rio Pojoaque and the Rio Grande.
(B) INCLUSION.—The term "Pojoaque Basin" includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 1078).
(14) Pueblo.—The term "Pueblo" means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.
(15) PUEBLO.—The term "Pueblos" means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.
(16) PUEBLO LAND.—The term "Pueblo land" means any real property that is—
(A) held by the United States in trust for a Pueblo within the Pojoaque Basin,
(B) owned by the United States and designated under section 316 of the San Juan-Chama Project Act, 1962 (76 Stat. 96, 97), and the Act of April 11, 1936 (70 Stat. 165),
(C) acquired by a Pueblo or by a grant of the land to the Pueblo by the United States,
(D) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the boundaries of the Pojoaque Basin, or
(E) any real property located within the exterior boundaries of the Pojoaque Basin as recognized and confirmed by a patent issued under the date of the Act of December 22, 1858, (11 Stat. 374, chapter V); or
(F) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2003.
(17) PUEBLO WATER FACILITY.—
(A) IN GENERAL.—The term "Pueblo Water Facility" means—
(i) a portion of the Regional Water System that serves only water customers on Pueblo land;
(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—
(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and
(II) described in the Operating Agreement.
(B) INCLUSIONS.—The term "Pueblo Water Facility" includes—
(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and
(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.
(18) REGIONAL WATER SYSTEM.—
(A) IN GENERAL.—The term 'Regional Water System' means the Regional Water System described in section 101(a).
(B) EXCLUSIONS.—The term "Regional Water System" does not include the County or Pueblo water systems delivered through the Regional Water System.
(19) SAN JUAN-CHAMA PROJECT.—The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1936 (70 Stat. 165).
(20) SAN JUAN-CHAMA PROJECT ACT.—The term "San Juan-Chama Project Act" means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).
(21) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(22) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the stipulated and binding provisions of the Settlement Agreement, provided in section 108 of the Act dated March 1, 1996, and as amended in conformity with this Act.
(23) STATE.—The term "State" means the State of New Mexico.

TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

SEC. 101. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the "Regional Water System":

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and
(2) that constitutes—
(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and
(B) any treatment, transmission, storage and distribution facilities for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).
(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the engineering plans and specifications described in section 106 for the Regional Water System that—
(1) is consistent with the Engineering Report; and
(2) includes a description of any Pueblo Water Facilities.
(c) ACQUISITION OF LAND; WATER RIGHTS.—
(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 107(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County cost-share allocation as set forth in the Settlement Agreement; or
(ii) may result in an adjustment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.

(1) IN GENERAL.—Subject to paragraph (2), on completion of the construction of the Regional Water System, the Secretary, in accordance with the Operating Agreement, shall convey to—
(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land acquired by the United States for the construction of the Pueblo Water Facility; and
(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and
(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System, in accordance with the Operating Agreement.
(2) CONDITIONS FOR CONVEYANCE.—The Secretary shall not convey any portion of the Regional Water System facilities under this section until such time as—
(A) a portion of the Regional Water System is complete; and
(B) the Operating Agreement is executed in accordance with section 102.
(3) SUBSEQUENT CONVEYANCE.—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyed portion is authorized by the Congress enacted after the date of enactment of this Act.
(4) INTEREST OF THE UNITED STATES.—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System so conveyed.
under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) LIABILITY.—
(A) IN GENERAL.—Effective on the date of conveyance of water rights to the Regional Water System, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the use, operation, maintenance, repair, and replacement of any rights, facilities, or assets, or of the Authority, or of the Regional Water System, or for any costs for the construction of any facilities.
(B) LIABILITIES.—Nothing in this section shall increase the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(7) EFFECT.—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of any assets, and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(8) Waiver.—Nothing in this section shall in any way affect the liability of the United States or any officer, or employee of the United States, as a result of subsection (c) with regard to the San Juan-Chama Project.

SEC. 102. OPERATING AGREEMENT.
(a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the date of conveyance of water rights to the Regional Water System.

(b) APPROVAL.—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) CONTENTS.—The Operating Agreement shall include—
(I) provisions consistent with the Settlement Agreement to implement the cost-sharing and system integration agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;
(ii) provisions to—
(A) the distribution of water conveyed through the Regional Water System, including a delineation of—
(I) distribution lines for the County Distribution System;
(ii) distribution lines for the Pueblo Water Facilities; and
(iii) distribution lines that serve both—
(I) the County Distribution System; and
(ii) the Pueblo Water Facilities;
(B) the allocation of the Regional Water System capacity;
(C) the terms of use of unused water capacity in the Regional Water System;
(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;
(E) the location and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portion of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;
(F) the operation of any distribution systems or the water supply described in section 101(h); and
(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 101(h).
(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet per year of water rights by the Pueblos and to the County; and

(ii) the amounts necessary for the installation of the Regional Water System.

2. The amount authorized under paragraph (1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

(c) ADDITIONAL USE OF ALLOCATION QUANTITY.—

(1) In general.—There is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 106 an amount not to exceed $5,000,000, which shall be used for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) Priority of funding.—Of the amounts made available under paragraph (1) shall be expended in accordance with—

(A) the application of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) Adjustment.—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(4) Limitation.—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) Acquisition of Water Rights.—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 103(a)(1)(B)—

(1) in the amount of $5,400,000 (if such acquisition is completed by December 31, 2010); and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

(c) AAMOT SETTLEMENT PUEBLO FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2010 through 2022:

(A) $15,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) $17,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos’ share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) $5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambe for the acquisition of the Nambe reserved water rights.
January 21, 2010

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TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

SEC. 201. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are executed, ratified, and confirmed.

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) EXECUTION.—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a period of 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall apply to any lease or contract entered into under paragraph (1).

(6) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 103(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 104(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary may enter into contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 202. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 201(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required to be published in the Federal Register.

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with all laws of the Federal Government relating to the protection of the environment, including—

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

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

SEC. 203. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent to the execution of the Settlement Agreement provided that section 2.1.5 of the Settlement Agreement shall publish in the Federal Register by September 15, 2017, a statement of finding that the conditions have been fulfilled.

(2) REQUIREMENT TO SUBMIT WRITTEN DETERMINATION.—The conditions precedent described in paragraph (1) are the conditions that—

(A) to the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 204, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 107, with the exception of subsection (a)(1) of that section, by December 31, 2016;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 103(a);

(E) for permits under section 103(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the water rights described in section 103(a), including water rights acquired in addition to those described in section 103(a), in accordance with section 103(g); and

(ii) the Secretary shall establish the means to address any permits conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, subject to the conditions described in section 103(a);

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a final decision that sets forth the water rights for all purposes of the Pueblos and allocates water rights for all purposes of the Pueblos are entitled under the Settlement Agreement and this title that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(H) a final decision that sets forth the water rights for all purposes of the Pueblos and allocates water rights for all purposes of the Pueblos are entitled under the Settlement Agreement and this title that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of Mexico; and

(i) a determination of the Secretary that, if a determination of the Secretary has been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions described in section 103(a), (ii) the State shall establish the means to address any permits conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, subject to the conditions described in section 103(a), and (iii) the Secretary shall establish the means to address any permits conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, subject to the conditions described in section 103(a);

(2) REQUIREMENT TO SUBMIT WRITTEN DETERMINATION.—The conditions precedent described in subsection (a)(1) have not been fulfilled by September 15, 2017—

(A) to the extent the Secretary has made a written determination that the conditions have been fulfilled;

(B) to the extent the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unreasonably withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DETERMINATION.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and


(c) EFFECT OF ACT.—Nothing in this Act gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the Administrative Procedure Act).

(d) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after concurrence with the Secretary, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting through the Secretary, may request that the final decree be vacated or modified.

(B) WRITTEN DETERMINATION.—On or after June 30, 2023, the Secretary shall publish in the Federal Register a final decree of the Secretary that the Regional Water System is not substantially complete.

(C) EFFECT OF ACT.—Nothing in this Act gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the Administrative Procedure Act).

(d) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unreasonably withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DETERMINATION.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(2) VOIDING OF WAIVERS.—If the Final Decree is void then:

(a) the Settlement Agreement shall no longer be effective;

(b) the waivers and releases executed pursuant to section 204 shall no longer be effective; and

(c) any unexpended Federal funds, together with any interest earned on those funds, and title to the water rights or claims acquired or benefited with expended Federal funds shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress.

SEC. 204. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos’ water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of:

(1) all claims for water rights in the Pojoaque Basin or for the Pueblos acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(3) all claims for losses, injuries, or interferences with water rights or claims of interference with, diversion or taking of water (including claims for injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin;

(4) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin by the United States acting in the capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(5) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to fishing, hunting, gathering or cultural rights);

(6) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(B) EFFECT.—The Final Decree shall have no force or effect on:

(a) the Settlement Agreement for damages, losses, or injuries to land relating from such damages, losses, injuries, interference with, diversion, or taking of water attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of:

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin by the United States acting in the capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to fishing, hunting, gathering or cultural rights);

(3) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos;

(4) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(C) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized under the Settlement Agreement, the Final Decree, including claims relating to:

(1) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos’ water rights in the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos’ water rights in the Aamodt Case;

(3) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the Final Decree, or this Act;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses, injuries, interference with, diversion, or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the United States or this Act makes under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(D) EFFECT OF SECTION.—Nothing in the Settlement Agreement or this Act:

(a) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(b) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(c) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law;

(B) conduct judicial review of Federal agency action;

(c) TOLLING OF CLAIMS.—(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 205. EFFECT.

Nothing in this Act or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, I shall be in order to consider the amendment printed in part B of House Report 111–399 if offered by the gentleman from California (Mr. McCLEINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENTLEMAN LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members
Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

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

The arguments that I made on the previous bill are exactly applicable to this bill. So let me simply summarize. To summarize, I believe, and we believe on this side, that settlement agreements are in the best interests for all parties involved. But there is an element that needs to be highlighted because settlement agreements generally at the end cost money, and the missing part of these three bills that are currently before this body today is, What is the cost to the taxpayer? We need to have transparency when we make that decision, and that decision, unfortunately, was not afforded to us in a very obvious way. So it’s for that reason, while I support the claims settlements as a general principle, not having all the information, I must oppose this bill, as I did the previous bill. And with the next bill coming up, I will say essentially the same thing.

So with that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Mrs. NAPOLITANO) for her remarks on the bill of our Water and Power Subcommittee.

Mrs. NAPOLITANO. Thank you, Chairman RAHALL and Ranking Member HASTINGS.

You have heard about the three bills. We are here today on these three pieces of legislation that would settle the water rights of six Native American nations in New Mexico and Arizona. The people on these reservations inhabit the same sacred lands as their fathers, their ancestors, and their ancestors before. These three bills would provide them with the water that their ancestors were entitled to but never received.

We often take for granted the most basic of our resources, water. The people of the pueblos and the high country of Arizona never have. They understand the value of water and its importance in their cultures and well-being. Water is the lifeblood of these individuals, and when they were assigned reservations, their assumption was that they would also have access to the water they needed to survive. They were not, and hence for the last 140-plus years, these individual Americans have been fighting for the right to use the basic of water. It is time today for us to do something about this for these six native nations.

Mr. Chairman, you mentioned Charlie Dorame in your statement as an example of the type of dedication that has been made for these water rights settlements and the subsequent legislation. Leaders in each tribe and pueblo have invested many decades in trying to acquire water rights that for generations came without legal restrictions but instead were part of their homeland.

For many years these tribes have been treated as second-class citizens of our great country, America. We have taken their land. We have taken their resources, and we have even taken their water. But instead of complaining, these pueblos and tribes have worked with the Federal Government and the local governments to legally, and I might add very costly, attempt to acquire access to the water that always has been part of their lives, water.

Members of these tribes across the country today continue to work to support their sovereign nations. They work with the States and work with the local partners who see the benefit of the settlement not just for the tribal communities but for the entire region. Mr. Speaker, I would like to say that I have Colorado River Water Users Association’s 2010 report, the Western States Water Council, and the National Congress of American Indians here in support of this legislation, people looking for local and regional solutions, just as we have been directing them to do.

Mr. Speaker, I have brought with me these resolutions so we can understand that they have wide support, not only from the Native American areas but from their neighbors and their friends within the area. Each of these organizations supports the settlement of Indian reserved water rights by negotiation or agreement. They realize in order to plan for the future and for their economy, we need to provide certainty to a basic human right, water.

These resolutions are consistent with the administration’s views of supporting collaborative negotiations as an inherent responsibility to Federal trustees to Indian tribes and their members. Most importantly, we can not, we must not forget that we are talking about Americans, Native Americans, human beings. These tribes and pueblos have done everything that we have asked of them and have taken the long walk to walk with the Federal Government’s legal restraints and now are in sight of securing for their people a basic human right, water.

After decades, these people have made huge efforts to play by the government rules to acquire rightful access to water that traditionally came with the land that they lived on. The price for these people has been high, the walk long and filled with many disappointments and many empty promises.

I ask that you support this legislation today. Support it because these Native American have followed all of the rules, procedures, and hurdles that our government has laid out. Support the legislation because it is the right thing to do because it is supported by all local community and regional water managers; and, most importantly, because it is time to provide
certainly to the tribes and the pueblos and the people of New Mexico and Arizona that we can do right by them. At the end of the day for this one precious resource, water, we can sit down and appreciate doing the right thing for them.

Water, Mr. Speaker, which you are drinking, is running short in the U.S. We need to preserve it and take care of it, and none other more than our Native American lovers the Earth and what Mother Nature gives us. Help us pass this bill.

2010 RESOLUTIONS ADOPTED BY THE RESOLUTIONS COMMITTEE OF THE COLORADO RIVER WATER USERS ASSOCIATION, DECEMBER 9, 2009

* * * * *

production. The federal government should pay for replacement power due to operational changes for recreation, fishery or the environment.

5. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the economies, the quality of life and the survival of the people who depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance or making repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water project infrastructure in the Colorado River Basin and across the West.

6. Reclamation should immediately commence and fully implement the measures identified in its Managing for Excellence action plan, issued in response to the National Research Council’s Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation report, including transfer of operation and maintenance responsibility to project sponsors when they are capable and willing to take over such responsibility.

RESOLUTION NO. 209—COLORADO RIVER SALINITY CONTROL

The CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

RESOLUTION NO. 288—SETTLEMENT OF INDIAN WATERS RIGHTS

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.

2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.

3. Appropriate participation of the Federal, State, local governmental and Tribal entities, and non-Indian water users in the settlement process is required for the success of any negotiated settlement.

4. Any water rights settlements that have been approved by the respective parties should be fully and fully funded and implemented their terms within the specified timeframes. The Federal Government must take advantage of existing funding authorizations, such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds while continuing to explore and develop new creative solutions to fund Indian water rights settlements.

RESOLUTION OF THE WESTERN STATES WATER COUNCIL IN SUPPORT OF INDIAN WATER RIGHTS SETTLEMENTS, OCTOBER 17, 2008

WHEREAS, the Western States Water Council, an organization of the Western States, and adjunct to the Western Governors’ Association has consistently supported negotiated settlement of Indian water rights disputes; and

WHEREAS, the public interest and sound public policy require the resolution of Indian water rights claims in a manner that is least disruptive to existing uses of water; and

WHEREAS, negotiated quantification of Indian water rights claims is a highly desirable process which can achieve quantifications fairly, efficiently, and with the least cost; and

WHEREAS, the advantages of negotiated settlements include: (i) the ability to be flexible and responsive to unique circumstances of each situation; (ii) the ability to promote conservation and sound water management practices; and (iii) the ability to establish policies for cooperative partnerships between Indian and non-Indian communities; and

WHEREAS, the successful resolution of certain claims may require “physical solutions,” such as development of federal water projects and improved water delivery and application techniques; and

WHEREAS, the United States has developed many major water projects that compete for use of waters claimed by Indians and non-Indians, and has a responsibility to both to assist in resolving such conflicts; and

WHEREAS, the settlement of Native American water claims, and land claims, is one of the most important aspects of the United States’ trust obligation to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, the budgetary policy makes it difficult for the Administration, the states and the tribes to negotiate settlements knowing that the settlements may not be funded due to a reduction in some other tribe or essential Interior Department program.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council reaffirms its support for the policy of encouraging negotiated settlements of Indian water rights disputes as a critical problem that affects almost all of the Western States; and

BE IT FURTHER RESOLVED, that the Western States Water Council urges the Administration to support its stated policy in favor of Indian land and water settlements with a strong fiscal commitment for meaningful federal funding to support the settlement of Native American water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that the Administration to support its stated policy for the settlement of Native American water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that Congress provide opportunities to provide the unobligated balance in the Reclamation Fund for Indian water rights settlements. NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the western states of the United States; and

BE IT FURTHER RESOLVED, that the NCAI urges the Administration to support its stated policy in favor of Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes
the trust obligations of the United States government; and
BE IT FURTHER RESOLVED, that the NCAI supports changes in the current statutory and administrative procedure to ensure that any Indian water rights settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential DOI program; and
BE IT FURTHER RESOLVED, that the NCAI supports allocation of sources of revenue for the Reclamation Fund to be used to fund Indian water rights settlements and respectively requests that Congress and the Administration support allocation of monies from the Reclamation Fund or sources paid into it to fund Indian water rights settlements; and
BE IT FURTHER RESOLVED, that the NCAI commits to advocate to the Administration, including the Office of Management and Budget, and Congress that the Reclamation Fund be used to fund Indian water rights settlements; and
BE IT FURTHER RESOLVED, that within four months the NCAI will convene a special water rights meeting with affected tribes and invite key federal agencies to participate. After the initial meeting, NCAI will convene a special water rights meeting at least every 60 days to support progress of tribal leaders on this resolution at every regular meeting; and
BE IT FINALLY RESOLVED, that this resolution is the policy of NCAI until it is withdrawn or modified by subsequent action.
Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.
Mr. RAHALL. Mr. Speaker, it is my pleasure to yield to the leader sponsor of this legislation, Mr. BEN RAY LUJAN.
Mr. LUJAN. Mr. Speaker, I rise today in support of H.R. 3342, the Aamodt Litigation Settlement Act. Before I begin, I would like to thank my colleagues on the Resource Committee: Chairman RAHALL; Chairwoman Napolitano; my colleague from New Mexico, Mr. HEINRICH; and Ranking Member HASTINGS.
I also want to thank the Tesuque Acequia Association; David Ortiz and the Rio Pojoaque Acequia and Well Water Association; D.L. Sanders and the office of the New Mexico State Engineer; Santa Fe County, the city of Santa Fe; and the tribal leaders from Nambe, Pojoaque, Tesuque and San Ildefonso. Thank you for your hard work over the past decade to reach these settlements.
The testimony of the settlement parties and the negotiations that have made the consideration of these bills possible today. The parties to this settlement have worked for a very long time to come up with solutions that are equitable and fair to all water users in the Pojoaque Valley, including tribal and non-tribal residents alike.
Our water resources are precious in New Mexico. Without a reliable water supply, we cannot improve human health, protect our cultures and traditions, or grow our economies. This settlement will protect water resources, advance the implementation of effective water management, and ensure future access to water resources for all residents encompassed by the settlement. That is what makes H.R. 3342, the Aamodt Litigation Settlement Act of 2009, so important.
I would like to submit for the RECORD letters I have received from the State of New Mexico, the County of Santa Fe, and the Rio Pojoaque Acequia and Well Water Association, the Tesuque Acequia Association and others who have asked Congress to take a serious look at the importance of approving these settlements because the piece of legislation is so vital to the prolonged existence of culture and agriculture in my district.
It has taken over 40 years, countless court proceedings, congressional hearings and mediations before this bill arrived at this point. The people of the Pojoaque Valley and surrounding communities have debated and negotiated this water settlement since the 1960s. Parties have informed me, Mr. Speaker, if legislative action does not move forward, the Federal Court is prepared to resume legal proceedings on the underlying Aamodt lawsuit. This litigation would have dire effects upon all non-water rights holders in the basin and incur tremendous court costs and legal fees for the parties. The cost to the government of continued litigation would, and probably will, exceed the cost of the settlement itself.
We heard today, Mr. Speaker, that we did hear from the Attorney General's office that they did prefer this course of action to litigation. Senators BINGAMAN and UDALL of New Mexico introduced legislation in the 110th Congress to enshrine this settlement and conducted hearings before the House Resources Committee and the Senate Committee on Indian Affairs. In the 111th Congress, New Mexico's Senators and I reintroduced this bill with my colleague, MARTIN HEINRICH from New Mexico, with improvements that took the considerations of the settlement parties into account; and in doing so, we improved the settlement.
In September, additional hearings were held on this bill, and H.R. 3254 was supported at markup in the Natural Resources Committee by unanimous and bipartisan support. This settlement is about people and the quality of life in small rural communities. The future of this community depends on the availability and dependability of a water supply. This settlement ensures just that.
Rather than continuing a course of costly litigation that could tear a community apart, I ask my colleagues to join me in voting to enact these settlements.
On behalf of Santa Fe County, I greatly appreciate your help with this matter.
Sincerely,
HARRY B. MONToya,
Santa Fe County Commissioner.
RIO DE TESUQUE ACEQUIA ASSOCIATION, 
Santa Fe, NM, January 18, 2010.

DEAR CONGRESSMEN LUJÁN, TRAUGR AND HEINRICH: As president of the board of directors of the Rio De Tesuque Acequia Association, I have been asked to reiterate our support for the proposed settlement agreement of the long standing Aamodt water rights litigation, as per H.R. 3342.

We represent 5 acequias and over 150 irrigation users (parciantes). We have worked with our neighbors at the Rio Pojoaque for several decades now and we all feel that the settlement represents a good solution for both parties.

The settlement assures all parties a good and reliable water supply for both the acequias and the domestic users. As irrigators, we know the importance of this and know that it cannot be seriously disrupted unless we know we have a reliable source of water.

We appreciate your support and look forward to your vote in support of legislation that will enable the settlement.

Sincerely,

MARCO CUTLER, 
President.

Santa Fe, NM, January 18, 2010.

Hon. BEN RAY LUJÁN, 
Cannon House Office Building, 
Washington, DC.

DEAR REPRESENTATIVE LUJÁN: I write in strong support of H.R. 3342, The Aamodt Litigation Settlement Act. As you know, my Administration has been instrumental in bringing the interested parties together to reach a settlement and potential closure to this matter. I have witnessed the extraordinary effort that all of the parties have exerted to successfully resolve some of the most contentious issues related to the Aamodt litigation. The parties’ commitment to resolution is commendable and should be recognized. Should Congress not pass this Act, it will not only be disappointing to all involved but could also open all of the parties up to more litigation and costly delay.

For its part, New Mexico stands ready to construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos’ water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

MEADE P. MARTIN, 
Vice President, Rio Pojoaque and Water Well Users Association.

POJOAQUE VALLEY IrrIGATION DISTRICT, 
Santa Fe, NM, January 14, 2010.

Hon. BEN RAY LUJÁN, 
Attention Andrew Jones, Legislative Director, 
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LUJÁN: On behalf of the 18 acequia associations and over 700 water users that comprise the Pojoaque Valley Irrigation District, I write to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos’ water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

DAVID ORTIZ, 
Chairman,
Pojoaque Valley Irrigation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue that we are debating here is not the settlement claims per se. I think we all in this House agree that if you can get agree- ment with parties involved in litiga- tion and come to agreement amongst them, there is good policy. This has been eloquently explained by my friends on the other side of the aisle. But what is at issue here is the third part, and that is: Is this claim going to be bene- ficial to the taxpayers by not costing the taxpayers money if they went through litigation? That is what the issue is. It is very clear.

Now, the gentleman from New Mex- ico just a moment ago said something to the effect that this would save the taxpayers money by not going through litigation. I would like to ask the gentle- man, and I will yield to the gentle- man if he can provide me documents as to that fact. I would be more than happy to yield to the gentleman if he could provide that to the House.

Mr. LUJÁN. I appreciate the ranking member from the Natural Resources Committee yielding to me.

Mr. Speaker, what we have here is clear language on the documents of the State of New Mexico that has been ex- pressed by many of the parties which encouraged them to go to litigation, that very much do hold—that senior water rights holders in the State of New Mexico, which these tribal com- munities are, do hold senior water rights.

Mr. HASTINGS of Washington. Re- claiming my time, Mr. Speaker, the gentleman has it, please provide it. Does the gentleman have it, please provide it. If the gentle- man very specifically if he has documentation to that effect. And so I hope that the gentleman would re- spond to me on that point because that is the difference in this debate on this bill and the last bill.

I would be more than happy to yield to the gentleman if he has that docu- mentation.

Mr. LUJÁN. Mr. Speaker, as we are talking about the importance of how we can achieve cost savings to taxpayers across the country, it is impor- tant that we understand the laws and the protections that are held to those individuals that are senior water rights users, which clearly is the reason why so many people could be impacted. And as litigation continues, the cost of litigation adds additional cost to the tax- payers of the country.

Mr. HASTINGS of Washington. Mr. Speaker, I want to interrupt.

Do you have documentation to that point? We asked the Department of Interior if they specifically told that point, and they have not responded. Do you have documentation on that point? Listen, if this saves the taxpayer money, I am totally in favor of it. All we are asking is for that documentation. If the gentle- man has it, please provide it. Does the gentleman have it?

I yield to the gentleman from New Mexico.
Mr. LUJÁN. Mr. Speaker, it is clear that I don't have the response that my ranking member colleague may be looking for. But his counsel may inform him as well as our counsel has informed us that some of that documentation is not public record at this time. With that, I tried to answer the question, but I apologize to the ranking member that we are not able to provide the answer that the ranking member may be looking for.

Mr. HASTINGS of Washington. Rep. Speaker, I just want to emphasize, this is the core point. The gentleman just said he doesn't have it, and yet we are being asked here, Members of the U.S. House, representing everybody in this country, taxpayers who may not be involved with this, to pass judgment and support this settlement agreement when we don't know if the cost is beneficial or not. That's the issue.

I would hope, as I said in my closing remarks in the first bill, when we have future settlements coming forward we can have this information, full transparency, Mr. Speaker, in committee so we don't have to go through this drill on the floor and go back and forth and then unfortunately have somebody say we don't have this documentation.

Mr. Speaker, that's the issue here. We are not arguing about the benefits of the claims. I am sure that they are very good. There have been long negotiations.

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

Mr. RAHALL. Mr. Speaker, I am happy once again to yield such time as he may consume to the cosponsor of this litigation, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I am very pleased to stand in solidarity with my colleague, Representative BEN RAY LUJÁN, in bringing this very challenging chapter in New Mexico history to a close. I want to thank Chairman RAHALL and Chairwoman Napolitano for their support of this settlement.

The Aamodt water rights litigation is literally the oldest active case in our Nation's Federal Court, literally older than myself and my colleague. Since 1966, these communities have waited for a resolution to this case. The bill here before us represents the culmination of decades of hard work and difficult compromise by the effective stakeholders to negotiate an agreement that meets each community's long-term needs.

□ 1130

During the committee hearings we heard from representatives of local, State, and Pueblo governments. And I want to commend each of them for their enduring efforts to achieve this settlement.

The Aamodt water settlement will enable the Secretary of Interior, through the Bureau of Reclamation, to create a long-awaited regional water system. That system will be jointly operated by Santa Fe County, along with the four northern New Mexico Pueblos, and provide a great deal of certainty to all Rio Grande water users. Sixty percent of its capacity will deliver water to the Pueblos, 40 percent will go to the county water utility.

This legislation has been a generation or more in the making, and I look forward to its long-awaited contribution to the well-being of the Pueblos and the future of the entire State of New Mexico.

I would urge my colleagues' support. Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the idea of transparency in this and in all things. I think that some observers may not appreciate the issues that are before us when we are dealing with Indian rights, whether it is settlement or something else, because of the unique situation of Native Americans in the United States and how the relationship that we have with the Indian Nations is as a result directly of the Constitution of the United States.

Often it is good for us to remind ourselves of the first principles involved when we are dealing with these issues. And therefore, Mr. Speaker, I would like to also mention that today, in a tremendous form of an action of a return to first principles under the Constitution, the United States Supreme Court finally got it right. The United States Supreme Court, in the case of Citizens United v. Federal Election Commission, finally focused on the first amendment and talked about the essence of the first amendment being political speech.

We have been distracted so often in other decisions by the Court that they have lost in many times their focus on the fact that the first amendment is in essence a protection of our political speech. And today they overruled a previous case where they had wandered from that. They said to us that Congress cannot in fact make choices between preferred speakers and nonpreferred speakers, preferred organizations and nonpreferred organizations.

And here is one of the kernels of truth contained in today's majority opinion is so ingrained in this country's culture that speakers find ways around campaign finance laws. That oftentimes in this body we, in the effort to try and cleanse the political system from the possibility of people who might take undue advantage of it, render political speech to the sidelines. And the Court has said the people are smarter than that. They can get around that, and therefore we ought to attempt to allow the full flowering of political speech.

"Rapid changes to technology—and the creative dynamic inherent in the concept of free expression—counsel against upholding a law that restricts political speech in certain media or by certain speakers." This is a great day, Mr. Speaker. This is a great day. The Court said, "Differential treatment of media corporations and other corporations cannot be squared with the Constitution's first amendment, and there is no support for the view that the amendment's original meaning would permit suppressing media corporations' political speech."

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

Mr. RAHALL. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. It is said that their previous decision in Austin allows "censorship that is vast in its reach, suppressing the speech of both for-profit and non-profit, both small and large, corporations."

Earlier this week the people of Massachusetts reminded us that here the people prevail, that the Constitution starts with the words, "We, the people." That despite what the pundits say, despite what special interests say, the people prevail. Today the Supreme Court said the people can speak. It is a great day.

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

Mr. HASTINGS of Washington. Mr. Speaker, if I understand, the gentleman will be the last speaker. I know my friend Mr. MCC倾斜 is not going to offer his amendment. So I will close and I will yield myself the balance of the time by simply saying, Mr. Speaker, that the issue here is not the benefits of these settlements. We think those settlements are good. The one element that we have a question on is what is the cost to the taxpayer? I think that is a very, very legitimate question for us in the U.S. House to consider.

So with that reason, as I mentioned earlier, I have to reluctantly oppose all three of these bills. And I would hope in the future at the committee level we can have this full transparency on future settlements that we will inevitably have in this Congress.

With that, Mr. Speaker, I urge my colleagues to vote "no" on this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, just to conclude and reiterate what I have already said, that 44 years of litigation is far too long, 40 years of litigation is far too long. We all know the tremendous costs involved in litigation to the Federal taxpayer, the amount of salaries paid to judges, lawyers. We could go on and on about the costs that the taxpayer ends up bearing over some 44 years of litigation, longer time period than Moses spent in the desert. So with that Washington, I yield its passage.
I yield back the balance of my time. The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered. Pursuant to House Resolution 1017, the previous question is ordered on the bill, and agreed to.

The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. 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, further proceedings on this question will be postponed.

WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. RAHALL. Mr. Speaker, pursuant to that agreement and this Act; and

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

(4) CAP CONTRACTOR.—The term "CAP contractor means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term "CAP fixed OM&R charge means the amount given the term in the repayment stipulation.

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

(7) CAP SUBCONTRACTOR.—The term "CAP subcontractor" means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14–06–W–245 (Amendment No. 1), and dated December 1, 1988, and

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

(1) AGREEMENT.—The "Agreement" means—

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

(B) any amendment or exhibit (including exhibits to those documents) entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(C) EXCLUSION.—The term "exclusion" includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(7) COURT.—The term "court" means—

(A) the United States District Court for the District of Arizona in the consolidated civil action styled Central Arizona Water Conservation District v. United States, et al., and numbered CIV 95–625–TUC–WDB (EHC) and CIV 95–1720–PHX–EHC.

(A) the Mark Wheelie Pumping Plant;

(B) the Hayden–Rhodes Aqueduct;

(C) the Fannin–McFarland Aqueduct;

(D) the Tucson Aqueduct;

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

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

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

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

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

(B) any amendments to that contract.

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

(12) ENFORCEABILITY DATE.—The term "enforceability date means the date described in sections 6(f).

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

(14) INJURY TO WATER RIGHTS.—

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

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

(i) a change in the groundwater table; and

(ii) any effect of such a change.

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

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

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

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

(B) depicted on the map attached to the Agreement as exhibit 2.81.
(B) No effect on dispute or as admission.—The description of the reservation described in subparagraph (A)(ii) shall not—
(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; and
(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.
(21) Secretary.—The term ‘Secretary’ means the Secretary of the Interior.
(22) State.—The term ‘State’ means the State of Arizona.

23 Tribal CAP water.—The term ‘tribal CAP water’ means the CAP water to which the Tribe is entitled pursuant to the Contract.

24 Tribal water rights.—The term ‘tribal water rights’ means the water rights of the Tribe described in paragraph 4.0 of the Agreement.


26 Water right.—The term ‘water right’ means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

27 WMAT rural water system.—The term ‘WMAT rural water system’ means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 7.

28 Year.—The term ‘year’ means a calendar year.

SEC. 4. APPROVAL OF AGREEMENT. 

(a) Approval.—
(1) In general.—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(b) Amendments.—Any amendment to the Agreement is authorized, ratified, and confirmed to the extent that such an amendment is executed to make the Agreement consistent with this Act.

(b) Execution of Agreement.—To the extent that the Agreement does not conflict with this Act, the Secretary shall—
(1) execute the Agreement (including signing any exhibit to the Agreement requiring the signature of the Secretary); and
(2) execute any amendment to the Agreement necessary to make the Agreement consistent with this Act.

(c) National Environmental Policy Act.—
(1) Environmental compliance.—In implementing the Agreement, the Secretary shall promptly comply with all applicable requirements of—
(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
(C) all other applicable Federal environmental laws; and
(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

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

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

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

SEC. 5. WATER RIGHTS.

(a) Treatment of Tribal Water Rights.—The tribal water rights—

1. shall be held in trust by the United States in perpetuity; and
2. shall not be subject to forfeiture or abandonment.

(b) Reallocation.—
(1) In general.—In accordance with this Act and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe, any portion of—
(A) an annual entitlement to 23,782 acre-feet per year of CAP water that has a non-agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3408), of which—
(i) 3,750 acre-feet per year shall be firmly held by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and
(ii) 3,750 acre-feet per year shall be firmly held by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and
(B) an annual entitlement to 1,218 acre-feet per year of the water described in subparagraph (A).

(2) Authority of Tribe.—Subject to approval by the Secretary under section 6(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) Water Service Capital Charges.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) Allocation and repayment.—For the purpose of determining the allocation and repayment of costs of any stages of the CAP contract described in section 105(c) of the Agreement, the costs associated with the delivery of water described in section (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any other delivery, lease, option to lease, or other agreement for the temporary disposition of water entered into by the Tribe, shall be—

(1) non-reimbursable; and
(2) excluded from the repayment obligation of the District.

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

(1) governs the tribal water rights; and
(2) includes, at a minimum—
(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;
(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;
(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to the extent that any provision of this Act is inconsistent with the terms of this Act, the Agreement is authorized, ratified, and confirmed.

(2) without limit as to term.

(f) Ratification.—
(1) In general.—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(2) Amendments.—Any amendment to the Agreement is authorized, ratified, and confirmed to the extent that such an amendment is executed to make the Agreement consistent with this Act.
(d) EXECUTION OF CONTRACT.—To the extent that the Contract does not conflict with this Act, the Secretary shall execute the Contract.

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

(f) PROHIBITIONS.—

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

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

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

(4) LEASES.—

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

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

(B) the Secretary shall execute the leases.

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

SEC. 7. AUTHORIZATION OF RURAL WATER SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Bureau, shall plan, design, construct, operate, maintain, replace, and rehabilitate the WMAT rural water system as generally described in the project extension report dated February 2007.

(b) COMPONENTS.—The WMAT rural water system under subsection (a) shall consist of—

(1) storage reservoirs, such as the Whiteriver, Carizo, and Cibecue reservoirs located along the North Fork White River near the community of Whiteriver;

(2) pipelines extending from the water treatment plants to existing water distribution systems servicing the Whiteriver, Carizo, and Cibecue areas, together with other communities along the pipeline;

(3) connections to existing distribution facilities, including public and private water systems in existence on the date of enactment of this Act;

(4) appurtenant buildings and access roads;

(5) electrical power transmission and distribution facilities necessary for services to rural water system facilities;

(6) all property and property rights necessary for the facilities described in this subsection;

and

(7) such other project components as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the portions of its reservation served by the WMAT rural water system, including water storage tanks, water lines, and other facilities for the Tribe and the villages and towns within the reservation area.

(c) SERVICE AREA.—The service area of the WMAT rural water system shall be as described in the Project Extension report dated February 2007.

(d) CONSTRUCTION REQUIREMENTS.—The components of the WMAT rural water system shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the WMAT rural water service area during the period beginning on the date of enactment of this Act and ending not earlier than December 31, 2040.

(e) TITLE.—

(1) IN GENERAL.—Title to the WMAT rural water system shall be held in trust by the United States in its capacity as trustee for the Tribe.

(2) CONVEYANCE TO TRIBE.—The Secretary may convey to the Tribe the WMAT rural water system after publication by the Secretary in the Federal Register of a statement of findings that—

(A) the operators’ operating criteria, standards of operation, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of the WMAT rural water system after publication by the Secretary in the Federal Register of a statement of findings that—

(B) the funds authorized to be appropriated under section 12(b)(3)(B) have been appropriated and deposited in the WMAT Maintenance Fund; and

(C) the Tribe has been operating successfully under the established standing operating procedures for a period of two years.

(3) ALIENATION AND TAXATION.—Conveyance of title to the Tribe pursuant to paragraph (2) does not waive or alter any applicable Federal, State, or other tax or property rights, except as set forth in the Agreement.

(4) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Tribe to plan, design, construct, operate, maintain, and replace the WMAT rural water system, including operation and management training.

(5) APPLICABILITY OF ISDEAA.—

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

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

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

(i) OPERATION AND MAINTENANCE.—Subject to the availability of appropriations as provided for in section 12(e), the Secretary, acting through the Bureau, shall operate and maintain the WMAT rural water system until the date on which title to the WMAT rural water system is conveyed to the Tribe pursuant to subsection (e)(2).

SEC. 8. SATISFACTION OF CLAIMS.

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

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

(1) CLAIMS AGAINST TRIBAL RIGHTS.—Nothing in this Act has the effect of recognizing or establishing any right of a member of the Tribe to water on the reservation.

(2) WAIVER AND RELEASE OF CLAIMS.

(a) IN GENERAL.—

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

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

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

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

(C) past, present, and future claims arising out of or related to any right of a member of the Tribe to water on the reservation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this Act.

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

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

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

SEC. 9. WAIVER AND RELEASE OF CLAIMS.

(a) IN GENERAL.—

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

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

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

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

(C) past, present, and future claims arising out of or related to any right of a member of the Tribe to water on the reservation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this Act.

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

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

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

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

(3) CLAIMS AGAINST UNITED STATES.—Except as provided in subsection (b)(3), the United States, in all its capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the United
States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any action taken by:

(A) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy, use, possession, and other vegetative manipulation by the Tribe, its members, or their predecessors;

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

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

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

(E) past and present claims relating in any manner to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of $4,599,900 authorized by section 12(b)(2)(D);

(F) future claims relating to operation, maintenance, and replacement of the WMAT rural water system in a configuration substantially in accordance with those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

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

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

(i) title to that land is no longer retained by the United States; or

(ii) water from that land is transported off the land for municipal or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(d) ENFORCEABILITY.—Except as otherwise specifically provided in paragraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(e) ENFORCEABILITY DATE.—

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

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

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

(B) the Secretary has fulfilled the requirements of sections 5 and 6;

(C) the amount authorized by section 12(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Escrow Account;

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

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 7; and

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If, because of the failure of the enforceability date to occur by April 30, 2020, this section does not become effective, the Tribe and its members, any Indian tribe, Indian community or nation, dependent Indian community, or the United States, acting in the capacity of trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO RIGHTS TO WATER.—On the occurrence of the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting in the capacity of trustee for the Tribe and its members, for the reservation and of-reservation trust land pursuant to paragraph 4.9 of the Agreement.

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

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (E) and (F) of subsection (a)(3), (A)(ii), and (B)(ii) of subsection (a), nothing in this Act affects any rights to water of the Tribe, its members, or the United States acting in the capacity of trustee for the Tribe and its members, for land outside the boundaries of the reservation or the of-reservation trust land.
(g) ENTITLEMENTS.—Any entitlement to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, relating to the reservation or off-reservation trust land described in subsection (a), shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, members, and the United States by the Agreement and this Act.

(h) EXPENDITURE PLAN.—(1) EXPENDITURE.—The Tribe shall submit to the Secretary an annual report that describes each major use or development of the Water Rights Settlement Subaccount during the year covered by the report.

(i) ANNUAL REPORTS.—(2) REQUIREMENTS.—Each major use or development of the Water Rights Settlement Subaccount referred to in paragraph (1) shall be reported separately.

(j) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—(1) IN GENERAL.—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be distributed or paid to any member of the Tribe or the Apache Band in any form.

(k) LIMITATION ON LIABILITY OF UNITED STATES.—(1) IN GENERAL.—The United States shall have no liability for the expenditure or investment of those amounts.

(l) LIMITATION ON LIABILITY OF UNITED STATES.—(B) Exception.—The Secretary shall not be required to account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States.

(m) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—(C) Exception.—The Secretary shall not be required to account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States.

(1) RIGHTS TO WATER RECEIVED.—The United States, or any fee simple land owner or water user in the Gila River Basin Project Act of 1950 (43 U.S.C. 390aa et seq.) and any other acreage limitations or cost-sharing provisions under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(2) LAND USE.—The United States may enter into agreements with the Tribe to allow the Tribe to use the land described in paragraph 12.0 of the Agreement for the purpose of carrying out activities related to the water rights settlement.

(3) LAND USE.—The United States may enter into agreements with the Tribe to allow the Tribe to use the land described in paragraph 12.0 of the Agreement for the purpose of carrying out activities related to the water rights settlement.

(4) LAND USE.—The United States may enter into agreements with the Tribe to allow the Tribe to use the land described in paragraph 12.0 of the Agreement for the purpose of carrying out activities related to the water rights settlement.
Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land taken or held in trust by the Secretary under paragraph (3), or any land conveyed under subsection (h) of the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) RURAL WATER SYSTEM.—

(1) IN GENERAL.—The Tribe is authorized to be appropriated for the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system $125,193,000.

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

(b) WMAT SETTLEMENT AND MAINTENANCE FUNDS.—

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

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

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

(2) WMAT SETTLEMENT FUND.—

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

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary $113,500,000 for deposit in the WMAT Settlement Fund, of which not less than $4,950,000 shall be used for deposit in the WMAT Settlement Fund, of which amounts in the WMAT Settlement Fund for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(i) Fish production, including hatcheries.

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

(iii) Water-related economic development projects.

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

(v) Other amounts for the completion of the WMAT rural water system, as provided in subsection (f).

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

(vii) Other amounts for the completion of the WMAT rural water system, as provided in subsection (f). (viii) The Funds shall be used for the rehabilitation of existing irrigation systems.

(vi) Water-related economic development projects.

(B) WMAT MAINTENANCE FUND.—

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

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary $50,000,000 for deposit in the WMAT Maintenance Fund, from which the United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out, subject to appropriations, under this Act (including any such obligations or activities under this Act) if adequate appropriations for that purpose are not provided by Congress.

SEC. 14. REPEAL OF FAILURE ON PART OF INDIAN SAFETY AND HEALTH.

If the Secretary fails to publish in the Federal Register a statement of findings as required under section 9(d) of this Act by not later than April 30, 2010—

(1) effective beginning on May 1, 2010—

(A) this Act is repealed; and

(B) any amount carried over by the Secretary, and any contract entered into, pursuant to this Act shall be void;

(2) any amounts appropriated under subsections (a), (b), (c), and (d) of subsection 12, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

(3) any amount deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount (including any amounts paid by the

Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land taken or held in trust by the Secretary under paragraph (3), or any land conveyed under subsection (h) of the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

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(i) Fish production, including hatcheries.

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(2) any amounts appropriated under subsections (a), (b), (c), and (d) of subsection 12, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

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

SEC. 15. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In carrying out this Act, the Secretary shall promptly comply with all applicable requirements of—

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

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

(3) all other applicable Federal environmental laws; and

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

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall in order be to consider the amendment printed in part D of House Report 111–399 if offered by the gentleman from California (Mr. McClintock), or his designee, which shall be considered read, and shall be debateable for 10 minutes equally divided and controlled by the proponent and an opponent.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 1065.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House legislation that would adjudicate the water rights of the White Mountain Apache Tribe, and end years of active litigation by ratifying the settlement agreement. This is a bipartisan measure, sponsored by the gentlelady from Arizona, Ann Kirkpatrick, for whom I extend tremendous applause for the manner in which she has led the House on this issue, brought it before our attention, and secured the cosponsorship of the entire Arizona House delegation.

The waters of the White Mountain Apache Reservation feed to the Salt River of Arizona. The Salt River is a primary water source for the metropolitan area of Phoenix, Arizona, along with thousands of acres of agricultural land. Coming to closure on water rights is imperative to protect the water rights and livelihoods of people in Arizona. Equally important is the fulfillment of commitments made to the White Mountain Apache people to provide them a clean reliable water supply, and to repair their irrigation system, which has fallen into disrepair.

In addition, all parties came together with a mutual desire for success. Indeed, the parties to this settlement agreement include the White Mountain Apache, the State of Arizona, the cities of Phoenix, Scottsdale, Tempe, and others, and various water user organizations and entities. As with the two bills we just considered, I want to again acknowledge the administration’s position that over 20 years the Federal Government has stated that negotiated Indian water rights settlements are preferable to protracted and divisive litigation. The pending measure does just this, with a negotiated settlement and an end to decades of litigation.

I thank the gentlelady from Arizona, Ann Kirkpatrick, and her colleagues in the Arizona delegation for their hard work in bringing this measure forward. I also again would recognize the tireless efforts of our subcommittee chairwoman, the gentlelady from California, Grace Napolitano, for her countless hours of hearings and staff meetings and other meetings with the affected parties on this issue. And I would thank the White Mountain Apache people for their continued dedication to this settlement and legislation.

Access to water should not be a privilege in this country, but is a basic, fundamental right. These people have clearly earned our respect and support for this legislation. I urge the passage thereof.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, once again this is the third of three settlement bills. The arguments that I had made on the first two bills are applicable to this one. I will just add one other point. And that is that these three bills have a cost to the taxpayer of a half a billion dollars, $500 million. And there certainly is an unrest in this country as to what this Congress has done in a fiscal manner. This is small. We are talking about millions, when other programs we are talking about Congress unfortunatley total trillions. But if we need to get our house in order, this is simply something that we need to have more information on before we pass judgment on it.

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

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the lead cosponsor of this legislation who has worked so hard on this issue, the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today to recognize the passage of H.R. 1065, the White Mountain Apache Water Rights Quantification Act.

Water is a precious resource to all of us in the Southwest. In my district, farmers have to fight to keep their crops growing, firefighters are constantly challenged by raging wildfires, and local officials consider the drinking water supply in every discussion of the community’s future. We know we need to make each drop count. That is why I am proud to have worked with the White Mountain Apache and other stakeholders to introduce this bill.

The White Mountain Apache Water Rights Quantification Act finalizes a settlement agreement that ended a long-running water rights dispute in greater Arizona and provides a path toward a reliable long-term water supply for the White Mountain Apache tribe and areas across the State.

The agreement considered continues a long history of settlements of Indian water rights disputes in our State. We have found time and again that these settlements, as opposed to litigation, help the tribes and their neighbors achieve real certainty in their water supply. They are able to better plan for the years to come. The negotiating process also builds working relationships between the parties in crucial economic drivers for the region and more effectively manage their watersheds for the future. With this legislation, folks here will finally begin to see these benefits.

Along with approving the agreement, this bill authorizes construction of the Miner Flat dam and pipeline, which will provide a 100-year municipal drinking water supply to towns on the White Mountain Apache tribal lands. That is critically important because our need for drinking water is both immediate and serious. People in the area are being threatened with water shortages even now, in the winter of what was a great water year in the rest of the State.

Nearly 15,000 tribal members will be served by the project, and it cannot come a moment too soon for them. Furthermore, it lets us move forward with a number of projects that are crucial to economic development for the region: fish hatcheries, irrigation projects, and infrastructure improvements to a local ski park. We will be able to create jobs and get folks back to work.

I was born and raised on the White Mountain Apache tribal lands and my hometown is one of those that would gain from this project. I have seen firsthand the challenges that these communities face, and I am confident that this legislation will make a real difference in addressing them.

At this point, I would like to address the cost issue that has been raised by my esteemed colleague from Washington. When I was a kid, we had to buy our water, and we didn’t like it. We got sick. We got real sick. That was over 50 years ago. We didn’t have the convenience of purified water that comes delivered in big jugs that I’ve seen in most congressional offices here in Washington. That is how we got sick.

By 1990, 10% of kids in Arizona were being threatened with water shortages. In my district, folks living in the United States today do not have access to running water that they can drink, is not acceptable.

My confidence that this legislation will make a real difference in addressing those critical needs is shared by many in Arizona where the bill has earned widespread support. Every single member of our State’s delegation in...
the House is cosponsoring H.R. 1065, and I want to point out that that includes my esteemed colleague Congressman JEFF FLAKE, who I think is the watchdog of the House on spending in Congress.

I have worked closely with Senator KYL to move forward on this critical project in both Chambers. Folks on both sides of the aisle recognize the importance of securing our water supply. They also recognize the effort and care it has taken to get to this point. The settlement has taken 21 different stakeholder groups years of negotiation and compromise to reach. It is carefully crafted to best fit the needs and demands of all those involved. It is time for folks in my district to get the development fund is consideration for time as he may consume to the government. The Speaker, I am pleased to yield such time for folks in my district to get the settlement has taken 21 different stakeholder groups years of negotiation and compromise to reach. It is fully negotiated by the United States Government and the stakeholders involved was not fully negotiated by the United States Government and why this measure written by Congress is being submitted to the administration’s responsibility to be involved in the negotiations of all of the details of the ultimate settlement.

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

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

Mr. Speaker, I will just simply repeat what I said at the outset. I must reluctantly rise to oppose all three of these settlement bills based on the simple fact that we don’t have all the information we need.

While we applaud people on the local level settling tough disputes, especially water issues, and I am especially sensitive to that because I am from the western part of the United States, it is in the best interests of all of the people in this country to know what the cost to them would be because they’re all taxpayers. I think that’s self-evident.

So this debate, at least from our side of the aisle, didn’t question the merits of those settlement agreements mainly because, at least from this Member’s perspective, I know how difficult that is if you have these types of disputes. Our issue is simply the transparency of what the cost will be to the taxpayers of this country. We deserve to have that before settlement issues come to the floor of the House. We deserve to have this information so we can do due diligence in committee and then make a judgment if the settlement is in fact in the best interests of the taxpayers. That is really all this debate has been about on these three bills.

So with that, Mr. Speaker, I would just simply say that we don’t have transparency on this potential half-a-billion-dollar assessment that’s going to go to the taxpayer. We should have that and we don’t. So it is for that reason, Mr. Speaker, that I rise in opposition to this bill and urge my colleagues to vote “no.”

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

Mr. RAHALL. Mr. Speaker, before yielding to the gentleman from Michigan to close on our side, I would just reiterate what has already been said by the gentlewoman from Arizona, that she is joined in her cosponsorship of this legislation by the gentleman considered the watchdog of fiscal spending in this body, Mr. JEFF FLAKE, in cosponsoring this bill.

At this point, I yield the balance of my time to the Co-Chair of our Native American Caucus in the Congress and a valued member of our Committee on Natural Resources, the gentleman from Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

The SPEAKER pro tempore. Pursuant to the unanimous consent of the House, Mr. RAHALL— he and I came to Congress together—tried to work out these water rights. I have always tried to make sure that we were fair to everybody, particularly fair to the Native Americans who have been deprived of their water rights in too many instances. And Mr. RAHALL has made this a priority to make sure that we get equity and justice here.

Water is extremely important all over the world. It’s extremely important, of course, in the Southwest. I just find the hard work that went into this bill and the sense of equity and the sense of justice and fairness to all those involved has produced three very good bills, and I strongly urge support of them.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. RAHALL. 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, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

- Passage of H.R. 3254
- Passage of H.R. 3342
- Passage of H.R. 1065
- Motions to suspend the rules with regard to H. Res. 1021, and the Senate
amendment to H.R. 730, in each case by the yea's and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

**TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT**

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3254, on which the yea's and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 249, nays 158, not voting 21, as follows:

(roll call)

**YEA—249**

Yielding the Chair to the Clerk, the SPEAKER pro tempore. The final vote was 249 to 158. Various amendments to the bill were ordered. The bill was passed.

The Clerk will call the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

(roll call)

**NAY—158**

[Electoral roll call of nays]

The SPEAKER announced the vote. The Clerk read the final tabulation. The bill passed by an overwhelming margin of 249 to 153.

**CONGRESSIONAL RECORD — HOUSE**

January 21, 2010

**AMOYD LITIGATION SETTLEMENT ACT**

The SPEAKER pro tempore. The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3342, on which the yea's and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

(roll call)

**YEAS—249**

The Speaker declared the final vote 249 to 153, with 31 not voting.

The Clerk will call the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

(roll call)

**NAY—158**

[Electoral roll call of nays]

The SPEAKER announced the vote. The Clerk read the final tabulation. The bill passed by an overwhelming margin of 249 to 153.

**CONGRESSIONAL RECORD — HOUSE**

January 21, 2010

**AMOYD LITIGATION SETTLEMENT ACT**

The SPEAKER pro tempore. The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3342, on which the yea's and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

(roll call)

**NAY—158**

[Electoral roll call of nays]

The SPEAKER announced the vote. The Clerk read the final tabulation. The bill passed by an overwhelming margin of 249 to 153.

**CONGRESSIONAL RECORD — HOUSE**

January 21, 2010

**AMOYD LITIGATION SETTLEMENT ACT**

The SPEAKER pro tempore. The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3342, on which the yea's and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

(roll call)

**NAY—158**

[Electoral roll call of nays]

The SPEAKER announced the vote. The Clerk read the final tabulation. The bill passed by an overwhelming margin of 249 to 153.
The Speaker pro tempore. The unfinished business is the vote on passage of H.R. 1065, on which the yeas and nays were ordered.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Speaker pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1021, 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 California (Ms. Lee) that the House suspend the rules and agree to the resolution, H. Res. 1021.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 21, as follows: [Roll No. 15] YEAS—411

Not Voting—21

The SPEAKER pro tempore. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Ms. CLARKE) that the House suspend the rules and agree to the Senate amendment to the bill, H.R. 730.

This is a 5-minute vote. The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 26, as follows: [Roll No. 16] YEAS—397

NUCLEAR FORENSICS AND ATTRACTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 730, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

Mr. BRIGHT changed his vote from "aye" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
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. 3250. The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EARLY DETECTION MONTH FOR BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3250.

Mr. CANTOR. I thank the gentleman. Madam Speaker, I would ask the gentleman if he can comment on some of the press reports this morning about the Speaker’s statement that this House and you will not be bringing to this House the Senate health care bill for consideration.

I yield to the gentleman.

Mr. HOYER. Well, we didn’t see the Speaker’s statement; so I can’t comment specifically on it. But I can say this to the gentleman: As the gentleman knows, there are significant, critical differences between the House and Senate bills and we have been working on trying to bridge the differences that exist. We are still in that process.

Mr. CANTOR. I thank the gentleman. I would ask, Madam Speaker, and I would first point out—saying that this country saw a pretty extraordinary election in Massachusetts a few nights ago. From all reports, it seems that part of the outcome of that election was due to the health care bill and the difficulties which the gentleman has in dealing with that bill. We on this side, Madam Speaker, would say there has been no bipartisan effort to pass a health care bill. And so if we are going to see a resolution of the differences that the gentleman refers to, those differences are clearly on his side of the aisle because, Madam Speaker, we feel that we continue to be left out of the process.

So I would ask the gentleman if he has not decided whether he is bringing up the Senate bill or the House bill again, will we see the process start over? Will we see his side take the message from the Massachusetts election to involve Republicans in discussion over the health care bill and have a transparent process the way we believe this country think should happen?

I would ask, Madam Speaker, and I would ask the gentleman if he can comment on some of the press reports that this House and you will not be bringing to this House the Senate health care bill for consideration. Mr. CANTOR. I thank the gentleman.

I yield to the gentleman.

Mr. HOYER. Well, I thank the gentleman for his question and all of the premises he adopts in prefacing his question. I don’t want my silence to be presumed as agreeing to his premises, which I think are inaccurate.

Having said that, first of all, of course, there has been extraordinary exposure of the health care bills, both in the House and Senate, to public discussion, public debate, public information. It has been online for over 4 months, 5 months now, and an extraordinary number of hearings held on it over the last 2 years. As the gentleman well knows, his party’s candidate for President and my party’s candidate for President, who is now President of the United States, both indicated that they thought health care reform was necessary. So it involves an extensive debate by many other candidates as well during the course of the election.

The gentleman is well aware because Members on his side have talked about
it and Members on my side have talked about it, about the number of Americans who don’t have insurance and the number of Americans who are being forced out because of cost and the number of small businesses that are being confronted with 10, 15, 25 percent premium increases.

So the gentleman is well aware of the fact that health funding and health coverage is a challenge for our country and for our citizens.

The gentleman mentions the election. The election, obviously, that occurred in Massachusetts, like every election, dealt with many issues. My own view is that Americans are most focused, as we need to be, on the creation of jobs, making sure that Americans get back to work, have a livelihood that they can support themselves and their families. I think they are very concerned about that.

They are also concerned about the fact that we pass a health care bill. I have just read a poll, an exit poll that indicates that the majority of voters who had voted for Obama but voted for the Republicans United States Senator-elect from Massachusetts believed that we ought to pass a health care bill. So, obviously, their vote for the new Senator was based upon something other than that particular issue.

So obviously, there were a number of issues that impacted on this election. But let me say again that almost all the candidates running for President last time, when they articulated a focus on national issues, focused on health care and the need to make sure that health care was available to all of our citizens.

Now, as relates to the gentleman’s bipartisanship, the gentleman was quoted apparently just a few days ago about referring to our meeting. Our meeting, of course, dealt with a one-page recitation of three or four proposals, many of which are in the health care bill that we passed in this House in one fashion or another. Notwithstanding that, of course, you know, no Republicans voted for the bill.

I was not surprised at that, frankly, because in February, apparently not based upon the specifics of a proposal, because the specifics of a proposal were not on the table until the summer, your gentleman, Mr. CANTOR, Mr. HOYER. I think she believes that is an accurate statement that we can then count on.

Mr. HOYER. I don’t know about counting on. I don’t know what you mean by “counting on.” I think the Speaker’s comments this morning, you asked me if it was an accurate statement. I think she believes that is an accurate statement in terms of where the votes are today. I responded, as I told the gentleman, there is substantial differences. We are discussing those differences, as we have been for some period of time.

Let me make another comment. The gentleman is very animated and very happy. As I would be in his position, about the results of Massachusetts, as we were very happy about the results in New York 23, where the health care
bills were also at issue, as the gentleman knows, in a district that we hadn’t won for 150 years just a couple months ago. And as the gentleman knows, we won that district in a district, as I said, unlike Massachusetts, that we had not won in 150 years.

But I get to say something. Your candidate who did win supported the Massachusetts plan, which has great similarity to the plan that he now opposes. So it is somewhat ironic that we would take that as a bellwether, because he, as a State senator, actually voted on a plan that, much like our plan, tried to reach the objective of covering all people. So he has already indicated he is not going to vote for this plan. I understand that. But it is not like he hasn’t got a record of wanting to achieve the objectives that the bills that are under discussion are trying to achieve.

Mr. CANTOR. I thank the gentleman. I would respond simply by saying most indicators are the voters of that Commonwealth voted for Mr. Brown because of his stances, and one of those stances was that he would vote against the Senate or the House health care bill as they were constructed. And I agree with the gentleman we need to do something about health care.

I would remind him that it is the CBO who has pointed out that our Republican plan is the plan that actually does reduce health care premiums. That is where we started this whole discussion, was to reduce health care costs for the American people, and continue to reform the system so we can maintain the quality we have.

And, Madam Speaker, I just say that it is time, I think, for this body to finally listen to the American people and what they are asking us to do, run this body in an open and transparent way, stop the back room deals, the Cornhusker Kickbacks, the Louisiana Puppies, and the Senate in 2006, obviously President Bush threatened to or did in fact veto any changes that we made in economic policy.

That economic policy, which you were a very strong supporter of and your party was a very strong supporter of, you continue to mention jobs; so I want to make sure you know these statistics.

In the last 3 months of the Bush administration under the economic policies that not only did you pursue then but you still want to pursue, because, in fact, the proposals that you have made essentially mirror the proposals that were made in 2001 and 2003, those proposals were defeated by you and others—I’m not going to go through all these quotes—as going to grow the economy, create jobs, and have a robust growth in our economy. In November and December and January, that policy which you pursued last 2,019,000 jobs in 3 months, and we confronted the worst recession, the “great recession,” if you will, worse than at any time in three quarters of a century. And I am told you that you still—your party, not necessarily you personally—presents an economic policy which was the poorest job-creating administration, 8 years, since Herbert Hoover, an average of approximately 4,000 jobs per month. You needed 100,000 just to stay even.

Now, I would tell the gentleman, since the Recovery Act, which you and your party voted for, since the Recovery Act, let me tell you what the last quarter was. President Obama and you still have not succeeded in growing jobs, so we haven’t had success, but we’ve had great progress. Let me tell you how much progress. Remember I told you that you lost, in the last 3 months under your economic program, 2,019 million jobs. The last quarter we lost 206,000 jobs, a quarter, 3 months. That’s way too many jobs. We want to be creating, as the Clinton administration did, on average 220,000-plus jobs per month; 22 million in total over 8 years.

So I tell my friend that when the gentleman says we haven’t had progress on this, those figures, in my view, belie that assertion. In fact, we made progress. Not only that, the stock market is up 60 percent. It’s had a couple of bad days. It’s up 60 percent since we adopted the Recovery and Re-investment Act. It had a minus growth under the administration during the 8 years of the Bush administration, minus to the extent it decreased in value so that the investment I had in 2001 was about 26 percent less valuable in December of 2008. Contrast that to the Clinton administration during its 8 years. The value of your stock portfolio or investments went up 226 percent. That’s a 250 percent difference.

So I tell my friend that we have taken very substantial action. We’re going to take more action because until we get Americans back on the job, until we get America growing so that it creates the kind of jobs our people need and must have to support themselves and their family, we’re not going to be satisfied.

So, yes, we passed a bill last month which you and your party voted against. We think that’s unfortunate. If you have ideas, I would love to sit down with you again and discuss your ideas. Very frankly, however, some of the ideas we’ve discussed to date are some of the same ideas that, in my opinion, led to not such a robust job-creating economy; in fact, as I said, the worst economy we’ve seen in 75 years.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

First of all, I know that it is tempting for the gentleman to delve into the past, comparing the Bush policies to the Clinton policies, but I know the gentleman realizes we are in the year 2010. We have new challenges before us. And I would say that the piece of information left out by the gentleman is the fact that it was his party that Congress passed the economic policies that he refers to that were enacted in the period in which he cites the job losses. In fact, there have been 3.6 million jobs lost just since January of 2009.

I would then say to the gentleman, as far as the stimulus bill that you speak of—

Mr. HOYER. Will the gentleman yield just on your assertion that we were in control?

Mr. CANTOR. I will yield at the end of my statement.

Mr. HOYER. I will yield. But what is that the stimulus bill that passed almost 1 year ago, there is growing consensus here that it was not sufficiently targeted toward job growth. In fact, even the portion of infrastructure spending that the gentleman and his party and this White House decided upon, the design of that spending, the Associated Press has come out with a study indicating it did not grow employment at the local level in the communities which we represent.

So if we understand and know that that is not the way to grow jobs, that is, the design of the stimulus bill, why would we vote for Stimulus II? In fact,
I would remind the gentleman, as I know he remembers, the bipartisanship around the Stimulus II vote in December was against the bill, as well over 30 Members on his side of the aisle voted against the bill because, again, I believe it is trying to get it right this time.

And so instead of the gentleman’s continuing to refer to years ago, I would remind him that we have presented to him as well as to the President a Republican no-cost jobs plan. The provisions that were in that document and that plan saying there is nothing for free, that we shouldn’t be talking about things that we could do together that don’t cost anything.

I would say to the gentleman, the President himself has said that within the passage of three trade bills sitting in this body, we could see the creation of 250,000 jobs. We have had discussion on this floor about whether those trade bills are coming forward; 250,000 jobs at no cost. To me we really should go about doing that as well as the other items that we listed in our no-cost jobs plan that the House Republicans have put forward.

And I yield to the gentleman.

Mr. CANTOR. I thank the gentleman.

First, let me observe that the gentleman—I don’t blame you at all for looking at history. I wouldn’t want to stand on that record either, but it’s important to look at history so that we don’t repeat the same mistakes.

The assertions that were made for the policies that you pursued of great growth and economic expansion—which did not occur. That’s why I point it out, because, frankly, your proposals mirror those that have been made in the past, and the premises that you have pursued are the same that you are pursuing now.

It is instructive, I think, for the American people and for us who represent them to look at what worked and what didn’t work. Your party unanimously opposed the Clinton economic policies. Mr. Armey, an economist who was your majority leader, said that they would fail miserably. In fact, they succeeded mightily. They created those 22 million jobs that I said. In fact, in the last year when there was a slowdown, they created 1.8 million jobs as opposed to losing 3.8 million jobs in the last year of the Bush administration. I think it is instructive to see what worked and what didn’t.

So that is why I refer to it, not because I think that will solve our problems going forward. I agree with the gentleman. What is important is: What are we going to do now? But we would be fools, as the writer said, to continue to do the same thing and expect a different result.

So I say to my friend, when he asserts that we were in charge in 2007 and 2008, he and I both know that economic policy was not changed. Why? Because the President of the United States, who had the veto pen and the votes to sustain a veto, even when we tried to give 4 million children health insurance in America, that veto was sustained. They were not given that insurance until President Obama signed the bill, which was one of our first bills.

So I say to my friend, one of the reasons we faced such a crisis was the last administration took the referee off the field. As a result of the referee’s being off the field, the referee’s being off the playing field and did irresponsible things and, unfortunately, the taxpayers of this country, in order to prevent a great depression as opposed to a great recession, had to respond. The good news, hopefully, is that we are not going to get paid back. The President has made efforts to make sure that happens. I hope, and you hope, that we do get paid back.

You want to block tax increases and cutting taxes. We cut taxes for 95 percent of Americans, as I’m sure you know, in the Recovery and Reinvestment Act. You want to freeze investment in items like job training, infrastructure, and then we're going to rein in deficits and debt. You want to freeze investments in giving people new skills so they can get the jobs that are being created. We don’t think that’s a good policy. Your program says you want to reform the unemployment system by requiring people to participate in job training. We agree with that, but you have to make sure that the job training is available to them.

Approving the free trade agreements, as the gentleman I am supporting of the free trade agreements. I don’t think it would create those 250,000 jobs tomorrow or the next month or the month after, but I agree with the gentleman that that’s a good policy. It’s controversial policy, I say to my friend, as he well knows, on both sides of the aisle.

You want to reduce tax barriers that inhibit domestic job creation. The Recovery Act, had tax cuts for small businesses to do exactly that. Your side didn’t support that.

You say address the housing crisis by giving regulators incentives to deal responsibly with banks and their borrowers. You want to do exactly the same thing that we’ve got to remove the uncertainty gripping the small businesses and job creators in this country. So contrary to the suggestion that the gentleman made about the fact that we just want to get rid of regulation, what he actually said, Majority Speaker, was to halt any proposed regulation expected to have an economic cost or result in job loss or have a disparate impact on small business.

In the same way, the suggestion that perhaps Republicans wouldn’t support transparency and an even playing field and regulations that will control the amount of leverage on Wall Street, that’s silly. Of course we support efforts like that. But what we do know is that’s not the Administration, and, frankly, the majority in Congress, has been very slow at getting the message out to the public and the regulators in the field that they should be reflecting the sentiments that the Treasury and the Chairman of the Federal Reserve have said, which is, we need to return back to some sense of normalcy in the assessment of risk, because we all know this country has been built on entrepreneurialism, on opportunity. It is not that we have seen our prosperity come from this government. That’s where, really, Madam Speaker, the differences lie because we don’t want the way back to economic revival is through more Keynesian economic policy.

I yield back.

Mr. CANTOR. I thank the gentleman.

I would simply respond that the Republican no-cost jobs plan is a plan that was fashioned around the principle that we’ve got to remove the uncertainty grabbing the small businesses and job creators in this country. So contrary to the suggestion that the gentleman made about the fact that we just want to get rid of regulation, what he actually said, Majority Speaker, was to halt any proposed regulation expected to have an economic cost or result in job loss or have a disparate impact on small business.

So, if it’s a cap-and-trade bill, if it’s a card check bill, or if it’s a tax increase, why can’t we just say, “stop”?
Let the American people regain their sense of economic security and let the ingenuity in the private sector take hold again. I yield.

Mr. HOYER. I thank the gentleman for yielding.

I’ve heard that rhetoric for 24 years here, and I’ve certainly heard it for the last 8 years. The gentleman likes to put words in my mouth about previous administrations of what I might say or did say.

We’re talking about policies that you want to replicate which have been pursued. That was my point. It remains my point. I think it’s a valid point.

Did your policies work? You can argue all you want and say the Bush administration policies worked. You have not in any way said that the figures I have said on this floor, and not only today, but you’ve had many opportunities to look to see whether I’m accurate on those figures, are wrong. In point of fact, they did not produce what you said they were going to produce. We need to adopt policies that do produce.

The reason I compared the Clinton administration and the Bush administration is that, under the Clinton administration, you said the policies wouldn’t work. I don’t mean you personally. Your party said the policies wouldn’t work. In fact, it’s the only administration under the Reagan administration, not the first Bush administration, certainly not the second Bush administration—that produced surpluses. After 8 years, they had a net surplus. No administration in your lifetime has had a net surplus after 8 years other than the Clinton administration under the economic policies we pursued then, not one. So from that perspective, it’s not a question of failure.

I will tell you here—and again, these statistics you don’t like. You’d prefer my voice only because you simply ignore that. You say that’s just carping. You say, Oh, we don’t want to look at what happened. We don’t want to look at what your policies produced for 8 years. We don’t want to look into the future. We don’t want to look at those figures. We don’t want to look at what we have been doing, as I pointed out to you, is trying to bring this economy out of the ditch in which we found it, in which the American people feel very stressed, properly so.

So we’ve got to get them back the jobs. The first thing we had to do was to stop losing so many jobs. Again, I would point out, in the last 3 months of the Bush administration, we lost 2 million jobs. In the last quarter, in the last 3 months, we lost 2 million. It’s a way to look, but it’s one-tenth of what your policies produced or did not produce in the last 3 months of the Bush administration.

So what? you say. Let’s not repeat those mistakes. Let’s invest in our future, which is what we did in the Recovery and Reinvestment Act. Mark Zandi says that we saved over 1 million jobs—1.6 million, I believe—what Mark Zandi believes—which we would have lost had we not passed that bill. So did it work perfectly? It worked better than the policies we were pursuing, frankly, that we inherited. That was my point. I think it is a valid point. If the gentleman disagrees, I’ll be glad to correct it. I think they’re accurate.

Mr. CANTOR. I thank the gentleman. Mr. HOYER. Oh, let me say one additional thing because you talked about certainty.

Mr. CANTOR. I didn’t yield. Madam Speaker.

Mr. HOYER. Well, you took back the time. I really didn’t yield back, but if you don’t want me to continue, I won’t.

Mr. CANTOR. I didn’t yield, Madam Speaker.

Mr. HOYER. Thank you, I just wanted to say something about certainty.

I agree with you. We need certainty. We tried to give certainty in the estate tax. Your side voted against that. We tried to give certainty in tax extenders. We tried to extend the tax extenders, and your side didn’t vote for that. I don’t think you did either, but I agree with your premise and wanted to make that clear. That’s one of the reasons we tried to pass making sure that doctors treating Medicare patients knew what they would be getting years out so that Medicare would have the stability that it needs.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

I would say again, somehow, in the gentleman’s memory of these past years, there is something that has been left out, which is this body and Congress, because, during the Clinton years, the Clinton years that saw prosperity, there was a Republican-controlled Congress. The Republican-controlled Congress yielded tax policies that we believe could once again get us back on track.

In the same way, referring to all the job losses that the gentleman continues to recite and point fingers at and blame the prior administration for, if we’re going to play that game, I would say since his party has taken control of this country, we’ve lost in this country 6.1 million jobs. As he says, none of the job losses are acceptable. I would say to the gentleman that there are many ways to look at these figures and who was responsible for what and who could claim credit for such, but at the end of the day, what we are facing right now is a situation where the American people and the small businesses and the working families of this country need to regain some confidence.

So I would ask the gentleman directly: If we’re about removing uncertainty, is he willing to say to the small businesses owners out there and to the people of this country, no card check bill this session, no cap-and-trade this session, no death tax this session, and no hiking taxes in the time of unemployment that we are in? Those are the things from which we could send a message to the entrepreneurs and small businesses to lift this veil of uncertainty.

I yield.

Mr. HOYER. Mr. CANTOR, this is a scheduling colloquy. It has gone on for a long time, and it is a very political colloquy more political than I was involved in with Mr. DeLay, I think. That’s good rhetoric. None of those are scheduled. The gentleman knows none of them are scheduled.

The gentleman doesn’t like the figures, and he harks back to the, you know, we were in charge in 2007 and 2008. He knows well what we are not talking about is blame; we are talking about what policies were in force. The gentleman says we changed the economic policies in 2001. I’m glad to hear what policies we were able to change and that President Bush signed on to. That’s the issue. The gentleman wants to avoid that issue. The question is not blame; the question is what policies worked and which policies did not.

I suggest to the gentleman that of all the issues to which you referred in your question about the so-called “death tax,” the estate tax, which affects approximately half of a percent of the American estates, and the gentleman knows, and which we wanted to, frankly, increase by $2.5 million permanently from what it will be under your policies of 1 million and 55 percent January 11—it’s now at zero, as you know. That was not intended to be the permanent policy, and you simply said you’d revert under the bill that you passed, not you personally. So we want to make that certainty.

So the answer is, yes, we want to make that certain. We think that $3.5 million per person is a reasonable amount and will cover all but one-tenth of 1 percent of the estates in America or thereabouts.

The other items to which you refer, which animate your party and some in my party as well, are not scheduled, as the gentleman knows. I’m not going to make assertions on what we will or will not schedule at this point in time, but I can tell you we don’t have them scheduled.

Mr. CANTOR. I thank the gentleman. I thank him for his indulgence in this lengthy colloquy.

If the scheduling piece of this colloquy has now yielded, the fact that there is an uncertainty as to whether we’ll see card check, or whether we’ll see cap-and-trade or whether we’re going to see tax hikes, then that’s the message, I think, that is going to be delivered to the small businesses that we are going to count on to create jobs. I would note that, from Virginia to New Jersey to Massachusetts, the people of those States, and I believe the people of
America, have spoken. What the people want is a Congress that will work in a bipartisan fashion to get the American people back to work. Republicans, on our part, will continue to offer solutions just as we have done for the last year, and we hope that will be successful.

Mr. HOYER. Will the gentleman yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. Does the gentleman believe that America spoke in November of 2008? Not just a State, not just Virginia, not just New Jersey, not just Massachusetts. Does the gentleman believe that America spoke in 2008 in voting overwhelmingly for the policies that this President put before to respond to the crisis that confronted our country? Frankly, none of us even at that point in time perceived how deep the crisis was.

We understand about votes. All of America voted handily for this President, who has put policies before this Congress to try to address the issues of bringing our economy back giving Americans health care they could count on, making sure that we were energy independent.

You know, you talk about votes. This President was elected just approximately a little over a year ago to carry out the policies that he has been presenting, and notwithstanding that election, as I recall, your party has not supported his policies at all.

Mr. CANTOR. I thank the gentleman for that.

I would say, Madam Speaker, in closing, yes, America voted in 2008 for Barack Obama to become President of the United States. It was this November that the people had the opportunity in the two States with the gubernatorial election and then just this week the people of Massachusetts had an opportunity to vote for their Senator based on the policies that have come out of this new administration and the majority in Congress. It is those policies that were voted on this time, and it is those policies that I believe do not reflect the mainstream of America and where the Republicans stand, ready to work with the gentleman and his party in trying to bring the debate and these policy solutions back towards where most Americans feel we ought to be heading in terms of direction for this country.

I do thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26, 2010, for morning hour debate.

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

There was no objection.

WATCH YOUR HEART AND WHAT IS RIGHT FOR AMERICA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am reminded of some of the tougher times in this Nation. Maybe it was the Vietnam War, when Members had to vote their consciences. I was not in Congress at that time. It might have been even further back when LB J, Lyndon Baines Johnson, had to lead on making a body of people in this Nation to the Civil Rights Act and with the 1965 Voting Rights Act. I imagine it was difficult, and I imagine there were people who said, This is the wrong way to go.

We often said on this floor, Don't watch polling in politics. Watch your heart and what is right for America. I believe the issues dealing with job creation and good health care for America are good, and the latest polls and elections don't daunt our spirits.

We are working with those on the other side of the aisle. We are working with the American people. We do want transparency, but I, for one, am not going to step away from helping people get the best health care they can. We don't know the timing of it. Maybe tomorrow.

Yet the idea to feel crushed or crumbled because of some actions that deal in politics is not the way to exercise your conscience and to do what is right for America, and we will do in this country and in this Congress, and I will stand on that side.

HONORING THE LIFE AND SERVICE OF AN AMERICAN HERO, SERGEANT CHRISTOPHER RICHARD HRBEK

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

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in honor of a recently fallen Marine, Sergeant Christopher Richard Hrbek.

He was a field artillery cannonner with the 3rd Battalion, 10th Marines, out of Camp Lejeune. He was stationed in Afghanistan. Sergeant Hrbek was an active member of his community back in Westwood, New Jersey. He was a volunteer fireman for 9 years. In 2003, in response to the attacks of September 11, 2001, he enlisted with the United States Marines. He heard the call of duty and he answered it.

As a Marine, he served multiple tours of duty, which included combat in Iraq and Afghanistan. On December 23, 2009, under enemy fire, he saved the life of his sergeant major, who had stepped on an IED. For this, he was to be awarded a Bronze Star with a combat “V.” He then set the highest example of someone who was willing to risk his life to save the lives of others.

Sadly, on January 14, 2010, he, himself, stepped on an IED, and died in the service of his country.

ECONOMIC INJUSTICE IN AMERICA

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

Ms. KAPTUR. Madam Speaker, here is something that will grab you. It was reported this month that Goldman Sachs, the favored Wall Street firm that had too much access in this city and that got bailed out by the American people to the tune of billions and is now handing those over in bonuses to their executives, has paid a net effective tax rate of 1 percent. You heard me right—1 percent, Goldman Sachs.

When most small businesses and corporations in this country are paying at a 35 percent tax rate, Wall Street's elites still don't carry their fair share. Imagine that secretaries, firefighters, cleaning crews—the middle class of this country—pay at a higher rate than Goldman Sachs.

Meanwhile, the chief executive officer of Goldman Sachs, Mr. Lloyd Blankfein, harvested over $140 million in salary as head of that firm. When he was asked, Well, isn't this a bit too much? His answer was that he's doing God's work. I call that blasphemy.

This is fundamental economic injustice in America, and the American people know it. They're voting their frustration. They expect Congress to listen to them, not to continue to reward Wall Street's overprivileged scions at their expense.

BILL MOYERS JOURNAL

(By Bill Moyers)

The ancient Romans had a proverb: “Monday is like sea water. The more you drink, the thirstier you become.” That adage finds particular meaning today on Wall Street, which began this New Year riding a tidal wave of bonuses in a surging ocean of greed. Thanks to taxpayer-guaranteed bailing out of the financial shipwreck it created for itself and for us, by the end of 2009 the industry’s compensation pool reached nearly $200 billion. And despite windfall profits, the banks will claim almost $80 billion in tax deductions. And nearly $20 billion of those deductions will go to just three banks—Goldman Sachs, JP Morgan Chase, and Goldman Sachs.

Ah, yes—Goldman Sachs, that paragon of profit and probity—which bet big on the housing bubble and when it popped—presumably converted itself from an investment firm into a bank so it could get your bailout money. Now consider this: In 2008, Goldman Sachs said it had an effective tax rate of just one percent. I'm not making that up—one percent—while their CEO Lloyd Blankfein...
pulled down over $40 million. That's God's work, if you can get it. And, believe me, Wall Street bankers know how to get it.

1400

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LITJEN). 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 California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LISTEN TO US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, on Tuesday night the people in Massachusetts reiterated a message too often forgotten in Washington, that message being “listen to us.” I have heard this message for quite some time now as I go and travel throughout and across my district.

People are fed up and angry, and they think that Congress and the White House are not listening to them. They think that Washington is moving in the wrong direction and is ignoring them altogether. As we say in Alabama, the Massachusetts election was a bell ringer, and leadership needs to listen to that bell ringing.

The current state of health care reform epitomizes their disgust. We can all agree that health care is a concern and needs to be reformed. But what good is health care reform if people don't have jobs, if they can't feed their children, they can't pay their mortgage, they can't pay their bills? I have heard this message from my constituents, and I know our primary focus must be on the economy and jobs.

I am not alone in my opinions. Elected officials from across the country and across the political spectrum are hearing the same comments: Congress needs to focus on the economy; the health care bill is too massive; I don't like the process, are common refrains as I travel across my district.

Closely rivaling Americans' concerns about the economy is their wariness of Federal spending. Too often in the past, Congress was not held accountable by the people, but trillion-dollar deficits as far as the eye can see have awakened them, and rightfully so. For our children's and grandchildren's sake, we must get our fiscal house in order.

To be sure, these challenges are not easy to solve. Improving the economy in the middle of a budget crisis is a tall task, but we were sent here to Washington by the people to be their voice and tackle these immense challenges.

There is plenty of blame to go around for our current condition. Democrats need to recognize that ambitious plans to address long-standing priorities such as health care, energy, and other spending initiatives must be postponed if the will of the people disagrees with this agenda. And Republicans must remember that they were in charge when hundreds of billions of dollars in deficits were common even when our economy experienced brighter days. History can't simply be swept under the rug.

Without further blame on the part of either side, there are some simple solutions that will help solve some of these problems.

First, we must reinstate statutory PAYGO. Statutory PAYGO budgeting rules were in place when we experienced record budget surpluses in the late 1990s. PAYGO rules are the only proven way for Congress to keep spending in check.

Second, we should pass a fiscal budget commission, and let it decide the budget reconciliation. This commission will force Congress to act on legislation to reduce excessive long-term government spending and support for some kind of a fiscal spend across party lines. But, too often, leadership of both parties has supported these commonsense solutions. Let's come together, not as Republicans or Democrats, but as Americans, to do the work of the people.

In the coming months, leadership needs to heed the call of their own constituents and people around the country. They need to listen to the good ideas of people in both parties, and especially from the moderates who are willing to listen and to work with the other side.

Let's put our heads together and fix the economy while not breaking the bank. Let's find smart and innovative solutions, such as the America Works Act and the Small Business Start-Up Savings Account Act, that will help get our economy back on track. Let's help small businesses and focus on improving Main Street and not just Wall Street. Let's extend the 2001 and 2003 tax cuts to give families continued assurance that the Federal Government won't be asking any more from them in these troubled times.

And while we are addressing these problems, let's get rid of some of the things that have divided us in the past. Let's stop using harsh partisan language and rhetoric that serves little purpose other than to undermine the faith that the American people have in both parties.

Let's sit down and thoroughly debate issues and not rush to pass a bill simply for the sake of doing something. Let's open the doors to the public so the public can see the legislative process.

And, finally, let's stay focused on the issues for which we have a real mandate: improving the economy and creating jobs.

These are lessons we should all take away from what the people, our constituents, are saying. I hope the leadership and the White House are listening today. It is not too late to change course, but we can't continue down our current path. The people are saying, Listen to us. And I certainly hope our leadership will heed that call before it is too late.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL’S RIGHT TO EXIST

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. Mr. Speaker, since the rebirth of the nation of Israel over 60 years ago, radical jihadists have relentlessly tried to destroy this nation.

Funded by Iran, Hezbollah attacks from the north and thousands of unguided rockets have rained down on Israeli villages. That is right: unguided missiles. That means they deliberately go anywhere and hit anybody where the missile is fired. That includes men, women, children. It doesn't matter to Hezbollah. They want to kill in the name of terror.

Hamas does the same thing in the south. Over 12,000 missiles have been launched into Israel from the Gaza Strip alone. I have been to Israel, and it is a small country. It is the size of smaller than the size of New Jersey. But yet from the north they get missiles, from the south they get missiles. But they still exist, and they have the right to exist. Israeli citizens fight these radicals rather than give up and surrender. After all, victory never comes by taking the path of least resistance.

These are unprovoked attacks into this nation. Israel is assured by us, the United States, that she has the right to defend herself, but sometimes we try to interfere with her own national defense. Israel is our strongest ally in the Middle East, and we need to treat her as such.

The whole situation is made even more complicated by Iran's pursuit of nuclear weapons. The Tiny Tyrant in the Desert, Ahmadinejad, has the means to hit Israel with missiles. And not only Israel, but our troops in Iraq and Afghanistan.

Iran is the largest state sponsor of terrorism in the world, and to allow Ahmadinejad to have nuclear weapons is not a nuclear option. The Tiny Tyrant, Ahmadinejad, uses murder and terror to try to silence protesters in his own country of Iran. Imagine what he will do to the world if he has nuclear weapons.
The best great hope for the world is that the people of Iran change their regime, and we should encourage and support the students, the academics, and others not to give in to their oppressive dictator.

Israel has been fighting radical jihadists for decades, and they have been on the front lines. Terrorist attacks after terrorist attack, they have endured. We all remember the massacre of Israeli Olympic athletes in Munich in 1972. And then there was the slaughter of Israeli teenagers in a pizza parlor in Jerusalem in 2002.

Radical Islam kills people they hate. They kill them in the name of religion, people of different religions, like Jews, Christians, and even moderate Muslims.

The modern State of Israel was founded in the wake of the Holocaust, after 6 million Jewish people were murdered, any place, anywhere. The rebirth of Israel reflects the best conscience of a civilized world. And Israel has the absolute right to exist, just as other nations do; and it has the absolute moral right to defend itself against those who want to eliminate her.

Israel is our partner and ally in this fight against terrorists, terrorists who deliberately target civilians. Innocent women and children are considered military combatants to terrorists. Jihadists use women as hostages and hide behind their skirts for their cowardly cover.

Some history is in store here. Mr. Speaker. Back in 1967, Israel was forced into a war by Arab nations. President Nasser of Egypt threatened to drive Israel into the sea, and the conflict is now called the Six Day War. The armies of Egypt, Syria, Jordan and Lebanon invaded the Israeli borders, and President Nasser of Egypt ordered the United Nations emergency troops to withdraw from the Sinai Peninsula. So the whole world watched and waited for the destruction of Israel. The United Nations stood by and did nothing.

But to the shock of the world, Israel turned back all of the aggressors in just 6 days and headed to the enemy capitals.

Israel won a defensive war on the West Bank, Gaza, the Sinai Peninsula, and the Golan Heights. A cease-fire was then negotiated.

International law says that countries must return and gained from a defensive war only under a negotiated peace. So Israel and Egypt have since signed a peace treaty. Israel gave back the Sinai. Time and again Israel has traded land for peace, but it still has no peace. All of the countries of the Middle East must condemn terror as a policy for change. The Palestinians and Israelis must settle their disputes now, some 60 years later, through mutual respect, cooperation, honesty, and understanding. But, not to mention terrorism, murder is not an acceptable foreign or domestic policy and should be publicly and jointly rejected by all sides.

Make no mistake about it. Israel will not surrender or retreat in the wake of this violence. Israel shall never give in and never give up the right to exist, whether jihadists like it or not, and the United States should make it clear to terrorists that we will stand shoulder to shoulder with our friends and allies.

And that’s just the way it is.

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 North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

(Ms. Kaptur addressed the House. Her remarks will appear hereafter in theExtensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

(Mr. Burton of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. Miller) is recognized for 5 minutes.

(Mrs. Miller of Michigan addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Reichert) is recognized for 5 minutes.

(Mr. Reichert addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MARCH FOR LIFE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. Pitts) is recognized for 60 minutes as the designee of the minority leader.

Mr. PITTS. I rise today on the occasion of the 37th anniversary of the infamous court decision Roe v. Wade. I rise on the occasion of the annual March for Life that will occur tomorrow with tens of thousands of citizens who will come to Washington to publicly speak out on this issue of life and the sanctity of life. I just want to say to those who are coming, I want to thank them, the people from all across the country who come, for their dedication to a cause that matters so much, the cause of life.

Every year on this day, people across the country pause to remember the millions of lives that have been lost since Roe v. Wade was decided on that fateful day in 1973. In just 37 years, nearly 52 million unborn children have been lost to abortion. Sadly, we can never know what those lives may have been—doctors, teachers, athletes, perhaps even Congressmen and Congresswomen. We mourn the loss of those unborn children.

But I also want to take a moment to rejoice in the millions of lives that have been saved because women have chosen life. Because of the caring people like those who will come and march this week in Washington because of the pregnancy care centers, so many women have opted not to have abortions but instead carry their babies to term.

Many of us may have heard that this year’s Super Bowl will feature a commercial that tells a story of a well-known quarterback, Tim Tebow. Tim’s story is a powerful one. His mother, Pam, became pregnant while she was working with her husband in the Philippines as a missionary pregnant, Pam contracted amoebic dysentery through contaminated drinking water. She was told that the medications required to treat her illness would cause irreparable damage to her unborn child, and so Pam was encouraged to have an abortion. Thankfully, she refused, and her son, Tim, went on to play starting quarterback for the Florida Gators and in 2007 was awarded the Heisman Trophy.

Let me share one other brief story. As a baby, Patrick Henry Hughes was born with diseases that caused him to be both blind and crippled from birth. By some accounts, his life may have been considered less valuable. But Patrick has a unique gift. He has become an amazing multi-instrumental musician who inspires people across the country with his music. In 2006, he was recruited to join the marching band at the University of Louisville. He joined the band, playing the trumpet while his father pushed his wheelchair through the marching routines. Patrick is an inspiration to so many around him. And when asked about the challenges they have faced, Patrick’s father said he now asks: What did we do newsworthy special” while the unknown man who’s brought us so, so much?

For both of these stories, there are hundreds of others that remain untold; hundreds of lives that may never have been were it not for those who continue to stand on behalf of the unborn.

First, I want to thank those who are coming tomorrow to visit and march for life.
Now, at this time, I would like to yield to my colleague from Ohio, JEAN SCHMIDT, who’s chairperson of the Pro-Life Women’s Caucus.

Mrs. SCHMIDT. Thank you to my good friend.

Mr. Speaker, I rise to talk about this issue. I’d like to take a few minutes to not only say that this is the 37th anniversary of one of the most dark days in the U.S. history, but to talk about the ramifications of what that act did.

To give you a little history, the pro-life movement actually began in Cincinnati, Ohio, and it began before 1974 in a little place called College Hill by folks by the name of Barbara and Jack Willike. Jack’s a doctor. His wife, I believe, is a nurse, but I could be wrong. But they, along with some other folks, were involved in another crusade in Cincinnati, and they became aware that this whole issue of abortion was suddenly creeping up in the State legislature, and they wanted to make sure that Ohio didn’t allow abortions. So Barbara and Jack formed this little group to fight it in Ohio.

It was Barbara that said to Jack Willike, You know, Jack, under the Constitution, everybody deserves the right to live, to the very end of that of the unborn. And he looked at Barbara and he said, That’s the name of our movement.

And look at how far that movement has come. It is a national and an international movement. I’m proud to lay claim that Cincinnati is part of my district, and while College Hill is not technically in my district, it is part of Cincinnati. And I’m very proud of the work that Barbara and Jack have done, but also proud of the work that my parents did. I’m proud of the fact that they educated me on this issue when I was old enough to understand it, because the impact of abortions really hurts all of us. But I truly believe that it hurts them the most.

I want to talk a little bit about the privilege that it is for a woman to be able to have a child. If we didn’t have the opportunity to create, none of us would be here. But it is the woman’s privilege to carry that baby inside of her until it is full term. And women, if they pay attention to themselves, know that, yes, they’re carrying that baby right from the beginning, because we see some things changing inside of us. But back in 1974, they didn’t have all the fancy equipment that they have today. They didn’t have all the ultrasounds and the three-dimensional ultrasounds, and so in 1974 maybe it was a little easier to think that baby wasn’t a life. But we know that it’s a life today, and we know that it’s a life immediately.

It’s interesting, because the impact of the Supreme Court’s decision has been immediate and devastating in the United States. The number of abortions this country is skyrocketed after that horrible, horrible decision. It skyrocketed from about 750,000 in 1973, to more than 1.3 million in 1979. Think about the lives that are lost. Think about the potential doctors, lawyers, football players, race car drivers, politicians, Presidents, Air Force Generals that have been lost; moms, dads, sisters, brothers, aunts, uncles. By 1985, the number of astonishing 1.6 million abortions performed in a year, and the United States soon became the country with the highest number of abortions. I could go on.

The reasons were easy to understand. Women thought that it was a way to get out of an unwanted pregnancy. They didn’t understand that the consequences of that decision would be more lasting and more far reaching than it would be to get that child alone. As reasoning for these abortions, one national survey found that a quarter of the women thought that the timing of their pregnancy was wrong. Another 19 percent thought that they could not afford to keep the child at the time, and almost 10 percent thought that they were just too young. Simply put, these answers indicate that the short-term legacy of the Supreme Court’s decision in Roe was the enabling of the American woman to terminate the life of a child when it happened to be inconvenient or fitting for their lifestyle. You know, I could go on.

But the tide is changing. Maybe it’s changing because of the miracles of modern technology. Maybe it’s changing because a woman can find out immediately she’s pregnant and immediately pay attention to those signs in her body. Or the doctor gets that ultrasound and realize that baby is alive, well, and kicking. Those moms know that’s a real live human being.

In 2005, the number of abortions performed were actually down to 1.2 million, a modest but welcomed decrease. And these abortions were performed by only 2 percent of this country’s OB/GYNs. The reality is abortion is no longer the main way to get out of an unwanted pregnancy. It’s a way to get out of an unwanted pregnancy. They didn’t understand that their faith-based belief is held in touch, because when we make the choice to protect our country’s medical providers and when we make the choice to preserve our country’s laws prohibiting the Federal funding of abortion, we continue to reshape the lasting legacy of Roe v. Wade. This is the best way that we can honor the anniversary of Roe and the millions and millions of lives that have been lost.

I yield back.

Mr. Speaker, I want to thank the gentlelady for her eloquent words.

At this time, I yield to the gentleman from Louisiana, JOSEPH CAO.

Mr. CAO. Thank you very much for yielding.

Mr. Speaker, as America embarks on its 37th anniversary of Roe v. Wade tomorrow, thousands will participate in the March for Life in our Nation’s Capitol. But, fundamentally, this year’s anniversary of Roe v. Wade should have deeper meaning than previous years. Amid the current debate on health care reform, the abortion issue has once again risen to paramount importance. Unfortunately, the current bill has made an unsuccessful attempt to address affordable health care by ignoring our deeply held belief.

Like many other Americans, I believe that we as a nation should honor the life of the unborn. Abortion is an inhumane perversion in our society. As I have stated previously, it is a distorted emphasis on rights, to the disregard of individual responsibilities. When President Obama addressed a joint session of Congress last September, he said, ‘under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.’

Why then is the current health care reform under the Senate plan being touted as the right plan for America? The health care legislation passed by our friends in the Senate does not reflect the longstanding Federal policies that ban abortion funding, and I will absolutely not support it as it is written.

The fundamental right to life in this country was reinforced and more strongly confirmed by Congress. For the vast majority of Americans do not want their Federal tax dollars to pay for elective abortions.

But we also have to fight for our medical establishment. We have to fight to make sure that the conscience protections for our country’s faith-based medical providers are in place. These individuals should not have to choose between their morals or their livelihood. They should not have to face discrimination or retribution for refusing to perform procedures that offend their deeply held beliefs. They should not be forced to participate in procedures like abortions that cannot be described as health care. Yet there are those in Washington who want to abolish these conscience protection clauses for these people and force them to do just that.

We need to work together to ensure that their faith-based belief is held in tact, because when we make the choice to protect our country’s medical providers and when we make the choice to preserve our country’s laws prohibiting the Federal funding of abortion, we continue to reshape the lasting legacy of Roe v. Wade. This is the best way that we can honor the anniversary of Roe and the millions and millions of lives that have been lost.

I yield back.
served as the heart and soul of our legal tradition and the foundation upon which we have built the most powerful democracy in the history of the world. Yet the balance between rights and responsibilities have served as a basis for an ethical context, but now it is skewed.

Our society has distorted this view of individual rights versus responsibility so that good somehow gets distorted with evil. We have misrepresented the right to individual freedom; now we basically have no regard for human life. The result is a social policy devoid of moral coherency. To protect individual rights, we have distorted the continuity of human development to portray the human fetus as something less than human and, therefore, can be disposed of. And there are those who diminish the words of pro-life advocates and aim to demean their passion for life by citing a woman’s right to choose or a woman’s right to protect her health. It is this very distorted view of protecting a woman that is actually endangering the woman.

An abortion causes mayhem to the psychology of the mother and the future life of the entire family. Her emotional makeup is forever altered and her health. But I say that this is a distorted view of protecting the innocent children. That is that not a skewed sense of ethics, I don’t know what is.

I agree that America needs responsible health care reform, and I agree that we all have the right to exercise the choices that they have available to them. I agree with those who say that a woman should be able to decide. But it is not at the expense of our children and the future of our families. The majority of the American people, including those in my home State of Louisiana, stand firmly on the side of life, and they absolutely insist that any measure that seeks to fund abortion with their hard-earned income.

Again, as we arrive at the 37th anniversary of Roe v. Wade, I ask America to reflect deeply on the value of all human life, and do not consider any piece of health care legislation unless it includes sufficient language to prohibit this inhumane act.

Mr. PITTS. I thank the gentleman from Louisiana for that very informative and important statement. He is a great leader here in Congress. At this time I want to turn to another leader in Congress. I yield to the gentlemen from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentlelady for yielding. I also thank the gentleman for his years of standing up and defending life and for his work in the Pro-Life Caucus, along with Congressman SMITH and our newest Member, Mr. CAO, who just spoke, and JEANIE SCHMIDT and also PARKER GRIFFITH, who is here on the floor with us as well. There are a countless number of Members who over the years have said, Life is sacred, life is precious and should be protected.

You know, although this is the week when we mark that terrible decision of 1973, I love this week. Thousands and thousands of Americans are going to come to the Nation’s Capital, and they’re going to celebrate life. They know that life is precious. And that in this great country, the greatest nation in history, we should celebrate life. We should understand that life is precious, life is sacred and that it should be protected.

And I also recognize—I have been in Congress now 3 years. Three years ago this month is the anniversary of the first State of the Union that I had the privilege of being at. Then President Bush recognized a great American who happened to be sitting right up in the gallery. In the middle of his speech, he pointed to this guy, Wesley Autrey, the subway guy. Not Jared, the one we see on TV, but the subway guy, the guy who risked his life in front of a subway train to save a fellow human being who was having a seizure on the track. He put his life on the line simply because a fellow human being’s life was at risk. That is how precious life is. That is how precious life is and that it should be protected through all stages.

As is so often the case, the American people get it long before the politicians get it. Wesley Autrey was a great example of that understanding. The vast majority of people who will be here this week, the vast majority of people who make up this great country, the greatest nation which we have built the most powerful democracy in the history of the world.

And that is, just like they said in the document that started it all, that started this great country in liberty and freedom we call the United States of America, where the Founders and the Framers wrote these words, which I say next to Scripture are the greatest words ever put on paper: ‘‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are: Life, Liberty and the pursuit of Happiness.’’

What great principles are contained in the statement that started it all. First, they understood a basic fact—there is a Creator. We are made in God’s image. We got our rights not from government; we got them from God. And a government’s fundamental job should be to protect those rights that the Creator gave his creation. An amazing, amazing principle. No other country ever started on that premise.

And in the second, just jumps right out at you from that statement is the order in which the Founders placed the rights they chose to mention, Life, Liberty, pursuit of Happiness. Can you pursue happiness? Can you go after your goals, your dreams? Can you go after those things that have meaning and significance if you first don’t have liberty, if you first don’t have freedom? And do you ever experience true liberty, true freedom if government doesn’t protect your most fundamental liberty, your most fundamental right, your right to life?

That’s what hundreds of Americans are coming to town for this week. That is what they want to celebrate. They want to protect our most fundamental understanding. They understand what this country is really all about. And someday, as previous speakers have pointed out, someday Roe v. Wade will no longer be the law in this country, and I want to protect it and end this human suffering because that is what the Founders intended, and that is what Americans understand.
With that, I will yield back to my friends and colleagues who have done so much—Representative Pitts, Congressman Smith and others who have done so much to protect life. I appreciate them taking the time to have this Special Order hour on the precious sanctity of life.

Mr. PITTS. I thank the gentleman. I yield to the gentleman from Alabama, PARKER GRIFFITH, another pro-life supporter.

Mr. GRIFFITH. Thank you very much for this opportunity. This is a very, very important day for us, and certainly it will be an even more important day for us tomorrow.

As a lawmaker and a physician for over 40 years, I recognize the importance of continuing to protect the sanctity of life. The 37th anniversary of Roe v. Wade tomorrow reminds us all that life is precious and should not be taken for granted. Fortunately, we can be thankful that a majority of the Congress and taxpayers funded abortions is morally abhorrent to most Americans.

So with the current health care legislation before us, I commend my colleagues for supporting the Stupak amendment, which passed the House with an overwhelming majority of 240–196, with one投票 present. I fully support protecting the unborn in any and all future bills. The Stupak amendment is a clear, high-water mark for opposition to government funding of abortion and a critical firewall to keep abortion from being mainstreamed as a routine medical procedure.

As the 111th Congress presses forward on the eve of the 37th anniversary of Roe v. Wade, I would like to remind Members on both sides of the aisle of the importance of continuing to protect the sanctity of life in all policy.

Mr. PITTS. I thank the gentleman for that statement and his leadership on this topic. I see that taxpayer-funded abortions is morally abhorrent to most Americans.

Mr. Chairman, I would like to yield the balance of my time to the gentleman from New Jersey, CHRIS SMITH, our Pro-Life Caucus Chair, a wonderful eloquent voice for life.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for the remainder of the hour.

Mr. SMITH of New Jersey. I want to thank my friend and colleague Mr. Pitts for his leadership, and for that of all of those who have spoken. Doc, thank you for your eloquent words. Mr. FORTEBERRY, Mr. CAO and JEAN SCHMIDT.

I do want to welcome His Beatitude, Metropolitan Jonah of the Orthodox Church of America, here, and his brother bishops. They are most welcome, and I thank them for their incredible stance in favor of the sanctity and sacredness of all human life, from womb to tomb. That we all need to act as our brothers’ and sisters’ keepers.

Matthew 25, where our Lord said, WHATSOEVER you do to the least of my brethren, you do likewise to me. His Beatitude Jonah lives that, as does his church and as do, God willing, all of us. But they do it in such a superlative way, and I thank them for their example. It is awe-inspiring.

Mr. Speaker, I have been in the pro-life movement for 38 years, in the greatest human rights struggle on Earth, the right-to-life movement. What I still don’t get is this: How can so many seemingly smart, sane, compassionate, and accomplished people, especially in the so-called pro-choice camp and—if President Obama has his way in the pending health care legislation—lavishly fund with public dollars the violent death of unborn children and the wounding of their moms by abortion?

Is it really so hard to understand that abortion is violence against children, a pernicious form of child abuse, falsely and aggressively marketed as choice, a human right or as health care? Why? Because the pro-choice cover-up and the bogus safety claims to misinform, especially in light of the reams of evidence documenting serious injury to women who abort?

Abortion, safe? What unmitigated nonsense?

Women have been profoundly ill-served by the all-too-familiar pattern of self-deception and social engineering employed by the abortion industry. Women deserve better. They, at the very least, deserve the truth.

Mr. Speaker, years ago a friend of mine, Dr. Jean Garton, wrote a book which included how her young child unexpectedly walked in the room as she was preparing a lecture on abortion. Her 3-year-old child took one look at the badly bruised and battered body of the aborted baby on the screen and shouted: Mommy, who broke the baby? That child not only saw the brutality of abortion with unclouded comprehension. That child was unencumbered and unaffected by the deceptively clever and preposterously misleading propaganda dished out by the multi-billion-dollar pro-choice industry. That child saw, and knew immediately, that babies are smashed and broken to bits by abortion. And with alarm, that 3-year-old boy wanted to know who did it.

Last fall, like that young child, Abby Johnson, the abortion clinic director at Planned Parenthood, said as she walked out, “never again,” but never again comes too late for the apocalyptic woe and the silent-no-more women, speaking out on the moving injustice of abortion.

As Abby Johnson, the abortion clinic director at Planned Parenthood, said as she walked out, “never again,” and never again comes too late for the apocalyptic woe. And she now heads up a group that reaches out to women who have had abortions and have suffered and offers the path through faith, through God, and through friendship to come to a sense of reconciliation and restoration as a result of the trauma of abortion.

Abortion hurts women, physically, psychologically, and the data strongly indicates that it has a long-lasting impact on future reproductive health. One woman told the story how as she was actually on the gurney, in the process of getting an abortion, and the doctor, the abortionist said: It is trying to get away. Being only partially sedated, she heard all of that. She shot up quick and she said: Get me out of here. And they said: It is too late; the abortion has already started. But the child instinctively was trying to get away.

We also know from people like Dr. Alveda King, one of the founders and leaders of a group called the Silent No More Awareness Campaign, a courageous woman, who has had two abortions. Dr. King is the niece of Dr. Martin Luther King and she now says, How can my uncle’s dream survive if we murder the children? Dr. Martin Luther King talked about inclusion, the politics of inclusion, not disenfranchising someone by reason of their age or condition of dependency or race or by reason of their sex. She now heads up a group that reaches out to women who have had abortions and have suffered and offers the path through faith, through God, and through friendship to come to a sense of reconciliation and restoration as a result of the trauma of abortion.

Abortion has already started. But it doesn’t have to come too late for the millions of other children who face extermination today, tomorrow, next week, next month, next year, if we again allow the abortionists to prey on the testCaseless babies who have been slaughtered in Planned Parenthood clinics and abortion mills throughout America since the infamous holding of the Supreme Court in 1973; 52 million babies lost. It is staggering, stunning, and beyond tragic.

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psychiatrists say new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems.” They found that women who have had abortions have twice the level, twice the level, of psychological problems than those who have given birth or who have never been pregnant.

In 2006, a comprehensive New Zealand study found that 78.6 percent, almost 79 percent, of the 15- to 18-year-olds who had had abortions had suffered symptoms of major depression compared to 31 percent of their peers. And it also found that 27 percent of the 21- to 25-year-old women who had abortions had suicidal ideations compared to 6 percent of those who did not have an abortion.

I say to my colleagues: there are at least 102 studies that comport with those findings of psychological harm to women who abort.

Serious questions also remain concerning the link of abortion to breast cancer. Despite the fact that more than 28 studies from around the world, including the United States, have shown that procuring an abortion significantly increases the risk of breast cancer by 25 percent, the abortion industry cover-up has largely succeeded in the unconscionable suppression of those facts.

Nevertheless, according to the Breast Cancer Prevention Institute, 2003, and a pivotal year in the debate about the abortion-breast cancer link. Three studies were published from Turkey, China and the United States which matter of factly demonstrate the abortion-breast cancer link as one of many breast cancer factors.

For example, the recent U.S. study by Jessica Dolle of the Fred Hutchinson Cancer Research Center demonstrated that an abortion raises breast cancer risk by 40 percent. Why isn’t this evidence across the front page of the New York Times or the Washington Post? Forty percent. Study co-authors included Janet Daling and Louise Brinton. Amazingly, Brinton was a chief organizer of a 2003 National Cancer Institute (NCI) workshop denying the link. Now a study that she co-authored reiterates the link and reports it as consistent with earlier studies that found induced abortion to be a risk factor for breast cancer.

And now even Time magazine, among many others, has finally reported on another suppressed fact, suppressed by the pro-abortion industry, that abortion adversely affects the health of subsequent children born to women who abort. A total of 113 studies demonstrated an association between abortion and preterm birth in subsequent pregnancies. Studies have indicated that the risk of preterm birth goes up 36 percent after just one abortion.

You know, I said at the opening, How could so many seemingly sane, smart, compassionate politicians buy into the big lie? Well, maybe some politicians aren’t so smart or compassionate after all.

Mr. Speaker, I yield to a stalwart in the pro-life movement, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank Mr. SMITH from New Jersey for the recognition.

Mr. Speaker, I would like to add that tomorrow thousands of people from across the Nation will gather just steps away from this very Capitol along the National Mall. They will be huddled in support of one of the most fundamental aspects of human rights and the need for justice in our world today. Around this essential issue, the protection of our most vulnerable. Thank you, sir, for your leadership.

Mr. Speaker, I was excluded from Justice Ruth Bader Ginsburg last year commented in the New York Times, From our leaders. Supreme Court Justice Breyer has said, “Frankly, I had thought at the time Roe was decided there was concern about population growth, and particularly growth in populations that we don’t want to have too many of. So that Roe was going to be then set up for Medicaid funding for abortion.”

Mr. Speaker, let’s reflect on that for a moment. Quote, “populations that we don’t want too many of,” from a Supreme Court Justice. These statements are not alarming. “Blanked is not health care, no matter how much some leaders in Congress would like it to be. Abortion hurts women. Abortion is decimating urban America. And this cannot stand. But together we can stand for life. We can win this fight for good.”

And Mr. Speaker, those who share this deep concern for the sanctity of life, I would say they are the new abolitionists. They are the inheritors of the great American tradition of seeking justice and uplifting the most vulnerable.

On the eve of the 37th anniversary of Roe v. Wade, countless Americans have
awoken to this reality. And the civic engagement of thousands who will gather here tomorrow, and the millions more who remain at home, will hopefully hasten the day when the Nation fully recognizes the unborn as persons worthy of protection under the 14th amendment to the United States Constitution.

Mr. SMITH of New Jersey. If I could with my friend and colleague, and I thank him for his eloquent statement, you my statements made by Justice Ginsburg. Not only did you not take them out of context, because they were very troubling to me and I think many people—who are “those people”—but it also follows a line of thought that predates her.

Margaret Sanger, as you know, the founder of Planned Parenthood, was a eugenist. In the twenties and the thirties she wrote extensively against minority populations, against Africans, against Catholics, against people who didn’t look just like her. And I have read her books. One of her books is known as The Pivot of Civilization. And in that book, chapter five is called The Cruelty of Charity. The Cruelty of Charity. And she makes a case that is patently false that we ought to not provide maternal health care to indigent women, to poor women who happen to be of color or of some other minority status that she deems to be unacceptable. The Cruelty of Charity.

That organization, Planned Parenthood, kills 305,000 unborn babies in their clinics every year. And I would hope my colleagues, and I really believe it is time to take a second look at Planned Parenthood. Child Abuse, Incorporated. They like to say that the abortion part is only 3 percent of what they do. Of course killing a baby versus handing out a condom hardly are equivalent in terms of actions. And they do it under every guise, it is to get that number low. Three hundred thousand abortions.

Some people have gone undercover and discovered, to their shock and—maybe not shock, but certainly to their dismay—that there is a racist attitude in those clinics where these undercover individuals have gone. And it is very disturbing. But it is all reminiscent of its founder, who had such a jaundiced and prejudicial view towards minorities. And that was Margaret Sanger.

I would also add that our distinguished Secretary of State got the Margaret Sanger Award last year. I did a floor speech on this and said how can it be that the Secretary of State of the United States of America is in awe of a eugenist? Because in her speech, and I read it on the State Department Web site, she went on and on about how the work of Margaret Sanger remains undone. Margaret Sanger was a self-proclaimed eugenicist, who felt that certain individuals, and that would include the disabled, their lives are not worth living or protecting. They are throwaway human beings. And I have asked the Secretary of State to give that award back.

I yield to my friend from Ohio.

Mrs. SCHMIDT. I just want to say a couple of things about the Planned Parenthood district. As of record, there have been two cases of underage children that have received abortions without parental—well, in one case it was a father who raped his daughter under age. That has been prosecuted in Warren County. And in another case it was a teacher that brought a 15-year-old girl—13-, or 14-, or 15-year-old underage girl into Planned Parenthood. That case is now under review in court.

But right now I really want to have my good friend from Missouri, Todd AKIN, address you, Mr. Speaker.

Mr. AKIN. Thank you, lady, and thank you for your leadership here on the floor. Thank you, Congressman SMITH, for your great leadership.

I can’t just say thank you. I can’t just say thank you. I also have to say thank you to you I say thank you and God bless you.

Mr. SMITH of New Jersey. Thank you very much.

And these really are growing numbers of people. The polls certainly reflect it. By over a two-thirds margin the American public have said, in virtually all the polls, don’t want abortion in health care, in ObamaCare. They absolutely do not want it in there. It is one of the reasons why ObamaCare is on such thin ice, if you will, and I would want to say to my colleagues something else. There is a reappraisal going on in America. I remember when I got elected in 1980, I would go out to the high schools and schools throughout my district, and whenever the issue of abortion came up, it was very hot and it was very often very antagonistic to my pro-life position. I began to see changes in that in the nineties and after the year 2000. There has been a dramatic shift among our young people in favor of life.

Every one of the young people that you and I, JEAN, and others might see in our schools, one out of every three of those children had been killed by abortion. One out of every three. Next time you are in a classroom count desks, one, two, missing child killed by abortion. And for every child that is killed by abortion there is a wounded mother in great need of reconciliation and understanding and love.

And that is the part of the pro-life movement that I have always found so absolutely appealing. It is a nonjudgmental movement. It loves even the abortionists who are killing the children so maliciously each and every day. We have embraced so many former abortionists, former clinic workers, like Abby Johnson, who left Planned Parenthood last year, walking out the door when she finally saw an abortion on a screen. She watched it and she knew that it was a wrong. I can’t be a part of this any more.”

Probably the biggest change of heart in the entire pro-life, of the last 40 years, was a man by the name of Dr. Bernard Nathanson. Dr. Nathanson founded NARAL. He, Betty Friedan, and Lawrence Lader founded NARAL, one of the biggest pro-abortion groups. We all hear them in our mail and as they lobby Capitol Hill. He founded it. He was a primary abortionist in New York City. He ran the largest abortion clinic in all of New York City. In the 1970s, he wrote in the New England Journal of Medicine, “I have come to the agonizing conclusion that I have presided over 60,000 deaths.” He quit and then he became a pro-life leader. I have met him many times. He is smart, he is articulate, but he was so terribly misguided, somehow believing he was doing right when he was doing so egregiously wrong.

I ask you, what helped him to bring him to the pro-life side? He began doing microsurgeries. He began working at St. Luke’s Hospital in New York. In one room they would be doing everything humanly possible, taking heroic methods and actions to mitigate disease and disability in unborn children, including blood transfusions. And in the other room they were putting in high concentrated salt solutions and other chemicals, poisons, or disfigure the child. He said it is schizophrenia. That child is either a patient, a human being, or he or she is not. And he came down on the side of life.

Add to that the enormous deleterious damage being done to women, which I said earlier in my comments has been documented over and over. Mental health consequences, consequences to subsequent children that are profound and lifelong. The problem of breast cancer. And believe me, the abortion lobby constantly says it is not true. They will pull out some two or three studies that suggest that it is not true against the huge evidence that...
sugges－tions otherwise. And if you want to believe that, then believe what the Tobacco Institute used to say in the sixties and seventies, that there was no linkage of tobacco to lung cancer. They got away with that for decades. The abortion lobby and the industry that makes billions of dollars is getting away with that right now. And we wonder why the sad fact that some of those women who are now marching, some of the survivors, thank God of breast cancer, thank God, but some of those have been cut down and caused by that abortion. And again, that is 28 studies and counting that have clearly posited that as a very significant negative outcome.

But Dr. Nathanson, he should be the model for politicians. If he can get it, if he was right there, the one who said, who came up with the idea that women were dying from illegal abortions in America at the rate of 5,000 to 10,000 per year. And you know what he told me in his book when he wrote it? He said, “I made it up.” Dr. Nathanson made up that figure, and was shocked and surprised how easily and how gullible the media was and politicians to just take that bogus number and regurgitate it over and over again as if it had a scientific fact.

The real number, according to the Center for Disease Control, in 1972, prior to the legalization of abortion on demand, was under 40 women. Forty too many, but women are dying today from legal abortions. And let’s not forget that, Maternal mortality, we want to cut that and help women with difficult and crisis pregnancies here and around the world. But you do it with essential obstetrical services, you do it with good birthing practices, especially in the developing world, where maternal mortality is a problem. You don’t do it by killing babies and wounding their mothers.

I would like to yield to my friend, Mrs. SCHMIDT, for any final comments.

Mrs. SCHMIDT. Thank you to my good friend from New Jersey.

One of my family member’s favorite movies is “It’s a Wonderful Life.” It is a story about George Bailey, who thinks he’s losing the family bank, played by Jimmy Stewart, and Clarence Oddbody, played by Henry Travers, the angel who points out to him how important his life is. And in the end, he realizes it, and, yes, Clarence gets his wings.

I think about that because I think of the family member and the fact that if his mother had had the opportunity that in 1964 to have had an abortion, she may have made the fatal decision not to have had that person. That person is a wonderful human being. He is a father. He is a husband. He has two children. He has a wonderful life.

Mr. BOEHNER. Mr. Speaker, tomorrow—January 22, 2010—marks the 37th anniversary of the Roe v. Wade Supreme Court decision, a decision overturning the laws of the various States and setting the stage for the termination of tens of millions of unborn children.

Mr. Speaker, I came to Washington to defend all human life. And in my nearly 20 years serving the House, the Congress and Executive branches have made tremendous progress in protecting the life of the unborn. We have made certain that federal funds could not be used to pay for elective abortions—both domestic and abroad. We passed and funded the Partial Birth Abortion Ban. We gave our schools the choice to offer abstinence education and we limited federal funding for embryonic destructive stem cell research.

But within the first 100 days of his administration, President Obama overturned the Mexico City Policy permitting federal funds to international family planning organizations that also perform elective abortions. President Obama also insisted that federal taxpayer funds be directed to UNFPA—the family planning agency at the U.N. that has supported China’s one child policy. The President also overhauled the country’s embryonic stem cell policy, creating more incentives to destroy human embryos in the name of research.

The current Congress has also taken steps to unravel pre-existing pro-life policies. Last December, Democrats eliminated long-standing policy—first established in 1989—that has prohibited the District of Columbia from using its Medicaid funds to provide elective abortions. According to the Guttmacher Institute, the abortion rate for women who are enrolled in Medicaid more than doubles if they live in a state where Medicaid is able to pay for elective abortions.

Over the last year, Democrats have attempted to overturn the current health care system. Their proposals have included policies that would permit public funding of abortion—through federal subsidies and plans that would be managed by the federal government. More than 65 percent of the American people oppose public funding of abortion.

Mr. Speaker, I ask unanimous consent that the material on the subject of my Special Order be printed at the conclusion of today’s remarks and be considered as part of the record.

Mr. Speaker, this week the Supreme Court issued its opinion in Roe v. Wade, making abortion legal in the United States. The Court’s decision recognized a fundamental, constitutional right to privacy that protects a woman’s personal decisions from government interference.

This landmark decision greatly advanced women’s rights, but we must never take those rights for granted.

Because as I speak, there are groups bent on taking away those rights. Opponents of women’s rights are attempting to hijack the healthcare reform bill, and use it as a vehicle to curtail access to reproductive healthcare.

We cannot and will not allow women’s reproductive rights to be sacrificed for healthcare reform.

Thirty-seven years ago we took a historic step forward for women’s reproductive rights. Now we are on the brink of another historic step.

But we must ensure that a move forward for healthcare does not result in a step backward for choice—a step backward for Roe v. Wade.

Mr. ROE of Tennessee. Mr. Speaker, as an obstetrician and gynecologist, I’ve delivered close to 5,000 babies and I strongly support the sanctity of life. Like the many millions of Americans who are waiting to be born. If government has any legitimate function at all, it is to protect the most innocent among us.

Congress has prevented taxpayer funded abortions for over 30 years, and the healthcare reform bill has reopened the door to change this effort. As we debate the proposed healthcare legislation, we must fight to prevent it from becoming the largest expansion since the pivotal Roe versus Wade decision, and work to ensure that the door to taxpayer funded abortions remains closed.

I am glad to be fighting for the rights of the unborn.

Mr. Speaker, we need to pause and reconsider the direction the majority and President Obama are headed with regard to protecting human life. All human life has value and it is the role of the branches of the federal government to protect it. I call on my colleagues to put an end to the destructive legislation and instead fight to defend life.

Mr. QUIGLEY. Mr. Speaker, thirty-seven years ago this week, the Supreme Court issued its opinion in Roe v. Wade, making abortion legal in the United States.

The Court’s decision recognized a fundamental, constitutional right to privacy that protects a woman’s personal decisions from government interference.

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I am glad to be fighting for the rights of the unborn.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the material on the subject of my Special Order be printed at the conclusion of today’s remarks and be included in the record.

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

There was no objection.

COMMENDING CBS 60 MINUTES SPECIAL FEATURE, “AMERICAN SAMOA—FOOTBALL ISLAND”

The SPEAKER pro tempore. Under a previous order of the House, the gentlemans from American Samoa Mr. FOLEAMOVAEGA (Mr. FOLEAMOVAEGA) is recognized for 5 minutes.

Mr. FOLEAMOVAEGA asked and was given permission to revise and extend his remarks.

Mr. FOLEAMOVAEGA. Mr. Speaker, I rise today to share with you and our colleagues and to commend the CBS “60 Minutes” program that was aired last week on Sunday, January 17 of this year.

As it was narrated by CBS reporter Scott Pelley, the television program was called, “American Samoa—Football Island.” It highlighted the fact...
that from an island of less than 70,000 people, there are more than 30 players of Samoan ancestry currently playing professional football in the National Football League and estimated more than 200 playing currently in Division I colleges around the country.

Indeed, it is estimated that a boy born to Samoan parents is 56 times more likely to get into the NFL than any other kid in the United States, period. This is an exceptional bit of information considering that the six little high schools that we have there, the program do not have locker rooms, no weight rooms for training, no proper equipment or other needed facilities and resources. This is also considering that most of these athletes do not start playing organized football until they’re in high school.

For the first time this year, we have organized a Pop Warner football program. What is interesting about this, Mr. Speaker, is that a good number of these young Pop Warner players had to be disqualified if they were playing in the U.S. for the simple reason that they were too big. I know this is true in the State of Hawaii where, in the Pop Warner program, many of these young players had to organize their own “Big Boys” football program because they would be disqualified to play Pop Warner. I know this is true in the little town of Hauula in Laie in the State of Hawaii.

Now, I don’t want to give the impression to my colleagues that Samoans are a lot of muscle and brawn but no brains; no, this is not true. I know from my own given experience when I played high school football in my alma mater, Kahuku High School in Hawaii, it was like a tradition that all Samoans would play the line, the quarterback would be the Japanese, the Filipinos would be the halfbacks, but the fullback would be a Samoan. Now all that has changed, we also play quarterback these days.

In American Samoa, there were no youth or development programs until this year when they started the American Youth Football Samoa program, but still coaches and recruiters crowd our little territory for raw talent. Mr. Speaker, it was important for the whole world to see some of the challenges that the kids of American Samoa have to go through to make it to the college level so that they can afford an education and for most to play in the highest level of professional football.

The fact that a Samoan boy is 56 times more likely to get into the NFL is most interesting and can be attributed not only to the size of the people but to the values of the Samoan culture. From respect to discipline and making sure that there is respect in the process, one can appreciate that the young men and women of Samoan descent hold true these values of humility. I know that these athletes with these values would be welcomed by any coach in any sport.

I want to take this opportunity to recognize the Polynesian players who were fortunate enough to make it into this year’s NFL Conference Championships and will be playing in New Orleans this weekend. They are Aaron Francisco of the Indianapolis Colts; Filli Tolaitasi of the Baltimore Ravens; Ropati Pitoitua, the New York Jets; Sione Pouha of the New York Jets; Nafauhia Tahi of the Minnesota Vikings. I want to personally congratulate them and their families for their success.

Also, I want to offer special recognition for our first Samoan Polynesian of Tongan ancestry, Mr. Haloti Ngata of the Baltimore Ravens, who is not only headed to his first Pro Bowl in Florida after the Super Bowl, but today is also his 26th birthday. Haloti Ngata is in his fourth year in the NFL, was drafted by the Ravens in the first round of the 2006 NFL draft, and is a graduate of the University of Oregon. At 6 feet, 5 inches and almost 350 pounds, Haloti Ngata finished the year with more than 30 tackles, two sacks, and a forced fumble.

The success of this new generation of football players, Mr. Speaker, is a result of the pathway paved by pioneering Samoan football player Al Lolotai, who played for the Washington Redskins in 1945, Charlie Anne of the Detroit Lions, Jack “The Throwing Samoan” Thompson, Manu and his son, Marques Tua, and Jon Daniel Palmira, Wes. Van Scy, Branden Thompson and his son, Brandon Manumaleuna, Jeffs, Aapole, Troy Polamalu, Lofa Pola of the Green Bay Packers when he said that “Football is like life. It requires perseverance, self-denial, hard work, sacrifice, dedication, and respect for authority.” This is very much part of the heart and soul of the Samoan culture which centers on the importance of families sharing each other’s needs and respect for others.

HAI TII

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. Mr. Speaker, since the earthquake hit Haiti on January 12, we have all watched with sadness as the death toll rose, prayed for those affected, and rejoiced when survivors were found. It is an event that has directly touched the lives of people around the world, including many at home in Kansas. I have heard some incredibly touching stories about Kansans affected by the earthquake. Many were in Haiti already serving the people of Haiti and caring for people who are less fortunate than they are.

Thirty-one-year-old Ann Varghese, a graduate of Southeast High School in Wichita and the University of Kansas, an adult student, was trapped under a hotel for 55 hours. In a tiny dark space just 3 feet high and 5 feet long, Ann spent over 2 days with five other people without water and sharing only gum and a lone Fruitie Pop. Though nothing is certain in the face of a miracle, Ann made it out alive, but sadly for two of her colleagues who were trapped, they did not.

Kim Bentrott of Belleville, Kansas, and her husband, Patrick, remain in Haiti. They made it out of their third-floor apartment just before the building collapsed. Employed through Global Ministries, they have lost their headquarters, school, offices, and medical clinic, but must stay to complete the process of adopting a son, Solomon. 11 months old, Kim and Patrick rescued Solomon from a Haitian orphanage as a newborn, and their dedication to providing a loving family for Solomon is an inspiration.

Six residents of Independence City, Kansas, area, including John Maples and Greg Love of Montezuma, Terry and Martha Major and Doug McGraw of Pierceville, and Clayton Stolzus of Meade, all survived the catastrophic earthquake. Unfortunately, this team from Independent Christian Alliance Ministries is still awaiting word when a possible return to the United States can be accomplished. On a brighter note, 14-year-old Naomi Streck, a Norton native and Wichita State graduate, is part of a 21-member team from Center for Children International Lifeline that escaped unhurt and has returned to Kansas.

Then there is Scott and Wanda Miller of Hesston, who are now safely home with their newly adopted Haitian son, 16-year-old Junior Oranvil Miller.

Many others, such as Jake and Amy of Camo, Kansas, are among the families currently in the process of adopting children and awaiting news from Haiti. Even today, we put pressure on the Department of State to see that this adoption is completed and that their child can be returned to them in the United States.

I am proud to recognize these great individuals and many other Kansans who have devoted their lives to the betterment of Haiti through many years before the crisis and to the future. It gives me hope to see so many Americans and people around the world putting aside cultural, racial, and political differences to band together in our effort to rebuild the damaged nation.

All who have donated money and supplies, served on search and rescue teams and have prayed for those affected deserve our gratitude. Today it was announced that the Kansas National Guard will be sending soldiers to Guantanamo Bay. We express our appreciation, and we express our support
and concern for them and their families.

As for those of us in Congress, we are committed to doing everything in our power to ensure a swift and safe conclusion to this crisis. The people of Haiti and those affected by this tragedy are in my thoughts and our family’s prayers.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Mr. Speaker, the big news on Capitol Hill this week is the big news around the country was the Senate race in Massachusetts where, for the first time since the 1970s, a Republican, Senator-elect BROWN, has been elected in the State of Massachusetts. You know, there are a lot of maps around this place, blue States, red States, and Massachusetts is one of those States that they really should come up with their own color of blue. I mean, it is the deepest of blue States.

And so it was certainly a surprising event, and a lot of pundits and a lot of people are scratching their head and saying, Well, what caused this? Is it voter anger? Are they mad at Republicans? Are they mad at Democrats? Are they mad at everybody? Or how about this health care discussion? And some of the exit polling that went on up in Massachusetts indicated that, yeah, people were concerned. People were concerned about the way that the House and the Senate health care legislation was fashioned in a process that was being used, and then some of the provisions that were in it as well.

And so I thought during the course of this hour we would spend some time talking about at least what in my opinion are some of the difficulties with the way things are going with the health care discussion, and as well as Mr. MCCOTTER’s observations as well.

Before coming to the Congress, I was a prosecutor and I tried cases in front of juries, and I always learned that people pay attention a little bit more and they learn a little bit better, Mr. Speaker, with their eyes than they do with their ears. So I brought with me a visual aid to help us during the course of this discussion.

With apologies to Hasbro, when I was a young person growing up, one of our favorite things to do, if the size D battery was working, was to play the game of Operation. We have modified the Hasbro game a little bit so we can talk about, from head to toe, some of the difficulties with—again, in my opinion and Mr. MCCOTTER’s opinion and apparently a good number of the American people’s opinion—what’s the matter with this discussion.

I want to start with the head up there in the Operation game. It’s called a “brain freeze.” I’ve politely taken out “brain freeze.” Instead, we’ve put in “CMS administrator.” CMS is basically the organization that runs the Medicare program in the United States of America. It has a budget of about $700 billion a year. It’s bigger than the Pentagon, and it will be tasked over the next little bit with implementing the rules and procedures of this health care legislation, either bill or some modification of the bill, and putting this thing into place.

So you would think, if you’re a supporter of this health care reform that is barreling through the Congress, well, I hope we’ve got a tophat guy or gal in charge at CMS.

Sadly, the reason that there is a question mark up there is that there is no administrator at CMS. As a matter of fact, the last time there was a confirmed administrator at the Medicare and Medicaid Oversight and Reform Act in Oct. 2006. Of course, people who watch the calendar know that that wasn’t all on President Obama’s watch. It was in the last couple of years of President George W. Bush’s administration, and it was the name of Kerry Weems, who was acting administrator, but the Democrat-controlled Senate refused to confirm Mr. Weems.

The interesting thing about it as you know—because people get accused of playing politics all the time. So you say, What was Mr. Weems? Was Mr. Weems like Rush Limbaugh? Was he like Glenn Beck? Was he some dyed-in-the-wool partisan? Actually, Mr. Weems—and this was written about him by one of the academics. The nomination of Mr. Weems will be a departure from tradition. Historically, CMS administrators have either been academics or lobbyists. The academics often lack leadership and executive skills. The lobbyists often come across as too Machiavellian.

Since CMS was formed in 1978—it used to be called HCFA—there have been 30 administrators. Mr. Weems would have been the first administrator, but the Senate had chosen to confirm him in 2006, which actually was a career person who had worked his way up within the CMS structure. He was not a political hack; he wasn’t a political appointee, but for reasons known only to him, the Democrats had a majority in the Senate didn’t want to confirm him.

Now fast-forward to a year ago almost exactly, and President Obama is inaugurated. You would think that, if one of the big national priorities that health care, one of the first nominations or maybe the second nomination would be to get somebody in charge of this pro-
Mr. MCCOTTER. Yes.

To the Chair, the gentleman from Ohio referenced a stimulus bill, which, as we all know, did, in fact, protect AIG bonuses, and was signed into law. What is also in the stimulus bill is a provision to set up the comparative effectiveness research advisory board—the positions of which have been filled, by the way, and I don’t think a lot of people did. But when you legislate like that—people woke up, and they found out that that legislation specifically authorized Wall Street bonuses to a company called AIG, which the President is now complaining about. He says this executive compensation has to stop.

Well, because we had to get the stimulus bill done by President’s Day, nobody really read that, and as a result, anybody who voted for that—and the President signed it—authorized these tremendously large bonuses that they’re now complaining about.

You then fast-forward, and we were told that we needed to have cap-and-trade legislation, the national carbon tax, in place by the Fourth of July weekend. Again, I don’t know why. The Senate has still not acted on that legislation, and that legislation wasn’t even passed by midnight. Again, the Senate has still not acted on it on Friday. The last 300 pages of that were not submitted to the Rules Committee, which meets upstairs in this building, until 3 o’clock in the morning on Friday, and we still then voted on it later in the day on Friday.

Just like the AIG bonuses, the Wall Street bonuses that the majority party sanctioned and voted for in those 300 pages, when you legislate like that, funny. That’s the Christmas lights. If you have Christmas lights, they are regulated under this cap-and-trade legislation. Probably the most shocking to my constituents was the Christmas lights. If you have Christmas lights, they are regulated under this cap-and-trade legislation. Probably the most shocking to my constituents was the Christmas lights—just like the AIG bonuses, the Wall Street bonuses that the majority party sanctioned and voted for in those 300 pages, when you legislate like that, funny.

You know, I always tell my folks in Ohio not to worry. Christmas lights are only regulated if your display is 48 inches or above. So, if you are a fan of a short Christmas tree, you’re okay.

The government is not going to regulate your Christmas lights. If you get that wreath for the door, make sure you get the small one. Don’t get the big one.

Well, again, there are people in this Chamber who think we should regulate hot tubs, spas, water coolers, and Christmas lights—I don’t happen to be one of them—but again, the American public certainly and at least their representatives in the Congress should have a chance to read what it is we’re passing.

That then brings us to this health care legislation.

I yield to the gentleman.

Mr. MCCOTTER. I thank the gentleman from Ohio. The last one was on the matter of health care. I remember that I actually applauded the President because he indicated that—and you know, again, there’s a lot of misinformation out there about the health care proposal. If you have health care and if you like your health care, you get to keep it.

Well, the wishbone is we have about 8 million people in this country who wish they could keep their health care under either the House or the Senate proposal. Sadly, one group that cannot is the group of people on Medicare Advantage. I don’t know how many folks in the gentleman’s district are on Medicare Advantage. I have about 14,000 people. The satisfaction rating is high, but there will be no more Medicare Advantage. So, you know, it’s hard to figure out how that statement fits in there. If it gets you to keep it, with the fact that well, you get to keep it, but there isn’t going to be any more of it.

On top of that, health savings accounts will also be eliminated. We’ve got a lot of people in this country who, in order to sort of take care of their own and to be good consumers of health care, set up health savings accounts as a result of legislation we passed here in 2005, Medicare part D. No more flexible spending accounts.

So the rhetoric—I mean, I think, as a principle, if you like what you’ve got, you should be able to keep it. Don’t mess with it. Let’s fix what needs to be fixed, but that’s not this bill, and that’s where the wishbone comes in.

I next want to get to the funny bone because this is one of my favorites. Again, during that speech and during the presentation, the President has made during the course of this discussion, he has—and I think correctly—indicated that the drafting of this legislation should not be done behind closed doors. It should not be done in private. It should not be done by a small group of people. It should be done, you know, certainly with the participation of the 435 Members of Congress and with the 100 Senators and others. I think he even suggested that it should be on C-SPAN. So this is funny:

It’s not on C-SPAN. Funny. Not only isn’t it on C-SPAN, until this thing got derailed by the Massachusetts Senate election, that’s what was in the bill. What was due to—I know that our team here in the House was five people. Most of them were from California, strangely enough, and there wasn’t a Republican in the bunch. I don’t know who the Senate team was, but they met in private, behind closed doors. There were no C-SPAN cameras and there was certainly no public knowledge of what was going on in those negotiations. So the funny bone is funny. It’s not on C-SPAN.

I yield to the gentleman.

Mr. MCCOTTER. I thank the gentleman for yielding.

It’s certainly not funny, humorous, when we understand, when we understand that, we’ve just heard that the election of Senator Brown from Massachusetts was due to, in many ways, according to the administration, the public’s lack of having adequate information about what was in the bill.

We have heard that this administration and this Congress have been too busy acting to do enough talking so that we can do enough understanding as the American people. It would seem to me that, if one wants to make the argument that the American people haven’t had sufficient information regarding what’s in the bill and why it’s
in their best interest, the last place you would wish to hold your meetings regarding that bill would be behind closed doors, out of public sight.

It strikes me that—to use a medical term, actually, a criminal term—do not blame the victim. Do not claim that the American people do not understand what’s in this bill or that they have not had adequate information when it is you who are, in fact, keeping that information from them, especially because you realize that, when the American people have seen what’s in this bill and what you intend to do to have government run their health care and to make some of their most intimate life decisions for them, they’ve rejected it.

I yield back to the gentleman.

Mr. LaTourette. I thank the gentleman.

The gentleman may remember—and I didn’t have this experience—that, during the month of August, there were a lot of town hall meetings on YouTube where people were standing up. Basically, they had done some research online, and they had looked at—I think the bill was called H.R. 3200 at that time, or maybe it was 3400. They’d actually been to 18 town hall meetings during that time, and I didn’t have any angry mobs or anything like that. What I did have, on more than one occasion, are some senior citizens in the front row with a computer printout. They asked, Well, why is this provision on page 196 in the bill? Why are you doing this?

The greatest concern and what people get, and it is both the House and the Senate bill; when the President was here he said, We agree on 80 percent of this stuff. We do. In America, if you have a preexisting condition, you should have insurance, and you should have the opportunity to be insured. I think if you can’t get insurance, we need to find a way to get you covered. I think that you shouldn’t have to stay in a bad job just because you are afraid of losing your health care. So the President was right, 80 percent of that.

But if that is the case, why then, to take care of these identifiable problems that people say, yeah, that is not fair, we should fix that—why then do you have to do the other monkey around the room, the donkey around truly, as far as the seniors are concerned, both bills take about $500 billion out of Medicare. Now, why do you have to short the people that are receiving Medicare by $500 billion to take care of these other problems? And people understand that, and that came through loud and clear during the month of August.

I yield to the gentleman.

Mr. Roe of Tennessee. I thank the gentleman for yielding.

I will point out also, just to continue your point, when you take this $500 billion out, what is going to happen in 2011 is the first wave of our baby boomers hit at 3 million to 3.5 million people per year. Which means in the next 10 years when you take half a trillion dollars out, you are going to add 30 million to 35 million people. Three things happen when that occurs.

Number one, you take control. Seniors get number two, if you can’t get in to see your doctor, the quality of your care goes down. And, number three, to get the care you need, you are going to have to pay more money. You are going to have to pay a higher premium under this bill. And so those three things are absolutely guaranteed. Our seniors understand it very well.

Back to the point that you were making a moment ago and I think is very important for comparative effectiveness research: I practiced medicine for over 30 years, and there is nothing wrong with finding out what the best treatment for something is. We do that and we do research on that.

There is a item comes when you make the next move and say: okay, this person is 80 years old. Their life expectancy is three, four years. Am I going to do an expensive knee replacement? People will say that won’t happen. It is already happening. And I have read, as probably you have, this entire 2,032-page bill. And some of it is almost incomprehensible. It takes two or three other manuals, the HHS manual and the IRS manual and so on, to even read it to fully understand what you are getting.

So we need to go back and do something that is simple and fixable so that the American people can understand and a doctor can understand. My physician friends are asking me, Phil, what does all this stuff mean? That is basically what we are dealing with. If the doctors don’t understand it, I doubt if the general public does.

Mr. LaTourette. I thank the gentleman for his observations and hope he can stay with us for the rest of the hour.

I was just reminded, Mr. McCotter and I are both lawyers; the gentleman is a doctor. Back home, when people say we practiced law for years, they say, When are you going to stop practicing and really do it? But it is another subject.

All right. I want to move down a little lower on our buddy here, and we have pork ribs. In the original game, it is just ribs. I call them pork ribs because, interestingly enough, in the Senate bill—I am going to talk about the Senate bill for a minute—they have trouble. Go figure, they have trouble because they have 60 Members, now only 59. But 60 Members who were members of the Democratic Party, which is filibuster-proof and everything else, but they were having trouble getting it across the finish line. So there were some pretty highly publicized slabs of pork that were and are in the Senate bill.

The reason it is relevant is that after the Massachusetts Senate race, there was some discussion—and I see today that the Speaker has made a speech, at a cost of $1 trillion. You can do two things, one of which is in this bill which I like. Two things: One is if your adult-age children graduate from high school or college and don’t have insurance, which three of mine didn’t when they got their first job, you simply allow them to stay on their parents’ health care plan. You can cover 7 million young people by doing that.

Number two, we already have a State Children’s Health Insurance Plan and Medicaid. It is already out there, and so that doesn’t require another bureau. If you sign the people up who currently are eligible, you will cover another 10 million to 12 million people.

You get to almost two-thirds of what the Senate bill wants to do in one page, not 2,500 pages of incomprehensible gibberish. So I would suggest that we do this now.

We have a great opportunity to get this right. As I have said as a physician for years, first of all, patients and their families and their doctors ought to be making the health care decisions, not insurance companies and not the government. And after looking at this bill—and I have read, as probably you have, this entire 2,032-page bill. And some of it is almost incomprehensible. It takes two or three other manuals, the HHS manual and the IRS manual and so on, to even read it to fully understand what you are getting.

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while, I see him on that show with Keith Obermann, “The Countdown.” He doesn’t strike me as a Rush Limbaugh, Glenn Beck type, either. But he was apparently moved to put pen to paper, and he talked about the slabs in the bill.

And you can begin with the Louisiana Purchase. Apparently, in order to get the Senator from Louisiana, Senator LANDRIEU, on board, she received $100 million in 2011 in extra Medicaid funds for Louisiana.

Now, why is that important? Because, as both gentlemen have correctly pointed out, the centerpiece of this bill—how do you take, whatever the number is. Some people say it is $47 million, some say it is $30 million, some people say it is $15 million. How do you cover more people without it costing money? Everybody gets that. And so clearly, I say that some of that is going to be taken up by the Medicaid firms within the States. It is going to cost those Medicaid systems more money.

So Senator LANDRIEU said, Well, in order to get my vote, okay, it can cost the folks down at the Mardi Gras. We are not going to pay that.

First up, the most famous one. Mr. Milbank wrote about it; I call it the Corn Husker Kickback. Senator BEN NELSON was much publicized, and Senator NELSON got an additional $100 million in Medicaid money for Louisiana. And it only applies to people who were exposed to asbestos who worked in a mine in Libby, Montana. So again, Ohio, Tennessee, all the other 49 States, if you were exposed to asbestos, you are not covered; but if you are from Montana, you are.

And I yield to Mr. MCCOTTER.

Mr. MCCOTTER. I thank the gentleman. This segues into another point Mr. McCotter talked about in the United States, apparently will not approve the best drug, the drug that has the greatest results. And I get that, I mean, there is a big fight between the boutique drugs and generic. But they won’t cover one. They won’t cover both eyes. So it sets up sort of this strange situation.

I haven’t been to England lately; but if you go, it is sort of everybody is going to have an eye patch. It is going to be okay on International Pirate Day, but it is probably not going to work out the rest of the year. But, those are the choices that you wind up getting in.

Mr. ROE of Tennessee. I will just continue with that thought for a moment. When I began my practice—and, yes, we practiced like it takes us a while to get it all straight, still working on it after 30 years trying to get it right—but when I began my practice in medicine, the survival rate of breast cancer in this Nation was about 50 percent for 5 years. If a patient came to me and said, Dr. Roe, I have breast cancer, what are my chances of living? About 50 percent had 5 years.

Fast forward to now. We get a stage I breast cancer now, which we are finding almost all of them at early detection because of early mammograms; it is over 95 percent. It is one of the greatest success stories. You can tell a patient, no matter how ill you get, no matter how sick you are, you are going to make it. You are going to be fine.

In England what they did was they were doing mammograms, and they discovered and there will be a false negative, where the test says you have something and you don’t. Well, let me tell you, one of the best days you will ever have is calling a patient up and tell them, You don’t have cancer. I have never had a problem with that. But what they found out was that the biopsies, it is a fairly sophisticated biopsy. It requires a radiologist and an X-ray and so forth. That was costing more than providing the mammograms. So what they have done is now they don’t do routine screening mammograms. They just wait until you get a cancer, until you can feel a lump, and then biopsy it.

The highest survival rate I have been able to find in English literature is 78 percent. I can promise you, if you follow that pathway, it is going to go back down to 50 because you will find them too late after the disease has already spread.

So this stuff is occurring. This is not fairytale stuff. It is occurring right now.
I will give—and back to your first point a moment ago, I will give Senator Nelson from Nebraska kudos. I have to say, because in our State, in Tennessee, we have a budget shortfall. As a matter of fact, we can’t even fund—we have no capital projects at the Capitol this year. We’re not building a library, a dormitory, nothing. We have 50 less highway patrolmen than we had 30 years ago and we’ve got 2 million more people. That’s how dire our budget is.

So what happens with this new bill we’re talking about, adding Medicaid, is that you’re going to add almost a billion dollars to Tennessee’s budget that we don’t have, and it’s a tax on States. In other words, what you’re doing when you add all these people, as you pointed out, is somebody’s got to pay for it. And there’s a State match. Senator Nelson understood that and he just exempted his State from that match.

So that’s why it’s important for the viewers to understand that you at home will get not only a tax, an individual mandate tax, you’re also going to get a tax. And what the government has done is an unfunded mandate. We see that all the time around here, where bills are passed and local municipalities or States are left to pay the bills. So I think it’s important that the folks understand that.

I yield back. Mr. LATOURETTE. Before yielding to the gentleman from Michigan, I just want to finish the pork rib so we can move on to sweetheart deals and the rest of our patient here. We may have to come back and do this again to get through all of the time.

But the last pork rib I want to talk about is two Democratic Senators from the State of North Dakota, Senators Dorgan and Conrad. They, through their skill, were able to get a provision bringing higher Medicare patients to hospitals and doctors in frontier counties. Now, they weren’t as blatant as some of the other ones that say it’s coming to Florida, it’s coming to Nebraska, but frontier counties.

I guess I’d yield to the gentleman from Michigan for his thoughts. First, I want to just ask him to answer, Do you have any frontier counties in Michigan, because we don’t in Ohio.

Mr. McCOTTER. If we did, they’re not in my district.

Mr. LATOURETTE. Does the gentleman have an observation he’d like to make?

I’d yield to him.

Mr. McCOTTER. I thank the gentleman for yielding.

On the point about the sweetheart deals and the disparate treatment amongst the States, we have to remember that in the haste to pass this bill and in the haste of the backroom dealing and the process of trying to “incentivize” their own Democratic colleagues’ votes in the Senate, you have to remember that the rule of law applies equally to all individuals. As a free Republic composed of 50 sovereign States, it is critical that all States be treated equally under the law, under the Constitution. In their haste to pass this bill, they are endangering one of the fundamental foundations of a constitutional government. That is a very grave mistake to make, no matter how much you attempt to reform anything, especially when dealing with the body politic.

I yield.

Mr. LATOURETTE. It’s interesting the gentleman should make that point. Senator Reid of Nevada, of course, is the majority leader on the other side of the Capitol in the Senate, and he was asked about these special deals. The gentleman’s correct; it takes a bill that I think is flawed and now makes it not fair. It’s not fair to Ohio, Tennessee, Michigan, and other States that we’re going to pay higher taxes to take in the people that can’t get insurance in Ohio, and yet the people in the State of Louisiana and Nebraska and Florida aren’t going to have to do that. But Senator Reid was asked about that and his quote was: There are 100 Senators here, and I don’t know what’s going to happen does this. We’re going to have something in this bill that isn’t important to them.

I think I agree with that. If they don’t have, then it doesn’t speak well of them.

Now, I’ve got to tell you, our Senators back in Ohio, nobody likes this stuff. But I’ve been in places where they asked, How come you didn’t get? Ben Nelson got. This guy got. Why didn’t you get anything? So the gentleman is absolutely right. It’s a flawed bill, but now in the Senate, it’s been made worse because now it’s not fair because people in Nebraska and Iowa and North Dakota and Florida and Louisiana are going to be treated better than the constituents in our State. That’s not fair. That’s not fair.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

The point was made twice that the American people are the fairest people on this Earth, and we live in a place where we have fought a Revolutionary War, established a Constitution that stated that everyone had that right—has a right to be treated equally and under the U.S. Constitution. This does not do that. It absolutely voids those rights for people in certain States and gives more rights to people in other States.

I can tell you, the American people will do a lot of hard things if you’re honest with them and you’re fair and they feel like the people in California and the people in Ohio and Tennessee and Michigan and Nebraska are all being treated the same. I might add that the people in Nebraska feel the same way. I have spoken on them and I’ve spoken in Florida speak and I’ve seen the people in other States who get these sweetheart deals. And Louisiana, they’re not happy about that either. They’re fair people. I want to point that out. It’s not the people of those States. They’re very fair people. I yield back.

Mr. LATOURETTE. Well, thank you. The gentleman makes a great point, because you would understand that the Governor of Nebraska, who doesn’t have to go find $100 million to put into the Medicaid program and a budget that’s strapped, would be doing cartwheels over this deal. He was quoted just like Senator Reid was, and he said Kansans did not ask for a special deal, only a fair deal. Under no circumstances did I have anything to do with the compromise. I, along with Governors across the country, have expressed concern about the unfunded Medicaid mandate. I have said all along that this bill is bad news for Nebraska and bad news for America. Additionally, I’ve criticized Senator Reid when he got a special deal for Nevada that didn’t apply uniformly to all States. Our Senator negotiated this deal rather than a fair deal for both Nebraska and America.

Again, if you’re the chief executive of Nebraska, you think you’d be happy about this because part of your budget is going to be a result of this deal. But they recognize the gentleman’s point exactly. As Americans, they want everybody to be treated fairly, even if it’s at the cost of they could have gotten something extra.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. LATOURETTE. Sure. Happy to.

Mr. ROE of Tennessee. We have a Democratic Governor in the State of Tennessee, and he and the legislature are right now in session beginning on this very difficult process of balancing the budget. Our Governor in the State of Tennessee said this was the mother of all unfunded mandates. He wants no part of it. He feels like it’s bad, just as the Governor of Nebraska and other Governors are realizing; that it’s just another huge government entitlement that’s going to cost the States and local taxpayers.

Like I said a minute ago, what are we supposed to do? Do away with our highway patrol if the Federal Government passes this? Are we supposed to not do anything for education in the State of Tennessee? I don’t know what the Federal Government expects us to do, but I guess they expect us not to build colleges, not to add to our schools. I don’t know. Right now, the legislature is working very hard not to cut money from education.

We hear and I’ve heard all the time about how our side, the Republican side, doesn’t have any ideas about health care. Well, it would have been nice to share that with somebody. We have 10 physicians in our caucus on the Republican side. Not one of those was asked about the 2,000-page health care bill. I found that astonishing when I’ve spent my career in health care and not one person asked my opinion about
what I thought of this bill. I found that it was hard to stomach when I go home and tell people in Tennessee—a matter of fact, all over the State of Tennessee—when I go, they can’t believe it. It is sort of hard to believe.

Mr. McCOTTER. I thank the gentleman.

Perhaps it’s still because you’re still practicing after 30 years they didn’t feel they were going to solicit your opinion. I would say that I actually introduced a bill, and it wasn’t 2,500 pages long. It was 85 pages long. It was written by the American Academy of Physicians. I didn’t write it because I’m not smart enough to figure that out. They wrote it. It didn’t cost what this cost. It covered everybody, took care of preexisting conditions. Around here, when you want an amendment to a bill, you’ve got to take 50 copies up to the Rules Committee, and so I got a mule and took 50 copies of this 85-page bill up to the Rules Committee. They didn’t even think about it.

Now, what’s the danger? Here, back to process and people’s eyes sort of glaze over. But the stark reality is on this side of the aisle there are only 178 Republicans. Over here there are 257 Democrats, and the magic number here is 218. You get the simple majority, you’re able to pass the magic number here is 218. You get the simple majority, you’re able to pass.
The cost is another thing I wanted to bring up, the government estimates of cost—I think this, to me, was the most amazing thing in the world. Medicare came online in 1965. It was a $3 billion program. The estimate from the government 25 years later, that program would be a $15 billion program. In 1990, 25 years later, it was a $90 billion program. Today it’s over $400 billion. In Tennessee, we started in 1993 a program called TennCare to save money, provide care and save money. It was a $2.6 billion program. Ten budget years later, it had tripled to an $8 billion program. It took up every new—almost every new dollar the State took in. So when you see these cost estimates of $1 trillion or $1.2 trillion, it’s a fairy tale. I mean, these cost estimates of $1 trillion or $1.2 trillion, it’s a fairy tale. I mean, every single government program that I have ever heard of, with the exception of Medicare Part D, went over budget.

Mr. LATOURETTE. Well, just taking back my time for a minute. They say we have 5 minutes left. So we are going to do, and we’ll get to Mr. McCotter in a few minutes.

But there was a focus group in Massachusetts the night of the election, run by a pollster named Frank Luntz, and there was a physician in the focus group. He mentioned that exact point. He said, Why don’t you have malpractice reform? Why don’t you stop this needless double testing to make sure that you don’t get sued? Actually, when our proposal was put forward, the bean counters indicated that that would save to the system $56 billion a year.

Now to the gentleman’s point about the high-quality plans: Why wouldn’t you take that $56 billion a year out of from frivolous lawsuits, folks that have negotiated for good-quality health care for their families don’t have to pay a 40 percent income surcharge on income that they’re not receiving?

The other thing you can do in the State is subsidize at a nominal amount of money high-risk pools so that people who do have preexisting conditions that’s another way you can deal with that very simply. And those four or five things we talked about we could all agree on. We could get this done this 90 days or less, right here in the House in a bipartisan fashion. If the President is ready to work with us, I know our side is. I am. I yield back.

Mr. LATOURETTE. Thank you. And I yield to the gentleman from Michigan for his closing thoughts.

Mr. MCCOTTER. I thank the gentleman. One of the fundamental concepts behind this great Nation is that all power is vested in the sovereign people. It is simply delegated to us, as their servants, to do the work of government on their behalf. I cannot defy the people who sent you here. You cannot tell your employer who is giving you a 2-year, 6-year or a 4-year contract that they don’t know what they are talking about, that you know better than they do, and you will take their money to convince them of it over a period in time.

I think that what we have to remember here, the true Achilles’ heel is not the American public’s lack of understanding about this, it is the Congress’ arrogant defiance of the wishes of the American people that have commonsense solutions to problems that affect
their daily lives, especially in a very difficult time of economic recession, with high unemployment, such as in States like mine, Michigan.

When we think about this, it is a very fundamental proposition. Lincoln laid it out a long time ago, what happened in Massachusetts and throughout this country, it’s not anger. It’s not just frustration. It’s not vexation. It’s the fact that the American people understand what’s happening. They have the information and they do not give their consent to this radical government-run health care bill that was passed by this House or by the Senate or is threatened to be passed again, because Lincoln was right: Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in this world? The answer remains no, and I would encourage my Democratic colleagues to heed their wisdom.

Mr. LA TOURETTE. I thank both the gentlemen for participating. I will just say that in light of this election in Massachusetts, I have hoped that the administration would push the reset button, and we would take the President at his word when he came here to this House. Let’s get a bill. Let’s get something done on the 80 percent that we can agree about. We can fight for the rest of the couple years on the 20 percent we don’t. But let’s get something done for the American people.

And not to use percentages, but as our friend here in the Operation game, my folks back home are saying, We need to take care of the things that Doc, you’ve talked about. Why though, in order to take care of the 15 percent of the people we have to deal with—that’s the estimate—do we have to mess with the other 85 percent? We have to mess with the people who have good quality health care? We have to take $500 billion out of Medicare? People don’t understand it. And I don’t blame them for not understanding because I don’t understand it either. And I just have to say again, you’ve got to be kidding me.

I thank you both for participating, Mr. Speaker. I thank you and yield back.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 874

Ms. MARKEY of Colorado. Mr. Speaker, I ask for unanimous consent to be removed as a cosponsor from H.R. 874.

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

There was no objection.

THE SMALL BUSINESS AID ACT

Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute.)

Mr. Speaker, obtaining and maintaining credit is a serious issue facing most small businesses in this country. The lack of credit has caused a cash-flow crunch on many businesses, impacting their ability to grow, purchase new equipment or hire a worker. Approximately $2.5 billion in commercial loans will come due in the next year, and many banks will not be willing or able to renew them.

On May 20, 2009, I introduced the Small Business Aid Act, H.R. 2527. The Small Business Aid Act will allow small businesses to refinance existing debt. Low interest rates in conjunction with this bill allow small businesses to reduce their debt while raising their cash flow. This bill is temporary in nature, limiting debt restructuring for 2 years. The bill is also deficit-neutral. Over 94 percent of my colleagues have certified development companies in their districts which provide loans to small businesses. These loans amount to an average of $1.6 million investment in small businesses in each of our districts, and the average number of loans per year per district is three. That means almost $5 million invested in businesses, purchases, employees.

Senator LANDREIIT introduced S. 2869 on December 10th, which includes provisions which are similar to The Small Business Aid Act. The Senate Committee on Small Business and Entrepreneurship conducted hearings and has reported the bill favorably.

Our economy needs a shot in the arm. The Small Business Aid Act is a simple cost-free fix to infuse more cash into our economy. I urge all members to support H.R. 2527.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRIGHT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAXIO, for 5 minutes, today.
Mr. BRIGHT, for 5 minutes, today.
Mr. KAPFER, for 5 minutes, today.
Mrs. FALEOMA'VAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MILLER of Michigan, for 5 minutes, today.
Mr. REICHERT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.
January 21, 2010

CONGRESSIONAL RECORD — HOUSE

H325

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. CHAPFETZ:

H.R. 4484. A bill to require transfer of the 1002 Areas of Alaska to the Service; and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform.

By Mr. HALL of Texas:

H.R. 4485. A bill to require transfer of the 1002 Areas of Alaska to the Service, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform.

By Mr. HODES (for himself, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. MOLLIOHAN, Mr. RAHALL, Mr. TIERNEY, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELISON, Ms. MLOSKA, Mr. PAPPAS, Mr. MCIAUD, Ms. SUTTON, Mr. OHBERRST, Mr. WALZ, Ms. SCHAWSKY, Ms. KAPUR, Mr. MASSA, Mr. PETTSON, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. KAGEN, and Mr. COSTELLO):

H.R. 4486. A bill to amend the Internal Revenue Code of 1986 to treat distributions of debt securities in a tax free spin-off transaction in the same manner as distributions of cash or other property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4487. A bill to require the approval of a majority of a public company’s shareholders for any expansion of activities by the company to influence public opinion on matters not related to the company’s products or services; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. FAHR, and Mr. GALLAGHY):

H.R. 4488. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified federal wildlife firefighters and to reduce the need for emergency cost-effective services of non-federal wildfire resources; to the Committee on Oversight and Government Reform, and in addition to the Committee on Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself, Mr. FARR, and Mr. GALLAGHY):

H.R. 4489. A bill to amend chapter 89 of title 5, United States Code, to ensure program integrity, transactional savings in the pricing and contracting of prescription drug benefits under the Federal
Employees Health Benefits Program; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself, Mr. Wilson of South Carolina, Mr. Watt, Mr. Akin, Mr. Frank of Arizona, Mr. Forbes, Mr. Rogers of Alabama, Mrs. McMorris Rodgers, Mr. Shuster, Mr. Film, Mr. LoBiondo, Mr. Klink of Minnesota, Mr. Bishop of Utah, Mr. Turner, Mr. Conaway, Mr. Rooney, Mr. Hunter, Ms. Fallin, Mr. Rogers of North Carolina, Mr. Young of Ohio, Mr. Jones, Mr. Miller of Florida, Mr. Fleischmann, Mr. Coffman of Colorado, Mr. Boehner, Mr. Carter, Mr. Smith of Mississippi, Mr. Broun of Georgia, Ms. Ros-Lehtinen, Mr. King of New York, Mr. Cantor, Mrs. Miller of Michigan, and Mr. McCarter of California): H.R. 4490. A bill to require the President to submit certain certifications to Congress before transferring or releasing individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country; to the Committee on Armed Services.

By Ms. BORDALLO (for herself, Mr. Clay, Ms. Lee of California, Ms. Jackson Lee of Texas, Mr. Ahearn of New York, Mr. Baca, Ms. Berkley, Mr. Bishop of California, Mr. Cardona, Ms. Corrine Brown of Florida, Mr. Butterfield, Mrs. Christensen, Ms. Clarke, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Ms. DeLauro, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Ms. Edwards of Maryland, Mr. Farr, Mr. Farr of California, Mr. Filner, Mr. G. K. Butterfield of North Carolina, Mr. Grijalva, Mr. Hastings of Florida, Mr. Honda, Mr. Lewis of Georgia, Ms. Matsui, Mr. McGovern, Mr. McGovern of South Carolina, Mr. Meeks of New York, Mr. George Miller of California, Ms. Moore of Wisconsin, Mrs. Napolitano, Ms. Norton, Mr. Payne, Mr. Angeles of California, Ms. Richardson, Mr. Rodriguez, Ms. Royal-Allard, Mr. Rush, Mr. Scott of Virginia, Mr. Sestak, Mr. Snyder, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Towns, Mr. Watson, and Ms. Zoe Lofgren of California): H.R. 4491. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRIKIS: H.R. 4492. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. Ahearn of New York, Mr. Falorni, Mr. Virus, Mrs. Christine, Ms. Capps, and Mr. Honda): H.R. 4493. A bill to provide for the enhancement of the environment, fish and wildlife, and natural and coastal resource management on Guam related to the Mari-anas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois: H.R. 4494. A bill to amend the Internal Revenue Code of 1986 to allow a credit for lightweight coal freight cars; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mrs. Kirkpatrick of Arizona, Mr. Pastor of Arizona, Mr. Grijalva, Mr. Mitchell of Arizona, Mr. Frank of Arizona, Mr. Sanchez, Mr. Garamendi, Mr. Honda of California, Ms. Brown of California, Mr. Hall of Texas, Mr. Hall of Texas): H.R. 4495. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself, Mr. Baca of New Mexico, Mr. Buchanan, Mr. Akin, and Mr. Schrock): H.R. 4496. A bill to ensure that small businesses have access to Federal procurement opportunities, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. Cristensen, Mr. Grijalva, Ms. Bordallo, and Mr. Cardona of New York): H.R. 4497. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, 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. HOEKSTRA: H.R. 4498. A bill to permit voters to vote for "None of the Above" in elections for Federal office and to require an additional election if "None of the Above" receives the most votes; to the Committee on House Administration.

By Mr. HOEKSTRA: H.R. 4499. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. Blackburn, Mr. Carter, Mrs. Myrick, Mr. Burton of Indiana, Mr. Broun of Georgia, Mr. Marchant, Mr. Gibson of Tennessee, Mr. Sensenig, and Mr. LaMalfa): H. Res. 1025. A resolution expressing the support of the House of Representatives for members of the Armed Forces who fight terrorism and the sense of the House of Representatives that the United States Government should pay for the legal expenses of members of the Armed Forces who are accussed of commission of federal crimes related to the treatment of a suspected terrorist, if the member is acquitted or the charges are dropped; to the Committee on Armed Services.

By Mr. CHAFFETZ (for himself, Mr. Hunter, Mr. Ratovel, Mr. Nye, Mr. Fleischman, Ms. Lummis, Mr. Coffman of Colorado, Mr. McClintock, Mr. Posey, Mr. Roy of Tennessee, Mr. Harper, Mr. Jenkins, Mr. Barrow, Mr. Bright, Mr. Luetkemeyer, Mr. Olson, Mr. Marchant, and Mr. Baca): H. Res. 1026. A resolution recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world’s oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr. Boren, Mr. Lucas, Ms. Fallin, and Mr. Cole):
By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PETTY)

H. Res. 1033. A resolution honoring Villanova University for winning the 2009 National Collegiate Athletic Association championships in cross-country and Football Championship Subdivision (formerly I-AA) and for other accomplishments; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PETTY)

H. Res. 1035. A resolution honoring the University of Missouri and its football team for winning the 2010 NCAA Division I-A National Football Championship; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 227: Mrs. MYRICK, Mr. DAVIS of Kentucky, Dr. CHAFFETZ, and Ms. FOXX.
H.R. 272: Mr. GARY G. MILLER of California
H.R. 411: Ms. WATERS
H.R. 417: Ms. JACKSON Lee of Texas and Mr. SCHERR.
H.R. 450: Mr. BACHUS.
H.R. 469: Mr. CONNOLLY of Virginia.
H.R. 571: Mr. ORTIZ.
H.R. 706: Mr. SENSENIBRENNER.
H.R. 775: Mr. SCHRAUER, Mr. MURPHY of Pennsylvania, Mr. OWENS, Mr. CONYERS, and Mr. OWENS.
H.R. 847: Mr. DAVIS of Illinois.
H.R. 881: Mr. REYER.
H.R. 893: Mr. ELLISON.
H.R. 1067: Ms. BORDALLO.
H.R. 1136: Ms. LUDMIS.
H.R. 1158: Mr. LARSEN of Washington.
H.R. 1165: Mr. CONYERS.
H.R. 1378: Mr. ISRAEL.
H.R. 1413: Mr. MURPHY of Wisconsin.
H.R. 1536: Mr. CLEAVER, Mr. CARTER, and Mrs. CAPPS.
H.R. 1549: Mr. WU, Mr. CONYERS, Mr. SIRES, and Mr. REYER.
H.R. 1552: Mr. COURTNEY.
H.R. 1557: Ms. SHIA-PORTER.
H.R. 1585: Mr. GERLACH and Mr. TIM MURPHY of Pennsylvania.
H.R. 1619: Ms. TITUS.
H.R. 1646: Mr. PERRIELLO.
H.R. 1677: Mr. COSTA and Mr. KAGEN.
H.R. 1702: Ms. WOOLSEY and Mr. BRAY of Iowa.
H.R. 1806: Mr. GUTIERREZ.
H.R. 2054: Mr. PETTY.
H.R. 2118: Mr. MURPHY of Mississippi.
H.R. 2138: Mr. LUIJAN and Mr. LATHAM.
H.R. 2324: Mr. CAPUANO and Ms. RICHARDSON.
H.R. 2397: Mr. ROONEY.
H.R. 2420: Mr. CUMMINGS.
H.R. 2478: Mr. HEINRICH, Mr. PERRIELLO, and Mr. QUIGLEY.
H.R. 2492: Ms. TITUS.
H.R. 2520: Mr. ROHRABACHER.
H.R. 2546: Ms. BORDALLO.
H.R. 2567: Ms. CLARKE and Mr. MICHAUD.
H.R. 2584: Mr. GONZALEZ.
H.R. 2638: Mr. WOLF.
H.R. 2722: Mr. MURPHY of Wisconsin.
H.R. 2767: Mr. MURPHY of California.
H.R. 2768: Mr. SARKANES.
H.R. 2769: Mr. SARKANES.
H.R. 2849: Mr. DOBSON.
H.R. 2850: Ms. MALONEY.
H.R. 2927: Ms. LINDA T. SANCHEZ of California.
H.R. 2964: Mr. KISSEL.
H.R. 3024: Mr. BOUCHER.
H.R. 3077: Mr. FATTAH.
H.R. 3100: Mr. JACOBSEN of Texas.
H.R. 3202: Mr. DELAHUNT.
H.R. 3420: Mr. LUIJAN.
H.R. 3613: Mr. SCALISE.
H.R. 3650: Mr. BURKOWSKI, Mr. JACKSON of Illinois, Mr. PETERS, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 3962: Mr. DOCHERT.
H.R. 3965: Mr. CONYERS and Ms. WATERS.
H.R. 3970: Mr. WINKER.
H.R. 3971: Mr. FRANK of Massachusetts.
H.R. 3974: Ms. BOEHLER-PORTER, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina.
H.R. 3764: Ms. ZOE LOFGREN of California.
H.R. 3790: Mr. ROONEY and Mr. BORIN.
H.R. 3943: Mr. LOBIONDO, Mr. ROONEY, Mr. WAMP, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. TOWNS.
H.R. 3995: Mr. FILER.
H.R. 4051: Mr. PLATTS, Ms. PINGER of Maine, Mr. BRADY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. GEORGE of Florida, Mr. ROBB, Mr. ALTMIER, and Mr. WITTMAN.
H.R. 4068: Mr. LIPINSKI, Mr. SESTAK, Mr. SMITH of Washington, and Mr. MURPHY of Wisconsin.
H.R. 4115: Mr. WATTS, Mr. BAYA, Mr. SCHAUER, and Ms. BALDWIN.
H.R. 4118: Ms. TITUS, Ms. CARNAHAN, Ms. BALDWIN, Mr. COHEN, Ms. MALONEY, Mrs. CAPETTO, Mrs. EMERSON, Ms. FALLIN, Ms. GINNY BROWN-Waith of Florida, Ms. ROSLEHTINEN, and Mr. WELCH.
H.R. 4126: Ms. DELAUR.
H.R. 4136: Ms. YOUNG of Alaska.
H.R. 4141: Mr. ISRAEL.
H.R. 4153: Mr. CAO.
H.R. 4193: Ms. NORTON.
H.R. 4236: Mr. PERRIELLO.
H.R. 4255: Mr. EDWARDS of Texas, Mr. SCHAUER, and Mr. MARSHALL.
H.R. 4260: Mr. KENNEDY.
H.R. 4262: Mr. FORBES.
H.R. 4268: Ms. VELEZ-ZUQUITZ, Mr. OLVER, and Ms. SERRANO.
H.R. 4267: Ms. SIEGEL.
H.R. 4309: Ms. DAHLKEMPER.
H.R. 4333: Mr. MCGOVERN, Ms. CARNAHAN, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. DEGETTE, Mr. FILER, Ms. ROSLEHTINEN, Ms. KILPATRICK of Michigan, Mr. BRAY of Iowa, Mr. PLATTS, Mr. KILDERE, and Mr. SESTAK.
H.R. 4346: Mr. WOLF.
H.R. 4353: Ms. MALONEY, Mr. JACKSON of Illinois, Mr. BERKLEY, Ms. JACKSON-Lee of Texas, and Mr. BRADY of Texas.
H.R. 4354: Ms. BORDALLO.
H.R. 4371: Mr. RAHALL, Mr. ACKERMAN, Mr. REYES, Mr. FORBES, Mr. JONES of Florida, Mr. GOODLATTE, and Mr. DELAHUNT.
H.R. 4399: Mr. LUIJAN and Mr. MICHAUD.
H.R. 4409: Mr. BUTTENMULLER, Mr. EDWARDS of Texas, and Mr. McINTYRE.
H.R. 4413: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4415: Mr. KINGSTON, Mr. BROWN of Georgia, Mr. GERLACH, Mr. LATTA, and Mr. COLE.
H.R. 4426: Mr. GJHALVA, Mr. OBEY, Mr. CAFRIANO, Mr. ROSWELL, Mr. LOERSCH, Mr. ELLISON, Mr. MORAN of Virginia, Ms. LEE of California, Ms. WOOLSEY, Mr. LIPINSKI, Mr. RICHARDSON, Ms. CASTOR of Florida, Mr. HALL of New York, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Ms. DAVIS of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. JACKSON-Lee of Texas, Mr. DISLER, Mr. FALKOMAVAKA, Mr. DINORIL, Mr. JOHNSON of Georgia, Mr. CONROY of Virginia, Mr. OLVER, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.
H.R. 4427: Mr. WITTMAN, Mr. MILLER of Florida, and Mr. MICHAUD.
H.R. 4428: Mr. WINKER, Ms. LEE of California, and Mr. GJHALVA.
H.R. 4456: Mr. SENSENIBRENNER.
H.R. 4463: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. COBLE, Mr. MILLER of Florida, Mr. RODRIGuez of Michi-

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Mr. Dent, Mr. Reichert, Mr. Wilson of South Carolina, Mr. Lamborn, Mr. Boozman, Mr. Forbes, Ms. Ginny Brown-Waite of Florida, Mr. Dreier, Mr. Bachus, and Mr. Pence.

H.R. 4464: Mr. Westmoreland and Mr. Paulsen.

H.R. 4466: Mr. Pascrell, Ms. Herseth Sandlin, Mr. Thompson of Pennsylvania, Mr. Poe of Texas, and Mr. Sullivan.

H.R. 4472: Mrs. Miller of Michigan, Mr. Rogers of Michigan, and Mr. Upton.

H.R. 4475: Mr. Ellison.

H. Res. 704: Mr. Cole, Mr. Crenshaw, and Mr. Klein of Florida.

H. Res. 747: Ms. Tsongas, Mr. Andrews, Mr. Langevin, Mr. Miller of Florida, Mr. Tonko, Mr. Johnson of Georgia, and Mr. LoBiondo.

H. Res. 771: Mr. Abercrombie.

H. Res. 847: Mr. Price of Georgia.

H. Res. 902: Mr. Whitfield, Mr. Watt, Mrs. Blackburn, Mr. McCaul, Mr. McCotter, Mr. Buchanan, Mr. Lamborn, Mr. Manzullo, Mr. Gingrey of Georgia, Mr. Hunter, Mr. Chaffetz, Mrs. Myrick, Mr. Lucas, Mr. Doyle, Ms. Sutton, Mr. Rush, Mr. Gonzalez, Mr. Polis, Mr. Honda, Mr. Dingell, and Mr. Mario Diaz-Balart of Florida.

H. Res. 936: Mr. Wilson of South Carolina, Mr. Conaway, and Mr. Langevin.

H. Res. 943: Mr. Kagen.


H. Res. 977: Mr. Kingston.

H. Res. 990: Mr. Honda, Mr. Hinchey, Ms. Sutton, Mr. Neal of Massachusetts, Mr. Hoeckstra, Mr. Sherman, Mr. Langevin, Mr. Latham, Mr. Sullivan, Mrs. Miller of Michigan, Mr. Camp, Mr. Ellison, and Mr. Upton.

H. Res. 997: Mr. Farr.

H. Res. 1003: Ms. Jackson Lee of Texas, Mrs. Lowey, Mr. Bishop of Georgia, Mr. Boren, Ms. Loretta Sanchez of California, Mr. Courtney, Mr. LoBiondo, Mr. Capuano, and Mr. Mustra.

H. Res. 1021: Mr. Burton of Indiana, Ms. DeGette, Mr. Delahunt, and Mr. Weiner.

H. Res. 1022: Mr. Conaway, Mr. Ryan of Ohio, Mr. Carnahan, and Mr. Grijalva.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER
The PRESIDING OFFICER. Today’s prayer will be offered by Alan Keiran, the Chaplain’s chief of staff.

The guest Chaplain offered the following prayer:

Let us pray.

Most gracious God, the source of all light and wisdom, give to our lawmakers renewed powers to honor You in this national Chamber of deliberation. Help them to find a clear path through the tangled maze of these challenging times. Give them a consuming passion not for their own way but for Your holy will. Lord, empower our Senators to meet the stupendous dimensions of these epic days with courage and faith. Give them receptive minds to follow Your guidance each step of the way. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read as follows:

U.S. SENATE.
PRESIDENT PRO TEMPORE.
WASHINGTON, DC, January 21, 2010.
To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER
The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Madam President, I thank the majority leader for giving me a chance to make my very brief opening remarks, as I must leave the building shortly.

SENATOR-ELECT SCOTT BROWN
Mr. MCCONNELL. Mr. President, the Senate’s newest Member is coming down from Massachusetts today. We will have a chance to welcome Senator-elect BROWN to the Capitol. Obviously, we are delighted to have him.

Senator-elect Brown has captured the attention of the entire country, but he has captured the attention of Massachusetts voters first. The people of Massachusetts sent a very strong message. They were looking for someone who would help change the direction in Washington. They put their hope in the candidate whose views reflected the kind of change they were looking for.

So we welcome Senator-elect Brown to the Senate, and we look forward to working with him to bring about the change that Americans are telling us they want. We need to show them we are listening.

NATIONAL SECURITY
Mr. MCCONNELL. Madam President, yesterday, several members of the administration’s national security team testified before the Senate concerning the attempted Christmas Day attack by the Nigerian terrorist, Umar Farouk Abdulmutallab. This testimony was troubling indeed and left some wondering why the administration is subjecting this terrorist to criminal prosecution instead of gaining the valuable intelligence that is needed in our war on al-Qaida.

Admiral Dennis Blair, the Director of National Intelligence, stated quite frankly that the Christmas Day bomber should have been questioned by the High Value Detainee Interrogation Group. Blair went on to say that neither he nor other important intelligence officials were even consulted on the matter. This raises several troubling questions: First, why were Miranda rights given to the obvious terrorist after only a brief session of questioning, which predictably ended his cooperation?

Second, at what level of authority was this decision taken to treat him as a criminal defendant instead of an unlawful enemy combatant? Who made that decision?

I asked this question last night of John Brennan, the President’s senior counterterrorism adviser, three times, and he refused to answer. I think the Senate is entitled to know precisely who authorized this.

A year ago, the President decided to revise the Nation’s interrogation policies and to restrict the CIA’s ability to question terrorists. The administration created a High Value Detainee Interrogation Group precisely for the purpose of questioning terrorists. Why wasn’t this group brought in once this terrorist was taken into custody?

Americans are going to need to know the answers to those questions. I yield the floor.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Mr. REID. Madam President, I will speak briefly on the statement of my friend, the senior Senator from Kentucky, about the Nigerian terrorist.

The one thing we need not do is politicize the fight against terrorism. John Brennan did testify yesterday in our classified briefing. It was classified. The things that took place there should be classified. People should not be talking about it. The reason that is the case is that we want people who come to classified briefings to be able to speak freely.

We have had a long history in our country of people who commit crimes on our territory in the United States being tried in the United States, including Richard Reid, the shoe bomber. It isn’t as if this is the first time something like this happened. Even though they are proceeding under civil courts, they can always drop back and fall into the category of war criminals if, in fact, that choice is made. Just because they are going forward in this manner today doesn’t mean they cannot drop back in some other manner at a subsequent time.

Even though I don’t like to discuss what went on in a closed briefing, in a classified setting, I was there from the very beginning to the very end of Mr. Brennan’s presentation. I never heard him refuse to answer. In fact, he answered the question that was asked in a number of different ways by my friend, the Republican leader, and another Republican Senator. So if there are any questions about anything that Mr. Brennan had to say, I hope that those questions will be asked directly to him. We have had some open hearings.

My point is that there is a war on terror taking place now. I tried to be as supportive of President Bush during his years as President when this was going on after 9/11. I hope my Republican colleagues will be supportive of President Obama. This is not a partisan issue.

Mr. ALEXANDER. Madam President, during our recent health care debate I heard a number of times from our friends on the other side of the aisle this question: What are Republicans for?

Well, they will wait a long time if they are waiting for the Republican leader, Senator McCONNELL, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill or, for that matter, a 1,200-page climate change bill or a 900-page immigration bill.

If you have been listening carefully to the Senate debate, you will know that on health care, as well as on clean energy, debt reduction, and immigration, for example, Republicans have been offering the following alternative to 1,000-page bills: going step by step in the right direction to solve problems in a way that re-earn the trust of the American people.

Comprehensive immigration, comprehensive climate change, and comprehensive health care bills have been well intended, but the first two fell of their own weight, and health care, if enacted, would be a historic mistake for our country and a political kamerade for Democrats.

What has united most Republicans against these three bills has not only been ideology but also that they were comprehensive. As George Will might write: “The Congress. Does. Not. Do. Comprehensive. Well.”

Two recent articles help explain the according to Mr. Schambra, the Democratic comprehensive approach and the Republican step-by-step approach.

The first, which appeared in the new journal, National Affairs, and was written by William Schambra of the Hudson Institute, explains the “sheer ambition” of President Obama’s legislative agenda as the approach of what Mr. Schambra calls a “policy President.”

Mr. Schambra says the President and most of his advisers have been trained at elite universities to govern by launching “a host of enormous initiatives at once...” formulating comprehensive policies aimed at solving large social systems—and indeed society itself—more rational and coherent forms of functions.”

This is governing by taking big bites of several big apples and trying to swallow them all at once. In addition, according to Mr. Schambra, the most prominent organizational feature of the Obama administration is its reliance on “czars”—more than the Romonovs, said one blogger—to manage broad areas of policy. In this view, systemic problems of energy, of education, and of the environment simply can’t be solved in pieces.

Analyzing the article, David Broder of the Washington Post wrote this: Historically, that approach has not worked. The progressives failed to gain more than a brief ascendency and the Carter and Clinton presidencies were marked by striking policy failures.

The reason for these failures, as Broder paraphrased Schambra, is that “this highly rational comprehensive approach fits uncomfortably with the Constitution, which apportions power among so many different players.”

Broder then adds this:“Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit.”
Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

Wilson also writes that neoconservatism, as Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative, but “a way of thinking about politics rather than a set of principles and rules.” It would have been better if we had been called policy skeptics.

The skepticism of Schambra, Wilson, and Kristol toward grand legislative policy schemes helps to explain how the law of unintended consequences has made being a member of the so-called “party of no” a more responsible choice than being a member of the so-called party of “yes, we can”—if these three recent comprehensive bills on health care, climate change, and immigration are the only choices.

Madam President, it is arrogant to imagine Senators are wise enough to reform comprehensively a health care system that constitutes 17 percent of the world’s largest economy and affects 300 million Americans of disparate backgrounds and circumstances.

How can we be sure, for example, that one unintended consequence of spending $2.5 trillion more for health care over 10 years will not be higher costs and more debt? Won’t new taxes be passed along to consumers, raising health premiums and discouraging job growth? Won’t charging insolvent States $25 billion over 3 years for a Medicaid expansion raise State taxes and college tuitions? Ask any Governor. And how can a Senator be so sure that some provision stuck in a 2,700-page partisan bill in secret meetings and voted on during a snowstorm at 1 a.m. will not come back around and slap him or her in the face, such as trying to explain why Nebraska got a cornrow kickback to pay for its Medicaid expansion and my State didn’t?

James Q. Wilson also wrote in his essay that respect for the law of unintended consequences “is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country,” he suggests.

If you will examine the Congressional Record, you will find that Republican Senators have been following Mr. Wilson’s advice, proposing a step-by-step approach to confronting our Nation’s challenges 173 different times during 2009. May I say that again? During 2009 Republican Senators, 173 different times on the floor of the Senate, have proposed a step-by-step approach toward health care and other of our Nation’s challenges.

On health care, for example, we first suggested setting a clear goal; that is, reducing costs. Then we proposed the first six steps toward achieving that goal: No. 1, allowing small businesses to pool their resources to purchase health plans; No. 2, reducing junk lawsuits against doctors; No. 3, allowing the purchase of insurance across State lines; No. 4, expanding health savings accounts; No. 5, promoting wellness and prevention; and No. 6, taking steps to reduce waste, fraud, and abuse. We offered these six proposals in complete legislative text. It totaled 182 pages, all 6. The Democratic majority rejected all six of our proposals and ridiculed the approach as our approach was not comprehensive.

Take another example. In July, all 40 Republican Senators announced agreement on 4 steps to produce low-cost, clean energy and create jobs: 1, create 100 new nuclear powerplants or at least the environment in which they could be built; No. 2, electrify half our cars and trucks; No. 3, explore offshore for natural gas and oil; and No. 4, double the number of suppliers to the auto industry, building four-lane highways to Japan to take advantage of its low-wage, high-efficiency factories.

As I went along, I found that the best way to move toward that goal was step by step—some steps smaller, some larger. The academies appointed by step Republican clean energy plan is an alternative to the Kerry-Boxer national energy tax which would impose an across-the-board tax on consumers and businesses. An across-the-board tax scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress can play.

Here is another example. In 2005, a bipartisan group of us in Congress asked the National Academies to identify the first 10 steps Congress should take to preserve America’s competitive advantage in the world so we could keep growing jobs. The Academies recommended 20 such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was far-reaching legislation, development for new forms of energy. This step-by-step Republican clean energy plan is an alternative to the Kerry-Boxer national energy tax which would impose an across-the-board tax on consumers and businesses. An across-the-board tax scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress can play.

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did not care what we were called. He created the Department of Transportation and the Department of Housing and Urban Development. Johnson him- 
self called what he was doing the creation of a “Great Society.”  
I was a small part of that world. I chaired a White House task force on crime for the president. It was a distinguished panel but after much effort we made very few useful recommendations. It slowly dawned on me that, important as the rising crime rate was, nobody knew how to make it smaller. We assumed, of course, that the right policy was to eliminate the “root causes” of crime, but scholars disagreed about what many of those were. Where they pointed to things, such as abusive fami- lies, about which a democratic government can do very little.  
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Writ large, this approach suggests that government exists not to attend to the various problems in the life of a society, but to take up society itself as a problem—and improve its condition. And the middle distance of the project of reform is absolutely essential because this was how the task was framed and how the people who had to do it thought about it. The government bureaucrats, congressional staff, and private charitable foundations that formed the professional community of support for non-profit service initiatives—mainstays of support for non-profit service providers, now chose instead to join them in pushing for increased government funding of services. Philanthropy was then left free to fund experimental projects that would blaze trails for yet more government programs.

Over time, “issue networks” (to use Herbert Heclo’s phrase) became central to the work of government bureaucrats, congressional staff, non-profit administrators, foundation program officers, and policy advocates around a wide range of social issues. Though they didn’t always agree on policy particulars, Heclo maintains, they shared a “common language for discussing the issues, a shared grammar for identifying the major points of contention, a mutually familiar rhetoric of argumentation.” These networks would provide quiet but self-sustaining momentum for federal programs, even in the face of hostile presidents.

Frank Baumgartner and Christopher Heclo have observed that when government initiatives were established, “the programs and spending associated with them generated new interests themselves, as affected constituencies, service providers, and others entered into long-term relations with the government officials responsible for these new programs.” As Michael Greve explained, the Reagan administration eventually gave up trying to make a dent in federal support for liberal advocacy groups, concluding that “defending was a fight it could not win without mounting an extraordinary effort,” and that “government funding of advocacy groups had become too deeply engrained in the structure of American government.” Thus, the policy approach to governing, and especially to the executive branch, came to accept the point that we now had reason to assuage the politics of governing taken at the other extreme. Instead of despairing of the ability of government to make a difference, we propose to look to the future with hope and optimism, with a belief that government can and will continue to make a difference in the world. Our argument is organized around four key themes:

1. The political calculus of government: The need for a new way of thinking about government
2. The role of government in a free society: The importance of government in promoting social welfare
3. The limits of government: The need for a balanced approach to government
4. The future of government: The potential for improvement in government
to take hold on the left and in Washington policy circles. It has played a role in the work of every recent administration—whether as implicit modus operandi or as ex- plicit policy. Until President Obama, it has had a genuine, long-term true believer in the Oval Office.

THE POLICY PRESIDENT

Obama’s early life primed him for this way of thinking about politics. The circumstances of his family and his globally parapetetic youth acquainted him with a va- riety of strong traditional cultures—Kenyan, Indonesian—that had not yet been entirely pulverized by modern cosmopolit- anism. Obama’s first book, Dreams from My Father, paints the account of trying for several of the tightly woven cultural gar- ments that his background made accessible to him. As he often puts it himself, this ex- pectation endowed him with a remarkable ca- pacity to appreciate the most diverse moral and cultural beliefs, cooly and objectively assessing their strengths and weaknesses. Beginning early in his life in sev- eral cultures, he was left with a wistful sense that he would always somehow be on the outside looking in.

But this cosmopolitan childhood ensured that Obama would not be burdened by a crip- pling illusion so common in the traditional community—how the way is the right city, and that it can autonomously shape its com- mon life accordingly, free of the sprawling chains of social causality. From his earliest days—of his mother, who held a Ph.D. in anthro- pology—Obama understood and easily glided through the network of interdependency that, as the Progressives had predicted, was eroding traditional communities and pulling us all together in vast systems of relation- ship.

When a Chicago non-profit accepted his ap- plication for a job as a community organizer, Obama put on the garment of a Chicagoan. That he was not born still reared in one of the strong and often insular ethnic neighbor- hoods of the city of broad shoulders was not particularly relevant. He was not there to help a local neighborhood, but to acquire a deeper sense of community that would enable it to solve its own problems according to its own values. Rather, he was there to help local residents to use their larger vision of power and influence that determined their lives, and which alone could provide the re- sources and knowledge to alleviate their poverty. Likewise, Obama’s clear need was not an illusory sense of community efficacy, but rather the clout to force the importation of professional expertise—in the form of city-paid employment specialists at a new job center, and hazardous waste- re- moval workers to clean up asbestos at the Altgeld Gardens housing complex. After a time, Obama found his way into the “issue networks” that had come to dominate Chicago politics—the non- profit organizations, and foundations that had committed to ever more extensive and so- phisticated interventions by trained profes- sionals into the lives of Chicago’s distressed neighbor- hoods. In all major American cities today, the Manhattan Institute’s Steven Malanga observes, this constellation of forces—along with the municipal and edu- cational unions—has replaced the traditional urban political machine; it is the new engine driving the perpetual expansion of municipal services and budgets. In addition to ongoing work—of which Obama has served on the boards of two major founda- tions that are leading national proponents for the development and expansion of gov- ernment—

The mode of thought inculcated by this sort of work is reflected in the final report of the Chicago Annenberg Challenge—a massive local school-reform project (co-founded by the former Weather Underground radical William Ayers) that Obama chaired. The re- port found that the short-term and countermobilized expectations of expectations precisely because it left too much discretion to the untutored leaders of local schools. It would have been better to provide them with some form of well-researched and well-thought-out maps for change,” the report maintained, which would “provide sound theories and inform the effective- ness of local thinking and action.” It was too much to expect everyday citizens to under- stand and take over their schools without substantial, theoretically informed intervention by the professionals.

Obama’s chief complaint as a new U.S. sen- ator would be seemed to be dominated by the bitter, tired, ideo- logically driven politics that had character- ized the pre-Progressive era. Most Ameri- cans, he insisted in his second book, The Au- dacity of Hope, exhibited a “pragmatic, non- ideological attitude” and were “weary of the dead zone that politics has become, in which most people are narrow-minded and ide- ological minorities seek to impose their own versions of absolute truth.”

Obama preferred an approach to public pol- icy that took account of evidence, scientific facts, and expert counsel. For example, he suggests in the book, we could take on the health-care problem by “have Herbst and Quarantelli, the Na- tional Academy of Science’s Institute of Medicine determine what a basic, high-quality health-care plan should look like and how much it will cost, and then ‘which of the existing health-care programs deliver the best care in the most cost-effective manner.’”

In other words, the beginning of reform lies in the expert professional opinion.

During Obama’s presidential campaign, journalists were clearly impressed by his willingness to consult and rely on the policy professionals. But the candidate’s adnamancy about seeking out proven experts came as no surprise to Obama advisor Cass Sunstein, who observed that “in his empiricism, his curiosity, his insistence on nuance, and his lack of dogmatism, Obama is indeed a sort of anti-Bush” from whom we will see “a rigor- ously evidence-based presidency.”

In January, the Boston Globe reported with hometown pride that the newly elected president had turned particularly to Harvard University’s professors. It seemed only natural, since Obama was “a preternaturally self-confident product of the meritocracy” and had a “reputation as a seeker of the expertise and intellect that Harvard prides itself on attracting.”

Small wonder, then, that as president, Obama’s approach for today’s economic crisis reflects a distinctively Progressive tone, with a call to renounce short-term and selfish private indulgence in the name of em- pirical and scientific evidence. It is one of the long-term, system-wide view. There has been “a tendency to score political points in- stead of rolling up sleeves to solve real prob- lems,” he suggested in his “New Founda- tion” speech at Georgetown University in April. The problems we face, he continued, “are all working off each other to feed a vi- sitation that we are embedded in an intricate system of ecological linkages. In Obama’s view, we have recklessly spewed carbon into the atmo-sphere because of poor decisions about how to transport electricity use—ignoring the web that ties them all to- gether. Here, too, the answer is a system of energy supply that bears the latest science. Research on the electric-“it’s time to give all Americans a complete and competitive education from the cradle up through a career,” he said in March. And that trajectory should be en- abled by one overarching system, because “we’ve had no choice but to attack on all fronts of our econ- omy crisis at once.”

To address these challenges, Obama in- sists, we need a comprehensive policy that account for the entire sweep of interconnected social and economic factors contributing to the problem, and whose co- ordination is the key to its solution. Echoing Moynihan’s understanding of the implications of the policy approach, Obama suggests that tackling only isolated pieces of the problem, or trying to solve only one problem at a time, will merely introduce fur- ther distortions into what should be treated as a comprehensive policy approach. And an approach that is dominated by the big picture, with a “czar,” will be a “disaster.”
This key presidential aide—almost invariably a policy expert rather than a political figure—will coordinate the activities of the various departments through which the intricate policy puzzle is woven, and find the latest expert advice and counsel on his particular segment of the problem of the whole.

POLITICS AND POLICY

How will the Obama policy-approach presidency stack up in a political climate stirred by his growing list of "czars." Senator Robert Byrd of West Virginia, Obama's fellow Democrat, objects to this new structure, claiming they will "deny the Senate the opportunity to hold hearings on the nominees to these positions on every issue under the sun." Policy, Carter's "complex and ambivalent program seemed to confuse the public and ultimately to paralyze the operation of American government, for it lacked a common purpose to show for all its technocratic bustle. By contrast, Carter's successor Ronald Reagan deliberately failed to make progress to one or two top priority items at a time, having learned precisely this lesson from Carter's failures. Obama has to stand with the comprehensive approach, noting repeatedly that while there are "some who believe we can only handle one challenge at a time," in fact "we don't have the luxury of choosing between getting our economy moving now and rebuilding it over the long term." Outdoing Carter, Obama doesn't just view each separate area of public concern as a realm for the development of a comprehensive policy. He insists that, following the intractable inter-connectedness of the recovery plan, all the areas of concern must be covered immediately, simultaneously, and in a coordinated fashion. The comprehensive policy approach is nothing more than a larger and more complex policy. Only thereby will they cohere into a uniform and truly comprehensive "new foundation" for the revival of the economy.

But as Obama's proposals begin their journeys through the requisite institutional hoops, they will inevitably begin to lose their comprehensiveness. Their policy czar may entertain a single, overarching vision, but the various and often conflicting cabinet secretaries under his supervision, along with their vast attendant bureaucracies, may have very different interpretations of that vision and of how it is to be implemented. And congressional bargaining is never kind to fragile policy gems containing numerous carefully interconnected parts that must all be preserved intact in order to work.

The Obama agenda is particularly vulnerable to congressional distortions of executive intentions, owing to what might be an awkward marriage of the pure policy czar model of President Bill Clinton's health-care reform proposal—which died without a congressional vote in 1994. The Clinton administration, too, embraced a version of the policy approach, believing that health-care reform could be accomplished only by addressing all the pieces within a coherent and unified system. But it took on too much at once in pursuit of holistic reform, the system overheats quickly and easily. President Jimmy Carter discovered the right approach when, as chief executive, he argued for a clear and distinct separation of powers, and the extended commercial public—serve to shred and fragment policy proposals on their way to the White House. The minds of their expert designers through departmental bureaucratic and legislative committees (not to mention their hearings in the court of public opinion). Once enacted, the execution of policy is similarly trammeled by our political system's fragmented dispersal of administrative authority. The result is often policy that is irrational, incomprehensive, and partial. Policies not designed to take account of that reality usually turn to mush in practice.

This would be to heed the realities of our politics often first presents itself in the form of an overly ambitious agenda that ignores the natural policy process. It was true as late as the end of Carter's administration, he thinks he 'leads' by choosing the correct policy, and so he came to hold "explicit, thorough positions on every issue under the sun." Carter's administration therefore generated a flood of elaborate and complex proposals covering energy, housing, welfare reform, income policy, families, neighborhoods, and urban affairs, among other issues. To take urban affairs as an example, Carter's call for "A New Partnership" insisted that Federal, State, and local actions'' in urban call for "A New Partnership'' insisted that To take urban affairs as an example, Carter's form, income policy, families, neighbor-possesions covering energy, housing, welfare re-

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sustain, rather than to ameliorate, partisan conflict with Progressive reformers? Some liberals simply insist that what conservative scholars produce is inferior or false social science—produced in service to an ideology rather than objective truth. Eric Wanner, former president of the liberal Russell Sage Foundation, insists that “the AEIs and their ilk are simply behind the curve, making the case for his political project. For example, he can insist that he is undertaking only reluctantly about some- er disinterested, but rather about openly pro-business and conservative.” They thereby “rejected the very idea of a dis- passion and disinterested elite that could focus on the policy maker.

Ten years later, Ronald Brunner noted in Policy Sciences that it was difficult to assess the usefulness of the policy movement, because the “results typically have fallen short of the as- pects for rational, objective analysis.” Positivist social science had “assumed that if the behavioral equivalents of Newton’s laws could be discovered, they would provide a basis for rational and objective policy. Ra- tionality would be served because the con- sequences of different actions could be pre- dicted with precision and accuracy,” while the “valid system of generalizations would reduce controversy in the policy arena.” But still, Brunner, “after dozens of decades of behavioral research, positiv- ists have not yet discovered universal cov- ering laws that predict human behavior with accuracy and precision.”

In short, policy science cannot be depended upon to dampen or eliminate conflicting points of view because it is itself riven by deep divisions over how best to develop, ana- lyze, implement, and evaluate public policy. And these divisions cannot be explained away by conspiracy or fallibility. Genuine, objective social science with a spu- rious, ideologically driven imitation. Social science begins from one place or another in society, and can do great good that way. But it cannot step outside the circle of our social life; no human activity can.

The Obama administration will of course insist that its social planning has the unassailably objective research. But there may well be equally compelling research supporting contrary conclusions, and the de- bate has to be resolved by in- sisting that true science supports only one kind of conclusion. Often the origins of the dispute have to do with people’s sense of the most important critical goals to set, or the highest ends of society. These are generally determined by
send the money out to allow people to do auto loans and mortgage loans. That simply did not happen. There is plenty of finger-pointing going on as to why that did not happen, but the bottom line is that consumers were left to battle through all this, and they felt abandoned in their fight. What did Washington expect when it gave away practically free money? From the get-go, the TARP rule book was simply tossed out the window. Since the beginning, there were so many ways that most people cannot even remember, cannot even think about its original purpose.

The American people have unquestionably lost faith in the $700-billion taxpayer-funded boondoggle. They expected it to get the economy up and lending. Now they feel duped, and I do not blame them. Instead of jump-starting lending in the economy, what this has turned into is a revolving slush fund for unrelated spending projects. It just goes on and on.

Let me run through a sample of what TARP has been used to fund:

No. 1, buy General Motors. Who knew that the government would spend about $50 billion of TARP buying not only an ownership interest in General Motors but a controlling interest? Back home in Nebraska, when I have talked to Nebraska citizens about this, I say to them: if I had come out during my campaign and suggested that the President of the United States would literally over a weekend have the ability to buy General Motors without any kind of congressional approval, no one—not even I—would have believed me. Yet that is exactly what happened.

No. 2, there is a plan called cash for caulkers. We all know about that plan.

No. 3, the House passed a second stimulus—$150 billion in TARP to fund more unrelated spending. Let me give a few examples: $800 million for Amtrak; $65 million for housing vouchers; $500 million for summer youth employment; $300 million for a college work-study program.

No. 4, the doc fix—$1/4 trillion in TARP that will never be paid back, an immediate loss to the taxpayers.

No. 5, off-budget highway funding. I could go on and on. The list just does not end. The projects being funded out of this new money do not seem to have an ending point. Some of these projects might be quite meritorious. One might look at them and say: they are normal budgetary process, I would want to be a part of voting for those projects. I might support some of them in the normal budgetary process but not through some no accountability slush fund.

TARP got out of control, and it needs to end today—immediately. TARP was never intended to finance a wide array of spending programs where the taxpayer literally was going to be the loser. We must find a way to pay for government spending, not try to disguise it in TARP.

I am asking my colleagues to adopt the Thune amendment and end the no-accountability TARP slush fund. This amendment would immediately stop the Treasury Department from spending more from the TARP funds. It would repeal the administration’s ill-advised extension of TARP through October 2010. It would require TARP repayment to reduce national debt. There would be no cheaper statutory interpretations to get around the debt reduction requirement. A payment comes in, the debt ceiling goes down. No more reckless spending. No more Russian roulette with taxpayers money. Not only is this common sense, but it is the right thing to do.

One thing is absolutely obvious: Taxpayers are asking us to work together to get deficit spending under control, to find solutions to problems that trouble this great Nation. This amendment, in my judgment, is absolutely the first step, a good start to get a handle on out-of-control spending, to start re-possessing the American people.

If TARP is ended, we show the American people that we are listening and that Congress is, in fact, serious about protecting taxpayers’ money.

Madam President, I yield the floor, and I suggest the absence of a quorum.

THE ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TARP

Mr. DURBIN. Madam President, a speaker on the floor earlier—Senator JOHNS of Nebraska—was talking about TARP, and many of us recall this was a program started under the previous administration. President Bush and his Secretary of the Treasury, Henry Paulson, came to us, along with Federal Reserve Chairman Ben Bernanke, and basically told us America’s economy and perhaps the global economy was on the edge of an abyss; that we could see what looked like an economic downturn turn into not only a recession but worse if we didn’t act and act quickly.

The proposal they made was to go after what they called toxic assets, and so they created a program called the Toxic Assets Relief Program—TARP. They asked for some $80 billion—an enormous sum of money—in order to go into the financial system and to try to right the brink of collapse and save them, in the hopes that in doing so, they could stabilize our economy.

Even though I took a few economics courses in college and have followed the course of American business, at least as a casual observer, I was hard put to argue against their request because my fear was that failure to do anything would, in fact, bring this economy down, costing us dramatic numbers of jobs and failures in the business community. So I voted for TARP. It seemed like one of the few things we could do that might have some chance of stabilizing the economy.

But, of course, it is not the most popular program in America. The idea of taking hundreds of billions of dollars of taxpayers’ money to give to banks and investment operations that have failed—literally to the point of failure—seemed to be a rescue effort for a group that doesn’t usually garner much sympathy, in terms of the activities they are engaged in day to day. The money went to a large share of these banks and financial institutions, and the net result is, virtually all of them were saved from collapse—all but Lehman Brothers, which had failed before this request.

So the economy moved forward. Then the bankers repaid the effort of the American taxpayers by announcing—making sure the taxpayers knew—the times were so good for them they could start declaring bonuses for their officers and their employees—bonuses.

In the real world of 40-hour work weeks and day-to-day grind, most people make a bonus as a matter of good performance or successful performance. Many of these financial institutions were literally the victims of their own greed and their own malice and their own poor planning. Then, after taxpayers rescued them with TARP money, they wanted to turn around and reward themselves for good conduct. It grated on the American people and this Senator as well.

TARP, which was instigated to keep these banks from failing, is one which few of us would step up and say: Well, let’s try that again. That was a great idea. I, frankly, think it was probably a necessary thing to do at the moment, but it is not a model I wish to recreate, certainly when you consider the reaction of the banks after we helped them. But the Senator from Nebraska comes to the floor and basically says: Let’s liquidate and end this program. On its face, that sounds like a good idea but for one thing: Now some of these banks and financial institutions are paying us back with interest. We had hoped they all would. Maybe most of them will. The taxpayers deserve that.

Money that is coming back in is not like found money; they have anticipated a payback. But it is money which creates an opportunity. Now the Senator from Nebraska would have us basically eliminate that program and the money coming in could not be spent for other purposes. I think that is a mistake. We spent up to $800 billion to rescue Wall Street. As the cliche goes, it is time for us to consider spending that money to rescue Main Street. For instance, if we took a substantial portion of the TARP money coming back from the big banks and redirected it from the big banks, and redirected it to community banks expressly for the purpose of providing credit for small
business, then I think we would be engaged in an effort that most Americans agree will save businesses, save jobs, and even create the opportunity for more jobs. If we do not take the TARP money to do this, we know what is going to happen: banks, large and small, will go bankrupt and accelerate the current business closures. As a result, many of them will fail, few of them will expand, and the economy will continue to move forward in a more positive way but at a glacial pace.

I would say to the Senator from Nebraska, if he went back to Omaha as I go back to Chicago and Springfield in my State and meet with small business owners, he would find they are desperate for this credit. Why not take the money that once was directed to the large banks, now paid back to our Government, and redirect it to smaller businesses? That really is the bedrock of our economy. I hope the Senator from Nebraska will reflect on that. His argument was, what is the big banks did after we rescued them should not be vented on small businesses in Nebraska and Illinois that need credit assistance.

It is also possible to take some of these TARP funds and turn them into a recovery—bailout of the tens of victims of the current recession. For one, we should be spending this money to help a lot of projects get underway which will help build the economy. I just had a meeting in my office with a group of mayors from Illinois. The mayors from across the Nation are here in Washington. The story they bring is common no matter where they are from. They have seen a downturn in revenues—sales tax revenues and property tax revenues—and an increased demand for services. That is being played out at every level of government—local, State, and Federal—so many of them do not have the resources to take care of basic problems, from repair of streets to building and rebuilding of essential infrastructure. What they are asking us for is help so they can meet those basic needs and at the same time create jobs in doing it.

There was a TIGER grant application under this new administration’s stimulus bill that gave local units of government a chance to put on the table critical projects they could initiate and create jobs in so doing. The competition was for $80 billion in applications for $1.5 billion in funds. It shows you there is a pent-up demand there for these infrastructure projects.

The rate of unemployment in the construction industry in America is much higher than the average—almost twice the average in most States. If we take these TARP funds coming back to our Treasury and redirect them into infrastructure grants such as TIGER grants, we would be creating new opportunities for building infrastructure critical to a recovery and creating jobs immediately. That construction worker who goes back to work making certain we have good roads and bridges is going to take that paycheck home and the family is going to spend it. As they spend it, the shopkeepers and others where they do business are going to profit and they will respend it. That is how the economy starts to churn forward, and that is how jobs are saved and created.

We should not let our frustration over the greed and selfishness of the biggest banks in America and financial institutions that literally thumb their noses at taxpayers lead us to close down an opportunity to take these TARP funds and turn them into jobs in America, turn them into a lifeline for small businesses.

Many people look at our economy today and say it is not good enough—and they are right. I have to echo the sentiments of one of my colleagues in our delegation, Congressman Phil Hare, who says if he hears the phrase “jobless recovery” one more time, he is going to get sick to his stomach. I agree with him. A recovery is a recovery if, in fact, jobs are restored and created. We need to focus on that as well.

Make no mistake, we have made some progress in the course of last year since President Obama took office. I just remind my colleagues and those following in floor comments that last April the Dow Jones index was at about the 6,000 to 7,000 range. Today, it is 10,000. It indicates more confidence in the future, a sign that there is more investment in our stock market, and I hope an end to the fear and lack of confidence which were part of the worst of our recession.

We have also seen the unemployment figures. Job losses were more than 700,000 a month when President Obama took office. Now they are coming down, and that is good. I will not be satisfied, nor will the President, until they are on the positive side of the ledger. But we are making progress. I think the latest unemployment monthly figures were in the range of 80,000 to 100,000. That is a long way from 700,000, but it gives us a lot of ground to travel before we catch up.

I would say the administration has us moving in the right direction. We not only have to stick by the stimulus bill which the President proposed and which we supported on the Democratic side of the aisle, but we also have to think about the next stimulus, the next jobs program which will create good-paying jobs and help small businesses survive. That is essential. I hope we do not let some amendment come along which literally takes away the source of funds we may need for this next jobs stimulus. Whether you are in a Republican State with Republican Senators or a Democratic State with Democratic Senators, it makes no difference if unemployed people need a fighting chance to get their jobs back.

TERRORIST DETENTION

There were comments on the floor by the minority leader, the Republican leader, as well as the majority leader, Senator Reid, about the so-called Christmas bomber who was caught in the act trying to detonate some type of explosive or inflammatory device on an airplane. We have had extensive hearings on that topic.

The President has gone into quite an extensive investigation in terms of any failure in our security efforts and what happened on that day. I believe the President’s candor and honesty have been helpful. He has acknowledged the fact that we could have done a better job. We collected a lot of information, and pieces of it, when they were considered together, really pointed toward a problem—that this man never should have been allowed to get on this airplane. The President has acknowledged that, as well as his national security advisers.

Now a question has arisen as to what to do with this suspect—alleged terrorist from Nigeria. He is currently being held, incarcerated in a Federal prison in Milan, MI, which is 60 miles west of Detroit. That is not unusual. In fact, we have convicted terrorists being detained in Federal prisons across America, including in my home State. They are being safely held without any fear in the surrounding community because our professionals at the Federal Bureau of Prisons know how to do their job and do it well.

The question is whether he should be investigated and prosecuted in a military commission or in the courts of the land. I say that a suspected terrorist and not a citizen of the United States, then send him to a military commission because terrorism is, in fact, a war against America. That is on its surface has some appeal. They also argue that if he goes through the courts of our land, he is going to be given certain privileges we accord to citizens when they are arrested and tried which might not otherwise be possible in a military commission. There is some value to that statement as well.

Here is what we have found. Here is the track record. Since 9/11, we have had over 190 convictions of terrorists in the courts of America, the criminal court system of America, our Federal courts—190. We have had three, literally three who have been prosecuted by military commissions. So those who are trying to push more and more prosecutions into military commissions should look at the scoreboard. The scoreboard tells us we have a strong track record of prosecuting terrorists in our courts, whether it is Richard Reid, the shoe bomber, with a similar mode of operation on the man who was arrested on the Northwest Airlines plane, or a suspect arrested in Peoria, IL, Mr. Al-Marri, who was incarcerated in Marion, IL, the regular prison. They went through the regular court system, successfully prosecuted and put away. Moreover, the suspect, 98th terrorist on 9/11, has been given a life sentence and is now in a maximum security facility in Florence, CO. We will never
hearing from him again, nor should we. He went through our regular court system.

Those who want to close off our regular court system to the prosecution of terrorists ignore the obvious: that has been the most successful way to prosecute terrorists and to incarcerate and to keep America safe. Let's not have an automatic, visceral reaction that every time terrorists are somehow arrested, they need to be tried in a military commission. Let's give this administration the option. Let's decide which forum works best to bring justice and to protect America. In some cases, it may be military commissions. We recently had Attorney General Holder testify that he sent five suspected terrorists to be tried through military commissions and five through the courts of our land. Give the Department of Justice and the Department of Defense that latitude to pick the best place to achieve this type of prosecution.

I understand that in this case, the so-called Christmas bomber, there was a fumbling in terms of which direction the case should go. There is no excuse for that. We have to learn from that mistake, and we have to make sure that it does not happen again. But to say that automatically every suspected terrorist has to go to a military commission is to send them into a venue, a court venue, with rules that are currently temporary and testing, and are likely to be challenged by courts all over the land. To send them into our regular court system is to bring them into a system with an established set of laws, established precedent, where we have successfully prosecuted over 190 alleged terrorists since 9/11, while in military commissions only 3–190 to 3. The score is overwhelming. I think we ought to take some consolation in the fact that our court systems have worked so well.

Let me make one other point. The administration has asked, in my State of Illinois, if our Governor and general assembly will accept the creation of a new Federal prison in Thomson, IL, which will be used for both Bureau of Prisons regular detainees and those who are incarcerated, as well as a section where fewer than 100 of the remaining Guantanamo detainees will be held under military supervision. Our State has said yes to it. We received word that December, had a commission decide that this surplus prison, which is 8 years old—a state-of-the-art, modern, super-max prison—will be sold to the Federal Government. We are now negotiating between the State of Illinois and the Federal Government about the price of that facility. I hope that negotiation is resolved soon. I look forward to its completion.

The critics of opening the Thomson Federal prison in Illinois argue that it is unsafe for us to detain any of the Guantanamo prisoners in the continental United States. Those critics overlook the obvious. As I mentioned earlier, 350 convicted terrorists are being held in Federal prisons across America today, including other prisons in Illinois. Second, this Christmas bomber, who was caught on the Northwest Airlines plane, is being held in Milan, MI, a Federal prison 60 miles west of Detroit, without incident or concern. It is an indication to me that our Federal prison system is fully capable of incarcerating suspected terrorists and those who have been convicted. Those who would spread fear that somehow bringing prisoners here to the continental United States is going to compromise our security have yet to point to one single instance where a prisoner detained in a super-max facility has ever escaped.

This Thomson prison, incidentally, is going to build a new perimeter fence which will make it the safest, most secure prison, not only in the United States but perhaps in the world.

The people in this community, with the hard jobs in this weak economy, are anxious for this prison to get up and running.

They have come out politically, both political parties, those who have been elected to office at every level, supporting, that is, thinking what has happened to this alleged terrorist from the Northwest Airlines flight in Milan, MI, is proof positive that we can continue to hold these terrorists. We do not have to stand in awe or fear, without quaking and trembling and understand that we can look at these terrorists in the eye and say: We can put you in this prison, and you are going nowhere, buddy. That is what has happened to this person and will happen to those who are detained in Thomson, IL.

I see my colleague from Louisiana is here. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

HAITIAN ADOPTIONS

Ms. LANDRIEU. I thank my colleagues from Illinois for his passionate and coherent and convincing arguments about the issue of how to detain terrorists and knowing that we can do that very well in the United States, and also his explanations about the financial situation and some of the things the President is doing to correct that situation.

But I came to the floor this morning in morning business to talk about a different subject, and one that is quite troubling to Americans as we watch the unfolding horror in Haiti. As we stand ready and willing to do everything we can, not only as legislators in the Senate and Congress, our constituents are leaning forward wanting in every corner of this country to do everything they can to help.

It very frustrating to see, again, some of the familiar, almost eerily similar scenes from having lived through Katrina and Rita, Gustav, and Ike along the gulf coast. Whether those scenes were from New Orleans, as we remember, or Plaquemines Parish or St. Bernard or Galveston or Gulfport or Biloxi, those scenes are still quite fresh in the minds of Americans.

I think people are thinking the same way I am, which is, when will we ever get this right? We know sometimes things happen that are unpredictable, but this is not one of those cases either. Just like some parts of the Katrina disaster were quite known and predictable, this too, and that is a story for another day.

But as we struggle through this situation, I want to thank the administration, not only ours but administrations around the world, for what they are trying to do, and say I know we can do better and everybody watching this knows we can do better and one day we will. We are going to do what we can as quickly as we can. I am going to stay focused, with many of my colleagues here, on one aspect of this response and that is, that is, that is, the children and particularly orphan children.

I have been very proud to be the leader of the coalition in this Congress of over 220 Members. We are completely united and completely nonpartisan in our advocacy for orphans in America and around the world. This is a moment where I would like to spend, although my time is short, saying this is a good time for us as a country and as Members of Congress to try to understand the magnitude of the challenge before us.

Let me begin, before I go into the situation, to personally and by name thank the Members of the Senate who have stepped up to date quickly and forcefully to join this effort. Your name, Madam President, is at the top of the list, the junior Senator from New York. We thank you for your extraordinary leadership. I also thank the Senator from Colorado, Mark Udall; the Senator from Massachusetts, John Kerry; the Senator from Michigan, Carl Levin; Chris Bond from Missouri; Arlen Specter from Pennsylvania; Bob Casey from Pennsylvania; Herb Kohl from Wisconsin; Mark Warner from Virginia; Senator Barrasso; Senator Johnson; Senator Bennett; Senator Stabenow; Senator Bill Nelson from Florida; Senator Lautenberg; Senator Thune; Senator McCain; Senator Menendez; and Senator Leatherman, and my cochair in all of this, obviously, Senator Inhofe.

We are a bipartisan group. Our numbers are growing every day, numbers of Senators who say we want to focus on the welfare of children and particularly orphans and come up with a better plan to respond to this humanitarian disaster as it relates to them. We are committed to the fundamental—almost a concept that I do not know how anyone could argue, but people do, that all of us understand that, children actually belong to families. It is a difficult concept for some people in our country and the international community to grasp. But children do not
well alone. Children do not do well in orphanages, no matter how well they are run. Children do not want to grow up in group homes of which we have thousands of children in our own country in group homes.

Actually, children want to grow up in families. This may be a startling concept for some but not for us. That is why we advocate for child welfare policies that at its beginning, middle, and end advocate the basic fundamental truth that children are best raised in a family. After all, if parents are the responsible parent. If not two, we do not think there should be any argument about that. So we are puzzled as to why we have so many difficulties sometimes explaining that in situations like Haiti or in America or in places in Africa or Central America around the world. There are so many barriers to adoption. It breaks our hearts. It just breaks our heart. One barrier after another.

We think this is quite simple. We think parents have to come down, and we are determined to pull this out.

I want to give some numbers to you that will be startling to you because they are to me.

In America we have 320 million people approximately. We have 100,000 orphans. There are a lot of orphans in our own country. They are invisible to people. We try to bring their pictures to the Senate floor sometimes and tell people that there are 300,000 magnificent children of all races, shapes, and sizes who are in need of a family right here at home. We do our best to promote domestic adoptions and have been doing a much better job.

Americans adopt about 120,000 children a year, mostly from our foster care system, some infant adoptions in America, and, happily, 20,000 international adoptions. But when you hear this number, you would fall down if you were not sitting down. Haiti has 9 million people. Remember, we have 320 million, they have 9 million. They had 380,000 orphans before the earthquake struck.

I am going to repeat that. They have 9 million people. They had 380,000 orphans before the earthquake struck. We cannot begin to estimate how many orphans there are today, but I promise you that number has at least doubled.

Now, I am not going to be part of a system which, with those orphans and that truth, our job is to find those children, dust them off, fix their broken limbs, heal them physically, try to help them emotionally, and then stick them in orphanages for the rest of their lives. I am not going to support that. I am hoping the Members on this side will not support that either.

That is what we have had for the last 50 and 100 years in terms of policy all around the world, even in Haiti. We cannot have that anymore. The international treaty that we have all been a part of trying to help says this: It says every child should stay in the family to which they were born with the parents who brought them into the world. When they are separated from those parents, through death or disease or famine or war, they are then to be placed, as quickly as possible, with a relative who is willing and able to raise them.

If I passed away, the Presiding Officer knows my sisters or one of my brothers would step in. If my husband and I died, my sisters and brothers would step in to raise our children. That is normal all over the world. It is no surprise. But when there is no family member to take in a child, then the treaty says you shall find a home for that child somewhere in their country, in their community, which makes sense. Culturally, that makes sense.

While I am a big believer in cross-cultural adoption and biracial adoption—I am a huge supporter of that—but I understand we want to try to place children as close to their initial family as possible. When that becomes impossible, it is our job to find them a home somewhere else in the human family because, after all, we are one human family. If anybody would like to come to the Senate floor to disagree with me, I would love to debate with them. I do not think I will find any arguments here among Senators, from the very conservative to the most liberal. It is just a basic moral tenet that we are one human family, and sometimes even our own governments, sometimes even our own bureaucracy, sometimes even our own embassy fighting that concept. They throw up their hands and say: We just cannot. It is overwhelming. We cannot find a way to do it. Every excuse in the world to keep these children from the one thing they need most, which is a parent, someone to love them.

If anyone thinks that just feeding children orphans is what God is calling us to do, I would beg to differ. Yes, we have to keep them alive. Yes, we have to give them care. But what most importantly human beings need are bigger human beings to raise them. If they do not get that, they end up not growing up in a strong way. They end up in our prison systems. They end up in homes. They end up sick. Not that every child that is in a family in America, even with the most loving parents ends up always wonderfully, but they most certainly have a better opportunity.

So I am just putting a line in the sand here and saying to my colleagues that I am proud of the 40 Members of Congress, House and Senate Members, who sent a letter to Secretary of State Hillary Clinton, who all of her life has been a leader on this subject. We are so grateful she is there as Secretary of State. We sent this letter to Secretary Napolitano. I am going to put this letter in the RECORD.

I am pleased the letter we just sent 3 days ago has already been responded to. The Departments have issued humanitarian parole for the orphans who were in the process of being adopted, and there were a couple hundred. Parents here have been desperate. They have already been matched with their children. They have pictures of their children. They were in the process of adopting those children. You can imagine how desperate they are. That process is underway.

We are going to continue to press to make sure that not just the green light was held up, but that our government at every level, from Defense to Homeland Security to Transportation, is doing everything they can to execute the swift and safe removal of these children in Haiti to American families who will nurture them and support them.

Then the next step—I see my colleagues from Utah here—I am going to end in just a moment. The next step will be to work with a broad coalition of faith-based communities in our country and around the world, with private sector corporations, large and small, with individual Americans who want to contribute and be a part of this effort.

I intend to lead and set up a framework so that thousands and thousands, hundreds of thousands of orphans in Haiti can find the family to which they were born. We are going to try very hard. If not, a relative in Haiti, if not somewhere in Haiti for them to live in the joy and comfort of a supporting and loving family, and then if not here, then somewhere in the world where these hundreds of thousands of orphans—and I hope not to say this, but potentially 1 million; but let’s hope that number does not ever reach this—find families.

This is not going to happen in the next 24 hours or 48 hours. But with our concerted help and vision and leadership, it can happen not just in Haiti but around the world, including right here in the United States of America.

So I want to thank my colleague, Jim Inhofe, who is the cochair of the Adoption Caucus. I want to thank the Members of the Senate and the House, particularly Jim Cooper, Michele Bachmann, and others who have stepped up so quickly.

We will be speaking on this floor quite a few times in the future as we give updates about where we thank Americans for the outpouring of support for children in Haiti, for all people of Haiti, but particularly the children and particularly the orphans who need our help.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the...
Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending: 

Baucus (for Reid) amendment No. 3299, in the nature of a substitute. 

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security. 

Thune amendment No. 3301 (to amendment No. 3299), to terminate authority under the Troubled Asset Relief Program.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Montana is recognized.

Mr. BACUS. We are now on the debt limit legislation. In a second I will cease speaking so the Senator from Utah can address the Senate.

I think we are making progress. Three amendments are now pending. The first is the substitute amendment raising the debt limit amount; second, an amendment by the Senator from South Dakota on TARP; and third, an amendment by this Senator to protect Social Security. We anticipate the Senators from Dakota and New Hampshire will be offering their amendment to create a budget commission sometime midday today. I am hopeful the Senate can schedule votes on my Social Security amendment, the Conrad-Gregg commission amendment, and, perhaps, the pending Thune amendment as well early this afternoon. We are hopeful we can continue to process amendments, with the goal of wrapping up this legislation early next week.

Before I take a few moments to describe the amendment I offered yesterday to protect Social Security, I yield the floor so the Senator from Utah may address the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 3298

Mr. BENNETT. Madam President, I thank the chairman of the Finance Committee for his courtesy. He has always been most accommodating, even to those of us who disagree with him. That contributes to a sense of comity in the Senate. I am grateful to him.

I am in favor of the Thune amendment, which will be voted on sometime this afternoon. I do not come to this brand new. This is an amendment I cosponsored with Senator THUNE back in October 2009. It has to do with the question of the survival or continuation of TARP. My constituents are often confused as to what TARP is. There is an attempt many times to wrap the whole question of bailout together in any vote that has to do with the expenditure of Federal funds, in the face of the financial crisis we faced last year, as being called a bailout. So I explain to my constituents that there is a significant difference between TARP and other bailout packages that were spent outside TARP and take them back to the definition of what TARP stands for. We use so many acronyms around here that we sometimes confuse voters. Since I was part of the negotiations that produced the bill known as TARP, I wish to lay that predicate for a moment. TARP stands for Troubled Asset Relief Program. We were focusing, at that time, that bill was passed, on the issue of how to leverage the purchase of troubled assets on the financial system.

Those who were present when Chairman BERNANKE and Treasury Secretary Paulson spoke to us will remember that the finance and the Congress and said: We are facing a crisis, and we have 4 days before there is an entire meltdown worldwide. One of my colleagues made the comment: I feel as though I am in a “James Bond” movie going with this kind of threat hanging over us.

So a group of us who were members of the Banking Committee met under the leadership of Chairman DODD and Banking so deep. I will make it clear, the entire thing at absolutely completely bipartisan. There was no attempt on the part of anybody, with maybe one or two exceptions, to do any kind of partisan gamesmanship. It was, we are focused on the problem and what we have to do to deal with it. The proposal was made by the Secretary of the Treasury that he had to be equipped with the authority to stand before the entire world and say: I have authority from the Treasury to spend $700 billion to deal with this problem of troubled assets.

I called an economist whose judgment I trust before I entered into those activities and said: Tell me if this is going to work.

His first comment was: I am afraid $700 billion may not be enough. Because the crisis is so serious and the challenge to the confidence of the American people is something very dramatic, and $700 billion might not be dramatic enough.

But then he made a comment which I found very useful: But, in fact, Senator, the Treasury Department cannot spend $700 billion in any kind of rapid pattern. So this is more of a public relations kind of statement than it is a practical matter.

I said: OK, how fast could the Treasury spend the money in an effort to start acquiring those troubled assets and deal with this problem?

He said: $50 billion a month is probably the fastest people could spend the money, actually disburse the money.

So when we got into the meeting and started discussing what became TARP, I made the proposal, instead of giving them $700 billion, since they can only spend $50 billion a month, which is 5 months, the compromise, the compromise that came back from Secretary Paulson’s office was: $250 billion will not satisfy the marketplace as a whole that we are serious. I went back to the comment, again, of my economist friend who said even $700 billion might not be enough.

Without going into any further details, we went through the situation and came up with a solution that was accepted in a bipartisan fashion. I said: All right. We will give Secretary Paulson his $700 billion headline. We will allow him to say the Congress has authorized the Treasury Department to spend $700 billion dealing with this problem of troubled assets. However, the fine print makes it clear, they are only going to have authority for $350 billion without coming back to Congress to get approval for the second $350 billion. So the headline was there. Secretary Paulson got on the telephone and call all the central bankers all over the world and say: The Congress is going to approve $700 billion of authority. But the fine print said: You are going to break it up into two tranches, the first 350 for immediate disbursal—and, again, that will take months to do—and then come back for the second 350 after you see how it works.

In the Senate, we approved that by a large margin and it went forward. I voted for that first tranche of 350 because I was convinced the challenge was there and the crisis was real.

Looking back on it and having testimony from a wide range of economists and observers before the Committee, I am convinced that first vote was the right vote. The crisis was there, and the $700 billion headline did indeed avert the crisis.

Then the administration came back and said: We need the authority for the second $350 billion. At that point, I felt the crisis had passed, and I looked at the way the administration had handled the first 350, which was different than what we were told, and I said: I am not going to vote to approve the second 350. I don’t think you can make a case for the second 350, in the face of the facts we have before us, that is, in any way, as compelling as the case for the first 350. So I voted against the second 350.

Then, we saw this start to be used in ways that were never, ever discussed when we adopted that first tranche of 350. We saw it used for the auto bailout after the Congress refused to appropriate money for the auto bailout. We said: OK. These are not necessarily troubled assets of the kind that TARP was supposed to address, but it is something we are going to do. As a result of that, the auto companies got $23 billion. I have T.S. neutron of TARP. There is a bipartisan. There was no attempt on our part to do any kind of partisan gamesmanship. It was, we are focusing on the problem and what we have to do to deal with it. We voted for that first tranche of 350 because I was convinced the challenge was there and the crisis was real.

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money would come back, we hoped, to the tune of $350 billion and maybe even more because there was interest to be paid on those areas where there were loans. There were warrants that were established on those areas where there were investments. The assets themselves did not necessarily have to have the same value as they might have when we acquired them. There were economic studies at the time that said the taxpayers will make money off TARP. We will get the money back with interest, with additional revenue.

That has started to come to pass. At least of that first tranche of TARP, the money has started to come back. Over $100 billion has come back for a variety of reasons. In some cases, because the firms are capable now of paying it back; in some cases, because the firms want to get out from under the control of the Treasury, the control that goes with having a Treasury investment, the money is coming back in.

In the case where we decided we would do the 350 rather than the full 700, we made another decision. It was very clear to all Senators in that meeting and who drafted that bill—and I was not one of the ones who drafted it; I am, that's why I was handed over to others—when the money comes back, it can be used for only one purpose. That purpose is to pay down the national debt. If we are going to raise the national debt by $350 billion, when we get the $350 billion back, it should go solely to retire the debt that was created when the money went out. Everyone agreed to that. I believed that was written into the bill. So it came as a great surprise to me, as the money started to come back, that Secretary Geithner said: We are going to recycle it. We are going to use it for other kinds of rescues, other kinds of financial circumstances.

Along with many of my colleagues who objected to the original discussion, I said: Wait a minute. That is not what the law says. The law says, as it comes back, it has to go to pay down the national debt.

No, said Secretary Geithner in the hearing, that is not the way the law writers interpret it. Our lawyers look at this and say: You in the Congress gave us the authority to recycle this and spend it on other things, in addition to the original crisis.

It is for that reason, among others, that I joined with Senator THUNE in offering an amendment earlier last year, earlier in this Congress, saying, no, we are going to end TARP on December 31, which was the original date we set for this. We went over, indeed, several times that amendment. Now we are going to try again. We are going to offer the amendment that says: All right. We feel there has been a bait and switch. We feel this administration has changed the rules from the way we thought we wrote them. We were concerned, indeed, about a lawsuit here, because if the law says what we believe it said, the administration is breaking the law. But let's deal with this in a congressional way. Let's simply end TARP right now, making it clear that the money, as it comes back, cannot be used for any other purpose.

The underlying resolution to which this amendment is being offered is one to raise the national debt. This amendment is one that will take steps to lower the national debt. I think it is consistent with the history. It is certainly consistent with the history I have had on this issue trying to deal with the TARP problem right from the very beginning. I think it is the right thing to do.

I am grateful to Senator THUNE for offering this amendment. I am happy to be one of the lead cosponsors, as I was previously when we tried to sunset TARP on December 31. I will do everything I can to try to convince my colleagues that while the recession clearly continues, the crisis that spawned TARP is over. There is no international financial crisis of confidence in the banking system anymore. The crisis of the toxic assets that had us worried about having only 4 days to act has passed. Yet the instrument that was created to deal with that crisis lives on under a new heading being used for new purposes. It is, indeed, an example of bait and switch.

For that reason, I urge my colleagues to get behind the Thune amendment, which we will vote on later today, recognize that a promise made to the taxpayers a little more than a year ago is a promise we need to keep. Responsible government says, when we are debating increasing the debt limit, a step that will reduce the national debt is clearly one we ought to take.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Montana.

Mr. BAUCUS. Madam President, I thank my colleague, Senator BENNETT from Utah, for his statement. He makes some good points. Although I will not be able to support the amendment, I wish to say his presentation and the points he is making are quite good.

AMENDMENT NO. 339

Madam President, I have an amendment which I would like to explain. It is very simple. It will protect Social Security from cuts in the fast-track process proposed to be created in the Conrad-Gregg amendment.

It is clear from the public statements of Senators CONRAD and Gregg, they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a big roll of the dice for Social Security and Medicare.

Millions of American seniors rely on Social Security. Social Security is a commitment to America's seniors. I might say, if we did not have Social Security, as to estimates I have seen, about half of American seniors today would be living in poverty. Social Security basically has kept a lot of senior Americans from living in poverty. We should, therefore, prevent a fast-track process from reneging on Social Security's commitment to those people and putting a lot of people back in poor economic straits.

Numerous groups representing seniors have called for excluding Social Security from this commission. AARP, for one, recommends that Social Security be excluded from the commission's deliberations. This is what AARP says:

[We urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.]

The National Committee to Protect Social Security and Medicare also focused on Social Security, arguing that it is inappropriate for such a commission. Here is what they wrote:

Incorporating Social Security into such a commission is a mistake. The idea is to find ways to reduce the national debt and cut by $100 billion has come back for a variety of reasons. In some cases, because the firms are capable now of paying it back; in some cases, because the firms want to get out from under the control of the Treasury, the control that goes with having a Treasury investment, the money is coming back in.

In the case where we decided we would do the 350 rather than the full 700, we made another decision. It was very clear to all Senators in that meeting and who drafted that bill—and I was not one of the ones who drafted it; I am, that's why I was handed over to others—when the money comes back, it can be used for only one purpose. That purpose is to pay down the national debt. If we are going to raise the national debt by $350 billion, when we get the $350 billion back, it should go solely to retire the debt that was created when the money went out. Everyone agreed to that. I believed that was written into the bill. So it came as a great surprise to me, as the money started to come back, that Secretary Geithner said: We are going to recycle it. We are going to use it for other kinds of rescues, other kinds of financial circumstances.

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changes in the program based on the needs and constraints of the program itself and not for short-term budgetary reasons. Social Security is self-financed and has long-term goals. Failure to act today subject to the same constraints of programs competing for scarce general revenue funds. If my amendment is . . . adopted, it does not mean that changes in Social Security could never be made. It merely means that if and when changes are made to Social Security, it would not be in the context of the budget.

Senator Heinz from Pennsylvania supported the Hawkins amendment. Here is what Senator Heinz said. This is 1985:

I think we first do agree that the legislation needs language that does what the Senator requests this does, namely, to put an extra lock on the door so no one can say that Social Security is going to end up in reconciliation. That is the intent.

Senator Heinz continued:

This is a budgetary job by making a point of order in order against any reconciliation bill that comes to the floor with Social Security cuts in it.

Senator Heinz made clear that under the provision inserted into the Budget Act, Congress could still make changes to Social Security, just not in a fast-track vehicle. Senator Heinz went on to say:

[T]he Finance Committee retains jurisdiction over all changes involving the Social Security Act. And were it required, for reasons having to do with solvency of Social Security, reasons of equity, having to do with either the taxes or the benefits to end Social Security, or any other reason having to do with it that we might see fit, but not having to do with reconciliation and the budget process, we have the will, as we have in the past, on the Social Security Program. But not as part of the reconciliation.

Senator Rudman of New Hampshire, a cosponsor of the Gramm-Rudman-Hollings amendment in the same way. This is what he said:

The language offered by the Senator from Florida has one single effect. That effect is that any provision taken by the Senate Finance Committee would have to survive a point of order if it dealt with anything that had to do with old age assistance.

Senator Domenici of New Mexico, then chairman of the Budget Committee, also explained the Hawkins amendment in the same way. This is what Senator Domenici said:

This amendment would with specificity say that any reconciliation bill containing provisions with respect to Social Security would be subject to a point of order. That is what this amendment does.

That is what Senators said when they adopted the prohibition on the use of the fast-track reconciliation process to make changes in Social Security. That is why all those Senators supported excluding Social Security from the fast-track reconciliation process, and I argue that all the same arguments apply today as well.

Let us prevent Social Security from being cut in a fast-track commission process. Let us keep America’s commitment to our seniors. I urge my colleagues to adopt my amendment to protect Social Security.

I might also say, Social Security is not the cause of our deficit problem.

Social Security is running surpluses. For years into the future, Social Security, thus, reduces the current unified budget deficit. Social Security is not the reason for our fiscal problem. Furthermore, over the long term, Social Security is growing with the rate of growth in the economy. Social Security is growing more slowly than health care expenditures. Social Security is not the primary source of long-term fiscal imbalance—all the more reason, I suppose why my amendment should be adopted.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 3983

MR. VITTER. Madam President, I rise to strongly support an amendment on the floor that I have coauthored. I have joined Senator THUNE, Senator BENNETT, and many others on this amendment to immediately end TARP, the so-called Troubled Asset Relief Program—to end that day down immediately, once and for all.

Again, the amendment is very simple and straightforward. It terminates TARP immediately when this provision is signed into law. Just as importantly, the amendment ensures that TARP money that is repaid to the Federal Government goes to debt reduction, as clearly intended under the original language for TARP.

I have long fought for this termination. I have grave reservations about TARP from the beginning, and I voted against that proposal. Looking back, I do not think it is at all clear that was necessary to avert some impending disaster. Looking at the last year, I think it is perfectly clear TARP has become a slush fund and has led to all sorts of continuing spending abuses.

Because of those concerns from the very beginning, I have been working to end TARP. On January 5 of last year, I offered an amendment of disapproval. I tried to block the release of the second half of TARP funds, the second $350 billion.

On April 2, 2009, I offered an amendment to the budget to rescind unspent TARP funds and to end it then. On April 30 of last year, I offered an amendment to S. 896 to remove any obstacles to the repayment of TARP funds because, at that time, the bank regulators and the Department of Treasury were forcing, in some cases, financially healthy banks not only to keep their TARP money and not repay it back to the taxpayer sooner rather than later.

On August 6 of last year, I offered an amendment to H.R. 3435, a bill which provided extra money for the Cash for Clunkers Program, to end TARP on a date certain; namely, the end of last year.

Unfortunately, those efforts failed. But those efforts picked up steam and every step of the way we and certainly they helped illustrate—and recent discussion and debate and elections, I think, helped illustrate—the American people want to end TARP, want to end too big to fail, and get back to our normal economic rules grounded in the free market.

Why should we end TARP? First of all, in the original bill, the end date to TARP was supposed to be December 31 of last year. That was the normal end date. Last December, the Secretary of the Treasury, under authority he had, on his own, under the language of the bill, extended TARP for almost another year. I believe that was the wrong decision, unjustified, and I believe we should act to stick by the original end date and end TARP immediately.

I do not think there is anyone on this floor who believes that the original purpose of TARP was for the Troubled Asset Relief Program. Yet, ironically, that is about what the only thing TARP funds have never been used for, the actual purchase of troubled assets.

From the very beginning, just after it was named the Troubled Asset Relief Program, it has been used for everything else under the Sun—first, pumping money directly into specific mega financial institutions, then pumping money directly into specific companies. Clearly, the car companies are not banks, are not financial organizations. They were never intended to be included under TARP.

Secondly, the right response to future failures is not to pump taxpayer money without limit to individual institutions. The right response is to end too big to fail and to have an orderly resolution regime that actually prevents what is going on with Democrats, with other Republicans on the Banking Committee, to pass regulatory reform, including an orderly resolution regime to end too big to fail.

Therefore, the third reason we need to end TARP is it has become, in the last year, a purely political slush fund to spend on whatever the political whim of the moment is. It was never executed to achieve the original purpose. TARP stands for Troubled Asset Relief Program. Yet, ironically, that is about the only thing TARP funds have never been used for, the actual purchase of troubled assets.

For these reasons, the proposals to use TARP as just a pot of money to spend at everyone’s political whim have gone on and on. There have been proposals to use TARP money to fund highway projects. There are proposals right now to use TARP money for a new jobs program. There are proposals, at least on the House side, to start a brand new housing program funded by the TARP assets.

Perhaps we should do new activity revolving around highway construction, job creation, housing, but we should not use TARP as a political grab bag, a slush fund, to pay for that and whatever else is the whim of the majority in Congress. That is a clear abuse of the program, and it is a clear ongoing threat if TARP is allowed to exist.

If we go back to theorigination of TARP and discussions and talks made
at the time, it is clear that then-Senator Obama, then-President candidate Obama pledged to the American people that TARP would only be used for certain purposes, and every penny would be repaid to the taxpayer. On October 1, 2008, then-Senator Obama, then-President candidate Obama, clearly spelled out his conditions that he required to support TARP. He said:

If the American taxpayers are financing this solution, then they have to be treated like investors. They should get every penny of their tax dollars back once the economy recovers.

I don’t think there is any mistake in the law or the President’s comments, but because he didn’t want to be misunderstood, he didn’t want to communicate in any sort of vague way, he reiterated that, and he said in addition, “every penny of which will go directly back to the American people.”

The problem is, that is not what is happening, every day, every week, every day that TARP continues to exist, raids on the slush fund, raids on TARP, bright new ideas to spend the money so that it will never be returned to the taxpayer aboard.

Unfortunately, he explained his initial conditions for supporting TARP, the President has acted in a wholesale different way. He supported TARP money going to the car companies which was never intended under the original bill. He supported these new ideas in the House and Senate to use TARP money for highway construction or a new jobs program or a new housing program, which was never intended under the original bill.

We need to get back to the President’s original promise: to treat the American taxpayers like the investors they are, to honor their wishes, to protect their funds, and to get all of that money returned to the American taxpayers.

I find it pretty ironic that during the last few weeks the President has bashed big banks and proposed a big new tax against big financial institutions. Yet, at the same time, he wants to continue TARP, and he wants to continue the ability to give those same big financial institutions taxpayer dollars virtually without limit. Why don’t we start on the path to fiscal responsibility by at least not showering those even more big financial institutions with even more taxpayer dollars? We are out of the crisis. We don’t need TARP. Let’s end it, end it immediately, wind it down.

So, again, I urge all of my colleagues—Democrats, Republicans—to honor the President’s initial words back in the fall of 2008 about what TARP was supposed to be about and how all of the money should be repaid to the taxpayers. Let’s honor those words. Let’s honor the initial promises about TARP, and let’s end it immediately. That is what has passed. It is clear that all of the money, as it is repaid over time, goes back to the American taxpayer by reducing debt.

Let’s stop this continuing threat that TARP is just used as a political slush fund to fund spending, programs, and ideas at the whim of the majority of Congress as it develops week to week. Let’s return that money to the American taxpayer. Let’s reduce the debt. Let’s reduce the deficit.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Montana.

Mr. BIKES, Madam President, I have further correspondence which I wish to read into the RECORD with respect to my amendment which is pending, as well as with respect to statements by organizations that essentially oppose the Conrad-Gregg amendment. The first is from the Leadership Council of Aging Organizations. It is entitled, “Proposed Bipartisan Task Force for Responsible Fiscal Action.”

It says:

Dear Representative: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America’s 87 million older adults. Today, we write to you and your colleagues regarding the President’s last month’s Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising Federal debt by “closing the budgetary outcome gap and the larger cost of paying for Social Security Medicare and Medicaid benefits.” This is a weighty responsibility, requiring careful review of these programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review.

That is very valid. How would this commission know how to make those cuts? They don’t have expertise on the programs. This would be an outfit that just cuts without having any sense as to how these programs operate and what changes might be made.

Continuing to quote from the letter:

Our concern is that their recommendations, nevertheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission, we are concerned that its mission would imply that Social Security has somehow contributed to the Nation’s economic woes. Social Security is not a part of the so-called “entitlement crisis.” Its cost is projected to consume only 6.2% of GDP by 2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of $180 billion last year and had accumulated a reserve of $2.4 trillion.

That is a reserve, a surplus, of $2.4 trillion.

The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

That is a surplus at least until the year 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression.

Again, I am reading from the letter from the Leadership Council of Aging Organizations. Continuing:

Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and their families (including widowed and divorced spouses) dependent on those benefits. These benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and Benenson Strategy Group, nearly nine in ten (98%) Americans say that Social Security is more important than ever as a result of today’s economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries aged 65 and older received about 64 percent of their income from Social Security in 2009.

It then goes on a reference in parenthesis. The reference is in the letter.

Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the weight, consideration, and debate in Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

I am going to read some of the signatures to this letter:

AFL-CIO, AFSCME Retirees, Alliance for Retired Americans, the American Association of Homes and Services for the Aging, American Society on Aging, Association of Residential Service Providers of America, B’nai B’rith International, Center for Medicare Advocacy, Inc., Gray Panthers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America, National Academy of Elder Law Attorneys, National Active and Retired Federal Employees Association, National Alliance for Caregiving, National Asian Pacific Center on Aging, National Association of Area Agencies on Aging, National Association of Professional Geriatric Care Managers, National Caucus and Center on Black Aged, Inc., National Committee to Preserve Social Security and Medicare, National Council on Aging, National Citizens Law Center, National Consumer Voice for Quality Long-Term Care, OWL,
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January 21, 2010

The Congressional Budget Office, in its Au-

gust 2009 forecast, said that full benefits can

continue to be paid until 2043. There is ample
time to make the necessary adjustments

through the usual legislative process.

The best way to get the cost of Medicare

under control is by reforming the health care

system as you are currently trying to do, not

by cutting benefits to millions of people

whose health is at stake.

That is a very important point. Let

me just read it again because it is so true:

The best way to get the cost of Medicare

under control is by reforming the health care

system . . . rather than by cutting benefits
to millions of people whose health is at

stake.

Committee on Aging.

The LCAO oppose the creation of a fast-track en-
titlements commission.

While we have additional concerns regard-
ing the use of such a commission on Medicare,

Congressional fast-track procedure. We firm-

ly believe that Congress, through its regular

legislative process, is best suited to consider

and address any changes to these programs.

In addition to our objections about the

proposed commission process, we are con-

cerned that its mission would imply that So-

cial Security is more important than ever as a

result of today’s economic crisis.

Social Security, like the bedrock of re-
tirement security for over 33 million older

Americans: On average, households with So-

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received about 36% of their income from

the program in 2006 (Social Security Admin-

istration 2009b: Table 9.A1). Additional-

ly, Social Security provides a lifetime to 4.1

million disabled workers, 2.4 million spousal

and divorced spouses of retired workers and

4.4 million surviving spouses.

The importance and value of Social Secu-

rity to so many Americans demands that

proposals to change the program be given

the due weight, consideration and debate

from Congress that they deserve. With this

in mind, the undersigned members of the

LCAO oppose the creation of a fast-track en-
titlements commission.

Sincerely,

AFL-CIO; AFSCME Retirees; Alliance

for Retired Americans; American Asso-

ciation of Retired Americans; Social Secu-

rity Administration; United Federation

of the deaf; Voluntary Action Network; the

American Federation of State, County and

Municipal Employees; American Federation

of Labor and Congress of Industrial Organi-

zations; National Education Association;

National Education Association of Ameri-

can Indian Teachers; National Federation

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...
My constituents said at the time that they could not get loans to keep their businesses up and running. Something needed to be done. Secretary Paulson proposed an emergency plan to authorize as much as $700 billion to purchase toxic assets such as real estate mortgage securities, from the financial institutions holding them. It was stated that the plan would restore consumer confidence in the economy as the Treasury would show faith in our financial system by purchasing these assets. In return, they would be sold in the market, stabilized, and selling them later. The proceeds from the sale of these assets would then go to pay down our national debt.

In response, Congress proposed the Emergency Economic Stabilization Act, which created the Troubled Asset Relief Program, called TARP, and authorized $350 billion not $700 billion in Federal assistance.

The Republican and Democratic Governors Associations wrote jointly to ask Congress to act immediately on the legislation to provide economic security to the financial system and stabilize the crisis. Congress did act in overwhelming majorities.

Already, however, the Treasury Department deviated from the intent of the program and design they told Congress they would pursue. It did not purchase toxic assets as planned. Instead, the Treasury used TARP funds to take equity stakes in over 300 of our Nation’s financial institutions. The program was further expanded to nonfinancial companies, pouring billions of dollars into AIG, GM, and Chrysler. When the administration asked for the second tranche of $350 billion, I said no, and so did many of my colleagues.

We have especially seen the misuse of TARP in capital repayments to the Treasury. Since the program began, the Treasury has received over $165 billion in paybacks, with interest. Under the Stabilization Act, proceeds from these paybacks were meant to be used to pay down our national debt. That was a key condition to its approval.

In a hearing last November, before the Banking Committee, of which I am a member, I spoke with the Assistant Secretary of the Treasury, Herb Allison, regarding the State of the TARP program 1 year later. Secretary Allison told me that the repayment funds went directly into the general account of the U.S. Treasury to reduce the Treasury’s funding need—to reduce our debt. Yet, when I asked him to confirm that the money repaid was no longer part of the total authorization of $700 billion. Secretary Allison said that when TARP funds are repaid, headroom is created within the program to provide additional commitments to maintain the $700 billion funding level. Thus, as the Treasury puts repaid funds back into one bucket, it takes them away from another—basically recycling the $700 billion. This is not what was promised. It is not what was passed. It is not what was envisioned. I most certainly never voted to authorize a revolving fund to remain in our economy indefinitely. I didn’t even vote for $350 billion of this $700 billion that is now becoming a revolving fund.

According to the most recent TARP report from the Office of Financial Stability, approximately $545 billion in TARP funds has been committed. Repayments through TARP were over $165 billion. This leaves roughly $37 billion being paid out with roughly $319 billion of unobligated TARP funds, or TARP authority.

The recent report issued by the Congressional Oversight Panel for TARP stated that although TARP authority ends October 3, 2010, any funds committed by that date but not yet spent can still be spent under TARP past this deadline. This could create an indefinite time period for expenditures through TARP.

The amendment offered by Senator THUNE, me, and many others would allow the Treasury to fund TARP expansions, and it would put an end to it immediately. It would show taxpayers that Congress finally gets it, and that we are serious about reducing our Nation’s skyrocketing debt. This amendment would indeed be the first step in putting our financial house in order.

Today, we can begin the process of lowering this huge debt that our country, which just in the last year, has increased exponentially. We are looking at a bill that would increase our debt to $14 trillion. If we pass the amendment before us today, we can cut that back instead of adding to the debt. That is what we ought to do.

While we are at it, we need to stop the spending binge we are on. We need to stop the stimulus package, whatever is not authorized, because that, too, will add to our debt. We need to recommit to cut taxes. We need to say our financial house must get in order. It is time for Congress to cut taxes. We need to say our financial house in order for the future of every American’s child and every American’s grandchildren. That is what we owe them. I hope we will take the first step with the Thune amendment and then the rejection of the amendment and then the rejection of
the resolution to raise the debt ceiling. Then we can lower taxes permanently, and then we can take to the American people a new agenda that will really create jobs because the jobs will be in the private sector, not the government sector.

Madam President, I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we anticipate the Senator from North Dakota will join us momentarily. Pending his arrival, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have come to the floor to discuss an amendment I am offering with Senator GREGG to create a bipartisan fiscal task force. The task force would be designed to develop a bipartisan legislative package to address the Nation’s long-term fiscal imbalances. There would be a requirement that the package come before Congress for a vote.

Under the rules of the Senate, our amendment requires 60 votes to pass. If we do not reach the 60-vote threshold, I will continue to push for the creation of a special process to deal with our debt, and I will fight to ensure any special process results in legislation that will get a vote in the Senate and in the House. We cannot afford another commission whose recommendations sit on a dusty shelf somewhere at the Library of Congress.

I believe our country is at a critical juncture. We have seen in the previous administration the debt of the United States double. We are on course over the next 8 years for at least another doubling of the debt. And already we are reaching precarious levels, record levels that have never been seen before in this country.

I believe nothing short of the economic future of the country is at stake. I point to this recent Newsweek cover from December 7 of last year entitled “How Great Powers Fall; Steep Rise in Government Debt, Slow Growth, and High Spending—America Could Be Next.”

Here is what the article went on to say: “This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy, and Air Force. . . . If the United States comes up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

The process has already begun. As I indicated, in the previous administration the debt doubled. Foreign holdings of U.S. debt more than doubled. We can see the track we are on. From 2001, at the beginning of the Bush administration, the debt skyrocketed, and it continues to grow with the economic downturn and the projections from the Congressional Budget Office for the future. In fact, we now estimate that the gross debt of the United States could reach 114 percent of the gross domestic product of the United States. That has only been equaled in U.S. history after World War II. At that point, the debt came down very rapidly.

There is no forecast that shows this debt coming down and certainly no projection and no forecast that it will come down rapidly. Instead, what we have is a forecast by the Congressional Budget Office that the debt will continue to explode. Instead of being 100 percent of the gross domestic product of the United States, the debt will rise to a level of more than 400 percent of the gross domestic product of the United States.

By any account, that is an unsustainable course. We have had before the Budget Committee the testimony of the head of the Congressional Budget Office saying that the course we are on is clearly unsustainable. We have had the testimony of the head of the General Accounting Office saying the current course is clearly unsustainable. We have had the testimony of the Secretary of the Treasury, both in the previous administration and this one, saying that trajectory is clearly unsustainable, and we have had the testimony, clear and compelling, by the Chairman of the Federal Reserve that this course is absolutely unsustainable.

I have said to my colleagues repeatedly that the debt is the threat. It is something we must face up to. We have been through a very sharp economic downturn. In the midst of a sharp economic downturn, we do not raise taxes or cut spending. That would only deepen the recession. In fact, we could have seen this country plunge into a complete collapse, and we would not have been alone. I think many of us believe we just narrowly averted a global financial collapse. One reason it was averted is because of actions by this administration and the previous administration and this Congress—steps that were taken to provide liquidity to prevent those countries that those steps also added to the deficit and debt. We have to acknowledge that. We have to be very straight with people that those steps were necessary to avert a collapse, but they also contribute to the long-term crisis we confront—a crisis of a debt growing too rapidly and forecasts to reach a level unprecedented in our national history, a debt level that could threaten the economic security of the United States.

Many people have asked me: How does this threaten the economic security of the country? Very simply, this debt is increasingly financed from abroad. In fact, last year 68 percent of the new debt created by the United States was financed by foreign entities—68 percent. China has now become our biggest creditor. They have signaled publicly and privately that they are increasingly concerned with the fiscal policy of the United States. They are increasingly concerned about the security of their loans to the United States. Other countries have expressed concern as well. If those countries decided they would no longer extend loans to the United States, we would be very quickly in a serious situation. It would mean we would have to either cut spending sharply or raise taxes dramatically or raise interest rates in a significant way to attract new borrowing, new lenders. The consequences of a failure to address these issues goes right to the heart of the economic strength of the country.

As I said, in the article in Newsweek, they say:

If the United States doesn’t come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

For those who believe there is no crisis and we can just stay with the status quo, this is a quote from the National Journal cover story in November. The article was titled “The Debt Problem Is Worse Than You Think.” It stated:

Simply put, even alarmists may be underestimating the size of the (debt) problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

I believe the National Journal got it about right. We are on a course that is clearly unsustainable. Virtually every expert says to us that this is so.

The consequences of a failure to deal with the debt are enormous. They could go right to the heart of the economic strength of the United States. I think many of us believe Senator GREGG and I have come to the floor with a proposal to have everything on the table, to have a bipartisan commission evaluate various options for dealing with our long-term debt threat and to come back with a proposal. But they can only come back if 14 of the 18 members of that commission agree on a future course, a supermajority, a bipartisan majority. If 14 of the 18 agree, that plan comes to Congress for a vote. Members here will decide. Congress will decide its own responsibilities. This is giving an independent commission the responsibility to come up with a plan, that plan would have to be voted on by Members of the Senate, Members of the House, and under our formulation it would require a supermajority in both Chambers to pass. Of course, the President would retain his veto powers. He would be able to veto any proposal passed by the Senate and the House. I believe the prerogatives of the Senate and the House are preserved. It would require a vote of supermajority here and in the House and, of course, signature by the President.
The former Chairman of the Federal Reserve has talked about the urgent need to address the long-term debt situation. This is what he said on December 17 of last year in testimony before the Homeland Security and Governmental Affairs Committee.

The threat to our country is more urgent than at any time in our history. Never before in our nation’s history have we looked forward and seen the prospect, if we continue current policies, of a debt that would equal 400 percent of the gross domestic product of the United States. That has never, ever faced this country. That is a threat with which we are unfamiliar.

The response Senator GREGG and I have advocated over years of debate and discussion with many of our colleagues is one that is based on the principles of accountability. All of the task force members would be directly accountable to the American people. There would be 18 members—10 Democrats, 2 from the Administration, and 6 Republicans. So in terms of Members of Congress, it would be even: 8 Democrats, 8 Republicans. They would have to be currently serving Members of Congress selected by the Democratic and Republican Secretaries of the Treasury and one other administration official would serve representing the administration, for a total of 18.

The bipartisan fiscal task force would provide broad coverage. Everything would be on the table—entitlements, revenue, discretionary spending. Spending and revenues all would be before them for a judgment on how we deal with the debt threat.

The work of the fiscal task force would be expedited procedures—procedures we have used before to bring especially difficult issues to both the Senate and the House. The recommendations would only be submitted after the 2010 election. There would be fast-track consideration of the proposal in the Senate and the House. There would be no amendments. It would be an up-or-down vote. The final vote would come before the end of the 111th Congress.

Again, I want to emphasize I am not proposing that we take action to raise revenue or cut spending in the midst of an economic downturn. That would be counterproductive. But we do need to face up to this long-term debt. The provisions that would come from any commission, I am sure, would be ones that would be put in place over time. They would be phased in. The Commission would be cognizant that our economy remains weak and, in fact, may require even additional debt in the short term.

The bipartisan fiscal task force would ensure a bipartisan outcome. Fourteen of the eighteen task force members would have to agree to the recommendations for it to come to a vote, and final passage would require supermajorities—a three-fifths vote in both the Senate and the House. Also, the President must still sign off. As I indicated earlier, he would retain his full veto power—and Social Security and Medicare. I would simply say to them: Look at where we are. Look at where we are. Social Security and Medicare are both cash negative today. The trustees of Medicare say Medicare will go broke in 8 years. Social Security will take somewhat longer. But both are on a path to insolvency if we fail to act.

It hasn’t just been from the more liberal side of the spectrum that the criticism has come, but also on the right. The Wall Street Journal ran an editorial calling the debt reduction commission—or the deficit commission—a trap. They say it is a trap that will lead to higher taxes; to more revenue. So on the left and the right we have the same message: When we move forward to deal with the debt, you are going to make reductions in programs and you are going to increase revenue. I think that is undeniably the case. If you are going to deal with this debt threat, you must make changes in the spending projections of the United States. We are going to have to make changes in the revenue base of the country.

I would suggest to those who are concerned about tax increases, the first place to get more revenue is not with a tax increase. The first place to get more revenue is to collect what is actually owed. If you examine the revenue streams of the United States, it jumps right out at you: 80 percent, or even somewhat less than that, of what is actually owed. If we were collecting the money that is actually owed under the current rates, we would be doing very well. But we have offshore tax havens, abusive tax shelters, a tax gap—the difference between what is owed and what is paid—and we also have a tax system that is completely out of date.

We have a tax system that was designed and we did not have to be worried about the competitive position of the United States. Now we do. The world has changed and our revenue system has not kept pace. Instead, it is hemorrhaging to offshore tax havens costing us, according to the Permanent Subcommittee on Investigations, over $100 billion a year in lost revenue.

If anybody doubts the proliferation of offshore tax havens, I would urge them to Google offshore tax havens and see what you find. We did that last year and got over 1 million hits, including my favorite: live offshore tax free by putting your funds in offshore tax havens.

The reality is this: We have a dramatic imbalance between spending and revenue. The revenue is the green line, the spending is the red line. Look what has happened with the economic downturn: Revenue is at its lowest point in 50 years. We have just witnessed a loss of the revenue. Revenue is less than 15 percent of the gross domestic product of the country. Spending has skyrocketed to 26 percent of the gross domestic product of the country. You can see that is far higher than it has been going back 30 years.

Of course, we understand why, in the middle of a sharp economic downturn, the automatic stabilizers take effect—unemployment insurance, a whole series of other measures to try to prevent an even steeper downturn. So spending goes up, revenue goes down, the deficits widen, and the debt explodes. That would not be so troubling if the long-term trend didn’t tell us the debt will continue to grow from these already high levels.

The need for tax reform, I think, is clear: We have a tax system that is out of date and hurting U.S. competitive-ness. As I mentioned, we are hemorrhaging revenue to tax havens and offshore tax shelters. The alternative minimum tax problem threatens millions of middle-class taxpayers—something that was never intended. That cries out for reform. These long-term imbalances must be addressed. Simplification and reform, we know from experience, can lead to and improve the efficiency of the system.

The arguments I have advanced this morning are arguments that have now been endorsed by more and more budget experts as they look at the long-term threat to the country. Alan Greenspan, the former Chairman of the Federal Reserve, said this:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. I hope that it is adopted.

Douglas Holtz-Eakin, who was the chief economic adviser to Senator MCCAIN in his Presidential bid, said this in testimony before the Senate Budget Committee just last year:

I am a reluctant convert. I have always felt that this is Congress’ job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I have come around to the point where I’m in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the Secretary of the Treasury, said this in testimony before the Budget Committee:

It is going to require a different approach if we’re going to solve the long-term fiscal imbalance. It’s going to require a fundamental change in approach, because I don’t see realistically how we’re going to get there through the existing mechanisms.

Here is a quote from David Walker, the former head of the General Accounting Office:

I think the regular order is dysfunctional and it relates to these types of long-term issues. It’s quite frankly, understandable, because you’re talking about putting together a
Mr. BAUCUS. Mr. President, the Senate from North Dakota makes a very compelling case for fiscal discipline. He has been making this case for a good number of years. He has been on the forefront in urging us in the Congress and the country to be more disciplined, to get better control of these deficits, and I appreciate the work of the Senator from North Dakota.

I might say we have no disagreement whatsoever that we need to address our fiscal challenge. We totally agree. I think most Members of the body would agree that is not the issue. Whether we must address our fiscal challenge or not is not the issue. So I wish to get that off the table. We all know we have a huge problem facing us, and it must be dealt with. What we do disagree about, though, is the process; that is, how we address it.

I will have a lot more to say about that later today, but I see the Senator from Arizona on the floor, and he has been waiting patiently.

Mr. CONRAD. May I call up the amendament on the floor?

Mr. BAUCUS. Certainly.

AMENDMENT NO. 329 TO AMENDMENT NO. 3299

(Purpose: To establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. CONRAD. Mr. President, I call up the Conrad-Gregg amendment.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD], for himself and Mr. GREGG, proposes an amendment numbered 3302 to amendment No. 3299.

Mr. CONRAD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's Record under "Text of Amendments."

Mr. CONRAD. I thank my colleagues for this opportunity to present our amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 329

Mr. KYL. Mr. President, I will have something to say about the amendment offered by the Senator from North Dakota at a later time, but I wanted an opportunity to be sure to speak to the Thune amendment, which has also been pending and which I understand may be coming on as early as this afternoon. I wish to make it clear I am in very strong support of the amendment offered by the Senator from South Dakota.

The amendment of the Senator from South Dakota would immediately end the Troubled Asset Relief Program and place obligated TARP funds; that is, those funds that have either been repaid or were never spent in the first place as part of the so-called TARP. The amendment would also use repaid TARP funds to lower the deficit, bring down the debt ceiling—which is, of course, the amount of legal U.S. debt—and is the ultimate issue we are going to be voting on at the end of our exercise, presumably sometime next week.

I initially supported both tranches of the TARP stabilization money because I was told by the Secretary of the Treasury and others, and I believed, that the money would be used to shore up banking, thus stabilizing the financial system in the United States, and that would permit lending to resume. My State of Arizona was hit particularly hard by the collapse of the housing bubble, so we needed more lending—for small businesses as well as for commercial lending and other things such as auto finance, real estate lending, and so on.

Unfortunately, the promised flow of capital has not materialized. Today people in my State still struggle to refinance their homes and businesses, and businesses in particular are struggling to make payments on their property, rollover commitments that they already have, and even pay for things like water and sewage. They pay as much as their salary and payroll. You have to ask how did this happen with all of this TARP money out there.

Partly it is because TARP was perverted into a tool for increasing the scope of government, a policy to be used for purposes for which it was never intended. Some of the money has been used to bail out political interests such as auto companies and parts suppliers. That was never intended. I would never have supported the second tranche of TARP funding had I believed that was how the money would have been spent.

Now it is becoming a piggy bank for the second stimulus bill recently passed by the House of Representatives. That bill would cost taxpayers $260 billion more in deficit spending. By deficit spending, of course, I am referring to the fact that this is all borrowed money. This is not money that we have and are deciding to spend in a certain way. We have to go out and borrow the money in order to give it to these people.

By law, the returned TARP funds are supposed to be used for deficit reduction. That is the way it was written into the bill. The amendment would make sure this happens. Again, this is important because this is not money that we already had that the taxpayers had sent to Washington and we were just waiting to spend on something. We had to go out and borrow this money from foreign banks that cost taxpayers $260 billion more in deficit spending. When we have to go out and borrow the money in order to provide it for one of these purposes, I think it is recognized that we can pay it back, we ought not immediately spend it again. We ought to pay the money back to the government so the money then can
repay the lender and get that obligation off our books. Returning the money to the Treasury is equivalent to paying the money back to our lenders. That, in turn, allows us to reduce our Federal debt.

This reduction will have the effect of reducing government borrowing so that the private sector is more able and more easily able to borrow money. That way, businesses can begin to invest more, and we can begin job creation.

Frankly, that is why groups such as the National Federation of Independent Businesses support the Thune amendment. The whole idea is to repay the money that the Federal Government has borrowed so there is less pressure on the sources of lending so the private sector will be able to more easily borrow for their purposes.

Here is what the NFIB said in a recent letter:

Small business believes it is time to end TARP by passing the Thune amendment. We appreciate Senator Thune’s efforts to create an exit strategy for the unprecedented level of government ownership in American businesses. The full $700 billion that was originally allocated to TARP is no longer needed and should not be used as a bucket of money for the Treasury Department to create new Federal programs.

I would add, or for the House of Representatives to create new Federal programs to the tune of $290 billion more. I think the American people could not be more clear in the message they have been sending in election after election: Stop spending so much money so we don’t have to borrow so much money so it will be easier for our own families and businesses to borrow money. They have had it with massive spending and the culture of massive debt that has seized Washington. They are watching very closely because it is their money, and, I think, they have to be used to pay the interest on the debt when we borrow this money from people such as the Chinese.

Instead of turning right around and deciding we have some great idea on which to spend this money again when it is retired. Let’s retire the debt instead, thus reducing the amount we have to increase in the debt ceiling. I think this is what our constituents want us to do. It begins with ending TARP, and the Thune amendment puts us on the path to doing exactly that. I urge its passage. I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. S392

Mr. BAUCUS. Mr. President. I oppose the Conrad-Gregg amendment. This amendment set up a new deficit reduction commission and have its recommendations considered and sent to the House under expedited parliamentary procedures. This amendment invites Congress to abdicate its responsibility. This amendment is fundamentally unfair to many of our constituents across the country. This amendment should not be given to Congress.

Under the Conrad-Gregg proposal, 18 people would make recommendations on how to reduce projected mid-term and long-term Federal budget deficits. Of the 18 members, 16 would be Members of Congress, and two would be officials that might add, if some think the Congress cannot do this, why is this composed almost entirely of Members of Congress? Recommendations of this 18-member commission would be made the subject of votes in both Chambers with no amendments allowed. Thus, the entire package of recommendations would be given to Congress on a take-it-or-leave-it basis.

If the Conrad-Gregg amendment were enacted, Members of Congress who were not on the commission would have no say in the development of the commission’s recommendations. Members of Congress who were not on the commission would have no ability to change those recommendations. We would have to vote on the entire package on a take-it-or-leave-it basis.

If Members of Congress are not on the commission found that they favored most of the recommendations but positively abhorred a few of them, they would be given no opportunity to try to change the ones to which they objected. Their choice would be either to vote for no deficit reduction at all or vote for recommendations that they abhor with no way to change them.

Members of Congress should not be put in that position. This amendment would disenfranchise the overwhelming majority of Members of Congress. It would disenfranchise their constituents. This would un-fair to their constituents and to them. We should not allow it to happen.

Let me say a few words about the effects of this commission on Social Security and Medicare. If we create this commission, what is to stop it from making further reductions in Medicare spending beyond the changes in the health care reform bill? Although the health care reform bill would reduce some reimbursements to providers, it would not cut Medicare benefits or eligibility. If the commission could recommend cuts in Medicare benefits and eligibility.

I might say, too, the Congressional Budget Office, I remind my colleagues, estimated that the health care reform bill that passed this body would reduce the budget deficit by $132 billion over 10 years and further reduce the budget deficit by between $650 billion to $1.3 trillion in the next 10 years.

What about Social Security? Some people talk as if Social Security is a major factor in the long-run budget deficits, but the nonpartisan Congressional Budget Office’s projections of the 75-year growth of spending on Medicare-Medicaid and Social Security tells a different story.

As a share of the economy, the growth of Medicare and Medicaid spending before enactment of health care reform would be more than seven times the growth of Social Security spending. If we are to reduce the projections of interim and long-term projections of deficit, we should use the regular order of Congress to do so, and for a good reason: that is, because the regular order is already working. The comprehensive health care bill awaiting final approval by the House and Senate is solid evidence the system is working.

Once again, the Congressional Budget Office projected—I made the point just a few moments ago—the Federal deficits would be reduced by $132 billion in the first 10 years and by $650 billion to $1.3 trillion in the second 10 years. That signifies a big reduction.

There is more work to be done to reduce deficits in the mid-term and long term, but the regular order is up to the job of performing these tasks. We should not give up on it prematurely. We should vote against creating a commission that can take away many of the responsibilities the Constitution gave the Congress.

I urge my colleagues to reject this amendment.

It has also been said on the Senate floor that one way to get revenue is to go after the so-called gap that exists between revenue that is owed the American taxpayers but not collected—the tax gap, it is sometimes called. I might say why not create a tax gap commission? It does not make sense for the Senate to create, if it doesn’t think it will be because I think most Members of Congress will not want to do that—to cut Social Security, which is not the problem—Social Security is projected to be in surplus at least to the year 2043—or to make further cuts in Medicare beyond which we have already done in regular order. What is left? Discretionary spending.

If the real effort is a tax gap, let’s have a tax gap commission, not one that is going to cut Medicare and Medicaid. I might add, these people, if there were such a commission, are not qualified. They do not understand the health care system. They don’t understand where to make cuts and not to make cuts. They don’t understand Social Security that much. The committee of jurisdiction do. They don’t understand some of the other programs where they might recommend cuts. They can just whack, whack, whack, or raise revenue. They don’t understand the Tax Code. That is not their expertise. They are just going to try to find ways to raise, raise, raise taxes.
It is something on the surface that might sort of sound good—let somebody else do it. I cannot do it, so we will let somebody else do it. I think that is an abdication of responsibility. I think it is like it sounds—too good to be true—that somebody else is going to do it. It is like the grass is greener on the other side of the fence.

Why do we run for these jobs? Each of us ought to be a U.S. Senator because we wanted to take the responsibility to do what we thought was right for our States. It is sometimes not very easy. It is sometimes quite difficult. That is why we ran. That is what goes with the territory: step up and make the right decisions and do what needs to be done in conjunction with the President.

The President of the United States is going to make a budget recommendation to the Congress in just a matter of a few days, almost a week or so away. That is the job of the President, to make a recommendation to the Congress of what he thinks our budget should be, and it is up to the Congress to decide how to deal with that.

We have used the regular order on health care to cut budget deficits by a large amount. If that is indicated, it worked. I think we should just be courageous enough as Members of Congress to do what is right, step up and do what we have to do. If we do not do the job properly, our voters will get somebody else if we are not doing a good job.

I strongly urge the defeat of the Conrad-Gregg amendment. It is just not a good thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 14 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITS ON BANKS’ PROPRIETARY TRADING ACTIVITIES

Mr. KAUFMAN. Mr. President, I rise today in support of President Obama’s proposal to limit the proprietary trading activity of banks, ideas that have been developed by Paul Volcker, the former reserve Chairman, and current chairman of President Obama’s Economic Recovery Advisory Board.

It has been well over a year now since the bursting of a massive speculative bubble, fueled by Wall Street greed and excess, brought our entire financial system to the brink of disaster.

The resulting economic crisis, the worst since the Great Depression, has had profound effects on regular, working-class Americans in the form of millions of job losses and home foreclosures, to say nothing of the hundreds of billions of taxpayer dollars used to prop up failing institutions deemed “too big to fail.”

In the coming weeks, the Senate will begin consideration of landmark financial regulatory reform legislation.

As it does, we owe it to the American people to ensure that never again will the risky behavior of some Wall Street firms pose a mortal threat to our entire financial system. The rest of us simply cannot afford to pay for the mistakes of the financial elite yet another time.

As we look to build a better, more durable, modern financial system, we must reflect on the fateful decisions and mistakes made over the past decade that led us to this point.

We can begin with Congress’s repeal of the Glass-Steagall Act. Glass-Steagall was adopted during the Great Depression primarily to build a firewall between commercial and investment banking activities.

But the passage of the Gramm-Leach Billey Act of 1999 tore down that wall, paving the way for a brave new world of financial conglomerates.

These institutions sought to bring traditional banking activities together with securities and insurance businesses, all under the roof of a single “financial supermarket.” This was the end of an era of responsible regulation. It was the beginning of an emerging laissez-faire consensus in Washington and on Wall Street that markets could do no wrong.

Not surprisingly, this zeitgeist of “market dominance” and “market making” pervaded regulatory decisions and inaction over the past decade.

It allowed derivatives markets to remain unregulated, even after the Federal Reserve had to orchestrate a multibillion dollar bailout of the hedge fund Long Term Capital Management, which had used these contracts to leverage their relatively small amount of capital into trillions of dollars of exposure.

It also provided a justification for the Federal Reserve and other banking regulators to ignore widespread instances of predatory lending and deteriorating mortgage origination standards.

It prompted regulators to rely upon credit ratings and banks’ own internal models, instead of their own audits and judgments, when determining how much capital banks needed to hold based upon the riskiness of their assets.

Perhaps most importantly, this era of lax regulation allowed a small cadre of Wall Street firms to grow completely unchecked, without any regard to their size or the risks they took.

In 2004, the Securities and Exchange Commission established a putative regulatory oversight structure of the major broker-dealers, including Goldman Sachs, Morgan Stanley, Lehman Brothers, Merrill Lynch and Bear Stearns, that ultimately allowed these firms to license themselves more than 30 times to 1.

Emboldened by the careless neglect of their regulator, these Wall Street institutions constructed an unsustainable model punctuated by increasingly risky behavior.

For example, some firms used trillions of dollars of short-term liabilities to finance illiquid inventories of securities, engage in speculative trading with customers and provide loans to hedge funds.

When their toxic assets and investments went south, these highly leveraged institutions could no longer roll over their short-term loans, leading them, and all of us, down a vicious spiral that required a massive government bailout to stop.

Despite this extremely painful experience, Wall Street has resumed business as usual. Only now, the business is even more lucrative.

The financial crisis has led to the consolidation of Wall Street.

The survivors face less competition than ever before, allowing them to charge customers higher fees on transactions, from equities to bonds to derivatives.

In addition, in the wake of the financial crisis, markets remain volatile and choppy. Firms willing and able to step into the breach have generated higher revenues.

Until this Congress acts, there is no guarantee that the short-term trading profits being reaped by Wall Street today will not become losses borne by the rest of America down the road.

As many of my colleagues know, I have come to the floor repeatedly to warn about the short-term mindset on Wall Street, embodied by the explosive growth in high frequency trading.

In just a few short years, high-frequency trading has grown from 30 percent of the daily trading volume in stocks to as high as 70 percent.

It has been reported that some high-frequency firms and quantitative-strategy hedge funds have business relationships with major banks, allowing them to use their services, credit lines, and market access to execute high-frequency trading strategies.

Under some of these arrangements, these Wall Street banks are reportedly splitting the profits.

In other cases, the major banks have built their own internal proprietary trading desks.

These divisions often use their own capital to "internalize," or trade against, customer orders now.

Such a practice poses inherent conflicts of interest: brokers are bound by an obligation to seek the best prices for their clients' orders, but, in trading against those orders, firms also have a potential profit-motive to disadvantage their clients.

Both of these arrangements are evidence of a greater problem: Wall Street has become heavily centered on leverage and trading.

Undoubtedly, short-term strategies have paid off for banks. In fact, much of the profits earned by our Nation’s largest financial institutions have been posted by their trading divisions.
But an emphasis on short-term trading is cause for concern, particularly if traders are taking leveraged positions in order to maximize their short-term earning potential.

By doing so, such high frequency traders, while thousands of traders at a second, could pose a systemic risk to the overall marketplace.

In short, Wall Street once again has become fixated on short-term trading profits and has lost sight of its highest and best purposes: to serve the interests of long-term investors and to lend and raise capital for companies, large and small, so they can innovate, grow and create jobs.

As I have spoken about on the Senate floor previously, the downward decline in initial public offerings for small companies over the past 15 years has hurt our economy and its ability to create jobs.

While calculated risk-taking is a fundamental part of finance, markets only work when they benefit not only the traders but others from their returns, but also bear the risk and the cost of failure.

What is most troubling about our situation today is that on Wall Street, it is a game of heads I win, tails you bail me out.

The size, scope, complexity and interconnectedness of many financial institutions have made them "too big to fail."

Moreover, the popularity of the "financial supermarket" model further raises the risk that insured deposits of banks can be used to finance speculative proprietary trading operations.

Unfortunately, these risks have only been heightened by recent decisions by the Federal Reserve: the first to grant bank holding company charters to Goldman Sachs and Morgan Stanley; the second to grant temporary exemptions to prudential regulations that limit loans banks can make to their securities affiliates.

There are a number of ways we can address these problems.

The major financial reform proposals being considered in Congress propose some entity for identifying systematically risky firms and subjecting them to heightened regulation and prudential standards, including leverage requirements.

In addition, these proposals also include an orderly mechanism for the prompt corrective action and dissolution of troubled financial institutions of systemic importance that is typically based upon the one already in place for banks.

Although both of these ideas are vital reforms, they are not sufficient ones.

Instead, we must go further, heeding some of the sage advice, as President Obama has today, provided by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

Chairman Volcker has said: "Commercial banking institutions should not engage in highly risky entrepreneurial activity. That's not their job because it brings into question the stability of the institution . . . It may encourage pursuit of a profit in the short run. But it is not consistent with the stability that those institutions should be about. To do about all with avoiding conflicts of interest."

I strongly support the ideas Chairman Volcker has recently put forward regarding the need to limit the proprietary trading activities of banks.

Indeed, they get at the root cause of the financial meltdown by ensuring Wall Street's recklessness never again cripples our economy.

We can reduce the moral hazard present in a model that allows banking to mix with securities activities by prohibiting banks from providing their securities affiliates with any loans or other forms of assistance.

While commercial banks should be protected by the government in the event of imprudent and emergency lending, Chairman Volcker states, "That protection, to the extent practical, should not be extended to broadly cover risky capital market activities removed from the core commercial banks.

Such a reform would completely eliminate the possibility of banks even indirectly using the insured deposits of their customers to finance the speculative trading operations of their securities affiliates.

In addition, we can bar commercial banks from owning or sponsoring "hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets."

As Vice President Biden aptly and succinctly put it: "Be a bank or be a hedge fund. But don't be a bank hedge fund."

That is why I am pleased to be a cosponsor of the bill introduced by Senators CANTWELL and MCCAIN to restate Glass-Stegall, because I thought it was a start to this very important conversation.

Separating commercial banking from merchant banking and proprietary trading operations is an important step toward addressing banks that are "too big to fail."

Additionally, we need to impose restrictions on size and leverage, particularly for banks engaged in short-term liabilities, and give regulators additional powers to break apart firms that pose serious threats to the stability of the financial system or others.

Reducing the size and scope of individual entities will limit risky banking behavior, minimize the possibility of one institution's failure causing industry-wide panic and decrease the need to again rescue large failing institutions.

Together, all of these reforms will create a financial system that is "safe amid failure."

We cannot continue to leave the taxpayers vulnerable to future bailouts simply because some large banking institutions wish to pursue short-term trading profits.

For that reason, as Congress works to pass financial regulatory reform in the coming weeks, reducing systemic risk by eliminating conflicts of interest and addressing banks deemed "too big to fail" should be some of our top priorities.

Separating core banking franchise from speculative activities, imposing tighter leverage requirements and examining the complicated relationships between high frequency traders and banks constitute critical steps toward ensuring our financial markets are strong and stable.

By adopting these commonsense proposals, we can go a long way toward stabilizing our economy, restoring confidence in our markets and protecting the American people from a future bailout.

America cannot afford another financial meltdown and the American people deserve an administration working with Congress to ensure that that does not happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURIS). The Senator from Alaska, Ms. MURkowski, for 2 minutes.

Ms. MURKOWSKI. Mr. President, over the past 5 months, I have repeatedly expressed concerns about the Environmental Protection Agency's decision to issue backdoor climate regulations under the Clean Air Act. I spoke at length about this issue on the Senate floor in September and then again in December. I have also discussed it with dozens of groups from all across the political spectrum and found there is remarkably widespread agreement with my views on this issue. As the EPA moves closer and closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must take steps to develop an appropriate and more responsible solution.

Today, after consultation with the Parliamentarian, I have come to the floor to introduce a resolution of disapproval under the Congressional Review Act that would prevent the EPA from acting on its own. Senator LINCOLN of Arkansas, Senator NELSON of Nebraska, and Senator LANDRIEU of Louisiana have joined me as cosponsors and I am calling on Congress to join me in taking action to prevent the EPA from acting on its own.

Senator LINCOLN. Mr. President, I rise to support the motion of Senator MURkowski on behalf of Senators BURIS, NELSON and LANDRIEU regarding a resolution of disapproval of EPA regulations to implement the Clean Air Act.

As Senator MURkowski explained, the EPA is once again redefining the Clean Air Act to achieve its climate change agenda.

The EPA has recently proposed to limit greenhouse gas emissions from new power plants by setting a new national standard of performance. It has also proposed a new set of regulations to limit greenhouse gas emissions from existing power plants.

As Senator MURkowski pointed out, this procedure is not consistent with the intent of Congress to give the public an opportunity to comment on agency regulations.

As Senator MURkowski pointed out, the EPA's approach is our worst option for reducing emissions blamed for climate change. As the EPA moves closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must take steps to develop an appropriate and more responsible solution.

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Senator LANDRIEU. Mr. President, I support this resolution.

Senator NELSON. Mr. President, I support this resolution.

Senator BURIS. Mr. President, I support this resolution.

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Senator BURIS. Mr. President, I support this resolution.

Senator MURkowski. Mr. President, I yield the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska, Ms. MURkowski, for 2 minutes.

Ms. MURKOWSKI. Big government is not the solution to our problem. It's not consistent at all with the vision of a limited federal government that we and so many Americans believe in.

When Congress wrote the Clean Air Act, it did so with an eye toward providing reasonable protections against pollution and encouraging the economic growth that occurs when businesses have the flexibility to manage their pollution emissions.

The EPA's approach is our worst option for reducing emissions blamed for climate change. As the EPA moves closer and closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must take steps to develop an appropriate and more responsible solution.

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Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska, Ms. MURkowski, for 2 minutes.

Ms. MURKOWSKI. Mr. President, I yield the floor.

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Ms. MURKOWSKI. Mr. President, I yield the floor.

Mr. President, I yield the floor.
pursuing. I hope those Members will come to the floor and explain why. I strongly oppose that approach. I hope my colleagues will listen to my explanation as to why I feel as strongly about this as I do.

Our bipartisan resolution deals with an incredibly important issue: that is, whether Members of this body are comfortable with actions EPA will take under its current interpretation of the Clean Air Act. I am not comfortable with any of these. Neither are the Senators who have already agreed to add their names to this effort. The Clean Air Act was written by Congress to regulate criteria pollutants, not greenhouse gases. Its implementation remains subject to oversight and guidance from elected representatives. We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA’s efforts to impose backdoor climate regulations with no input from Congress.

The decision to offer this resolution was brought about by what will happen in the wake of EPA’s decision to issue the endangerment finding. It is not merely a finding; it is actually a floodgate, the opening of a Pandora’s box of regulatory nightmares. In an environment, it is set to unleash a wave of damaging new regulations that will wash over and further submerge our struggling economy. Make no mistake, if Congress allows this to happen, there will be profound consequences for our economy. Businesses will be forced to cut jobs, if not move outside our borders or close their doors for good, perhaps. Domestic energy production will be severely restricted, increasing our dependence on foreign suppliers and threatening our national security. Housing will become less affordable and consumer goods more expensive as the impact of the EPA’s regulations are felt in towns, cities, and on farms across America.

My home State is a perfect example of why we must proceed with utmost caution. If these regulations are allowed, the consequences for Alaska will be devastating. Hundreds of facilities will be subject to much greater regulation, including large hospitals, hotels, fish processors, and mines. Energy-intensive businesses throughout the State will be forced to acquire, install, and operate new equipment and technologies. In many cases, this will prove impossible because the technologies are either too expensive or they simply do not exist.

Because the EPA’s proposed regulations are such a blunt tool, they will hit my State’s energy sector particularly hard. The continued operation of existing businesses and future endeavors alike, including Alaska’s three refineries, the Trans Alaska Pipeline System, TAPS, and the proposed Alaska natural gas pipeline, will all be jeopardized.

Take for example the Flint Hills refinery. This is located just south of Fairbanks. This refinery purchases royalty oil out of the pipeline at premium rates, which is critically important to the continued operation of TAPS itself. That 800-mile-long pipeline has been challenged by decreasing throughput as lower volumes are taking place because of the North Slope. Oil is also arriving at the Flint Hills refinery at lower temperatures than it used to, which requires more energy to heat and craft the crude oil into the marketable fuels Alaskans depend upon. The Flint Hills refinery already struggles to keep its jet fuel output at competitive rates in order to maintain Anchorage’s status as a major center for global air cargo. It also faces a relatively inelastic market in Alaska for its other fuel products. The EPA will likely be unable and unwilling to address these issues under its command and control climate regulations.

I mentioned the Alaska natural gas pipeline—something we are working very hard to allow to come about. The construction and operation of an Alaska natural gas pipeline would be significantly hobbed by the EPA. The main reason for this relates to compressor stations which maintain a pipeline’s movement of gas. There is no known best available control technology, as would be required under the Clean Air Act, to reduce carbon dioxide emissions from compressors and no good options for controls in Alaska.

I cannot overstate how important these facilities and these projects are to Alaska and to America. Our refineries help ensure the State’s status as a transportation hub as well as a strategic base for military operations. The Trans Alaska Pipeline System delivers hundreds of thousands of barrels of oil to Americans each day and most of the revenue for Alaska’s State budget. The proposed natural gas pipeline is a pillar of protection for our environment, it would allow Alaskans to move where our natural resources are located. The implications are clear. The utter. The implications are clear. The people who live in those States are already feeling the effects. Construction is being delayed. Jobs are not being created or, more importantly, being filled. Commerce is suffering. Depending on what becomes of these proposed plants, local residents may have to brace for a spike in energy prices as well.

Seen in this light, the EPA’s regulations will not only add a thick new layer of Federal bureaucracy, but they will also serve to depress economic activity, to slow it down, to make it more expensive, to render it less efficient. If you thought the recession made for good environmental policy, I expect you will love what the EPA has to offer. Obtaining Federal air permits is already an exercise in administrative agony that can take years and cost millions of dollars. That is before the existing system is overwhelmed by millions of new applicants. Perhaps the most important question of all is that the Clean Air Act is not appropriate for this task, the EPA has proposed to lift its regulatory thresholds to 25,000 tons per year for greenhouse gases. That represents a clear departure from the statute’s explicit requirements and has opened the Agency to litigation—costly, time-consuming, and endlessly frustrating litigation. Lawsuits are already being prepared against the EPA’s so-called tailoring proposal. When the final rule is issued, it will be challenged. I expect the courts will then reject it, as it has no legal basis, and then restore the regulatory thresholds to 100 tons and 250 tons per year. Before long, the Agency will find itself mired in the regulatory nightmare it has sought to avoid.

Again, it is hard not to find this both surreal and deeply disturbing. The national unemployment rate has spiked to 10-plus percent. Yet here in Washington, Federal bureaucrats are concocting regulations that will destroy jobs, while millions of Americans are doing everything they can just to find one. Moreover, given the amount of time it has taken us in the Senate to consider health care and the list of many other bills waiting to be considered, it appears there will not be enough time for Congress to debate energy and climate legislation before the EPA takes action. That means the people Congress has created this process. They will be subject to rules and regulations that affect their lives and their livelihoods without ever having had an opportunity to express their concerns through their representatives in Congress.

Perhaps the most important question that needs to be answered is, Why would the EPA want to pursue these regulations right now when we should be focused on getting our economy back on track? Environmental advocates and some Democrats, the administrator of the EPA, and even the President have repeatedly said they prefer congressional legislation. So with such
Regulating greenhouse gas emissions under the Clean Air Act will undoubtedly increase the cost of energy, increase the cost of doing business, increase the cost of consumer products, and jeopardize the jobs of U.S. manufacturers at a disadvantage against foreign competitors.

The Governor of West Virginia, Joe Manchin, commented:

At a time when our state is fighting to save jobs and stabilize the economy, we can’t afford to act carelessly. EPA has taken a risky and unprecedented step in promulgating this rule. The regulation of greenhouse gas emissions under the Clean Air Act should be left to Congress, and EPA would be wise to seek Congressional action instead of attempting to regulate greenhouse gases under the Clean Air Act.

Even the California Energy Commission, based in the State with the strictest environmental standards, felt compelled to weigh in because, as they state, “EPA’s proposed PSD tailoring threshold jeopardizes California’s renewable energy strategy.” So instead of speeding the transition to cleaner energy, California is actually worried that the EPA’s proposals will actually slow down their progress.

Dozens of State Governors and attorneys general have submitted comments opposing at EPA’s regulations. But comments from our elected officials are not the half of it. The National Taxpayers Union has issued a press release that says, in part:

At a time when taxpayers are feeling the biggest squeeze since the Great Depression, it’s unconscionable that Congress is responding with regulatory and legislative proposals that will only make matters worse.

Then, in a letter that was delivered to me just yesterday, the American Farm Bureau Federation wrote that its delegates have unanimously adopted a resolution that “strongly supports any legislative action that would suspend EPA’s authority to regulate greenhouse gases under the Clean Air Act.”

The letter goes on to assert that:

How carbon emissions should be regulated is a matter to be decided by elected officials; that debate is now ongoing on Capitol Hill. It is there that these policy questions should be answered.

Finally, the Small Business Administration’s Office of Advocacy has concluded that the EPA’s greenhouse gas rules will likely have a “significant economic impact upon a substantial number of small businesses, small communities, and small non-profit associations will be affected either immediately or in the near-term.”

As public awareness of our bipartisan disapproval resolution grows, I expect my colleagues and the State’s environmental agencies in regulatory burden.

The Governor of Mississippi, Haley Barbour, has written:

I would also like to address the criticisms and arguments that have been made by those who oppose my efforts. I would like to address four of the latest claims in hopes of putting them to rest.

First of all, I would like to reiterate that our bipartisan disapproval resolution deals with the EPA’s current interpretation of the Clean Air Act and has nothing to do with the science of global climate change. I would also like to remind my critics that I cosponsored a cap-and-trade bill in the last Congress and last year worked with the members of the Senate Energy Committee to craft a bipartisan clean energy bill. That bill, unfortunately, has been languishing on the Senate calendar for nearly 8 months now, just waiting to be called up and considered, which I think is a real shame because it would lead to significant emissions reductions and greater energy security for our country.

I would also like to address a rather creative claim that has been made that somehow I am attempting to “gut” the Clean Air Act or subvert it into a “Dirty Air Act.” I have to admit, when I first saw this, it actually made me laugh because it is so wildly inaccurate. Neither my previous amendment nor this resolution would have any effect on pollution standards and controls. Neither would change a single word of the current statute. My resolution would simply prevent the massive, unwarranted expansion of this statute by halting the EPA’s efforts to use it to regulate greenhouse gas emissions—a step for which I am opposed, and a role that it simply cannot fulfill without serious and detrimental consequences.

I have also been stated that this resolution would somehow—somehow—prevent Congress from working constructively on climate legislation this year. Not the case. My resolution will restrain the EPA’s ability to issue greenhouse gas regulations, but it will have absolutely no bearing on Congress’s ability to debate or craft a cap-and-trade bill. It is especially ironic that these comments were made by the Senator who has complete control of the Senate calendar. So if climate legislation does not come up this year, it is abundantly clear to me who will have made that decision.

The last claim I would like to address is the allegation about who helped draft my September amendment, which I remind you was never offered and is no longer on the table. Not only are those allegations categorically false, but they highlight—the unwillingness of opponents of this measure to engage in the good-faith policy debate we should be having. The question so many of the individuals and groups opposed to my efforts have failed entirely to answer is whether they honestly think—if they honestly think—that EPA climate regulations under the Clean Air Act would be good or bad for America.

I hope the debate over this resolution will stay rooted in substance. There is
plenty of substance for us to debate. There is a legitimate and a substantive debate to be had about whether the EPA should be allowed to issue these regulations before Congress has had an opportunity to fully debate the issue of climate change. In my mind, the answer is no, and it has repeatedly failed to develop a balanced measure that draws enough support to be signed into law. We can remedy that shortcoming, and I remain committed to playing a constructive role in that effort.

I believe the looming specter of EPA regulations is actually a big part of the reason we have had difficulty moving forward on climate legislation. Even though we know that some approaches for reducing emissions are greatly inferior to others, there is inexplicable resistance to removing even our worst option from consideration.

I have not heard one Member—one Member—say he or she prefers regulation over legislation. I have not heard one Member say that. Yet that option is not only still around, but it is also closer than ever to becoming reality. As long as it remains out there, it will be plan B for those who wish to address climate change at any cost. If this issue is not resolved, we may find that we have run out of options. We are being told—threatened with economic disaster. This is not a new story. It is not a new argument, and it has never, ever been done before.

Today, the United States is falling behind in the global race to lead the new energy economy. American businesses recognize this challenge and have already begun to respond and innovate. We are investing in new technologies, launching new companies, and introducing new business models that drive economic growth, create new jobs and demand work that is good for the country. At the same time, it will enhance our natural security by making America more energy independent while also cutting carbon emissions.
would have happened if a Senator came to the floor the year we found out nicotine and cigarettes are addictive and cause cancer—what would have happened if a Senator came down here and said, Oh, no, no. We want to overturn that rule that regulates how much nicotine can go in there. That is something we know better about because we are politicians and, suddenly, we become doctors.

What would have happened if a Senator came down to the floor and said: We don’t like the finding by the EPA that lead is a danger to our children and causes brain development issues and we don’t want them to act on that. We don’t want them to control that. It is OK if they suck it up when they are little babies. Thank God no Senator did that. I don’t recall any Senator coming to the floor of this Senate and saying: Asbestos? Well, maybe it is OK if people breathe it in, so let’s red all the paint. We never, ever had a Senator come down to the floor to try and overturn the health finding on this. Because we didn’t have any Senators who did that, frankly, and because we had enough respect for health officials, public health officials, scientists, doctors, we let them do their thing. That is how things ought to have happened. It is OK. Gee, how much should we spend to protect our workers from black lung disease? How much should we spend to protect our workers from asbestos? How much should we spend as a society to take the lead out of asbestos? How much should we spend to protect our workers from toxic asbestos? Well, maybe it is OK if people are exposed to it. We never, ever had a Senator come down here and say: Gee, how much should we spend to protect our workers from carbon pollution. Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family’s health would suffer if we don’t get this carbon out of the air.

My colleague says she wants to get the carbon out of the air. She is looking forward to working with all the colleagues I mentioned and more. That is what she wants to do. I have talked about this, and I hope she comes to the table. It would be wonderful if we got her help and she went on a bill. So far that hasn’t happened and that is one reason I urge her to write her own bill, and that would be wonderful too. But that doesn’t mean because we haven’t found the 60 votes that we can afford to come down here and repeal a finding that is very clear about the health of our people.

There are health effects of doing nothing. My colleague says: You know what. It may take us a while to fix this problem, maybe a year. It may take 5 years, by the way. What she wants to do is to do nothing. What she wants to do is to do nothing to protect our families from carbon pollution while we dither around here. I am happy we are working. It could take us a long time to get this. Do my colleagues know how long it took to get rid of cyanide? A long time. It took years. I am not willing to put my family and my State—my families in my State and my State in jeopardy, nor the American people. Because if we take away this endangerment finding and we decide we know better than all the health experts and all the scientific experts, EPA cannot do anything.

My colleague complains about the command and control of the EPA. I wish to talk about that—the command and control of the EPA. These are words that are meant to frighten people. I never heard her come down here and say: Gee, that is a problem. I think EPA is in making sure the public health of the planet is not overridden. This is about the public health of the planet. This is about the future of America. This is about the future of America. This is not the beginning of the end but lots of debate we can have. But, my goodness, talk about picking a battle over a scientific fact. That is what my colleague is doing.

She says she is standing with the American people. Let me tell my colleagues a few of the American people who strongly oppose what she is doing. The American Public Health Association says: "We strongly urge you to oppose any resolution that would repeal the public health findings." The Association of Public Health Laboratories, the National Association of County and City Health Officials, the National Environmental Health Association, the Public Interest Research Group, the Trust for America’s Health, the Centers for Disease Control which, under the administration of George W. Bush, started the scientific work that lead to this endangerment finding. Let’s be clear. Ninety percent of the work on this endangerment finding was done by the Bush administration. This is a radical amendment, it throws out all their work too.

Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family’s health would suffer if we don’t get this carbon out of the air.

Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family’s health would suffer if we don’t get this carbon out of the air.

One day I suppose the Senator could come down here and say: Let’s repeal the scientific finding that said these toxins cause cancer and then the EPA will not have the ability to use their command and control to protect our families. This is the type of precedent we are setting today, at a time when we know there are more and more chemicals and toxins, the fact, impacting our families. Cyanide is another one. Cyanide. The scientists told us it is extremely toxic to people. It harms the nervous system. It harms the cardiovascular system and the respiratory system. We control it through command and control and the EPA because it is a danger. The Supreme Court said, in very clear language, to the Bush EPA: You wasted 8 years. This is a danger to society. In the Supreme Court decision, the Supreme Court said to the EPA: You better make this endangerment finding.

Here is what we know about the endangerment finding my colleague wants to overturn. There is evidence—it is what the EPA found—that the number of extremely hot days is increasing. Severe heat waves are projected to intensify, which result in heat-related mortality and sickness. It goes on to talk about air quality, and this is important: Climate change is causing an increase in ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging...
from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. It goes on and talks about the elderly, people in already poor health, the disabled, people living alone, and the environment. 

Why on Earth would the Senate get into the business of repealing science, repealing the work of health experts? There is only one answer. There is only one answer, to me: That is what the special interests want to have happen now because they are desperate, because they know the Clean Air Act does, in fact, cover carbon pollution. The Supreme Court found that. They have nowhere else to turn. The only way to keep us from living up to the responsibilities of protecting the public health is to continue the moratorium and it will just stop this for a little while. Not true. It repeals the endangerment finding.

Let me tell you about some other letters we received. There are 195 undersigned endorsers—remember, you heard from my colleague that the people stand with her. We have a letter from 195 signers saying: We urge you to oppose the imminent attack on the Clean Air Act that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator MURKOWSKI to the debt bill. They thought it was coming in that form. It is now coming in a different form, which is to reverse the endangerment finding.

Let me tell you about some other letters we received. They go on to say: The EPA’s “endangerment finding” is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. They go on and they say that their organization has a 40-year track record of protecting the public health.

Mr. GREGG. Will the Senator be willing to yield for a unanimous consent request?

Mrs. BOXER. Yes, as long as I don’t lose the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to be recognized after the Senator from California.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to make sure the spokespeople for the health community in the letter printed in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to put into the RECORD a letter from 195 doctors and scientists who are alarmed at this Murkowski amendment to repeal the endangerment finding. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Early Senator: We—the 195 undersigned endorsers—urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator MURKOWSKI to the debt limit bill (H.J. Res. 45) that would prevent the Environmental Protection Agency (EPA) for acting on its finding that global warming endangers public health and welfare. Because the EPA’s finding is based on solid science, this amendment also represents a rejection of that science.

The EPA’s “endangerment finding” is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent report published by the U.S. National Academy of Sciences and 10 international scientific academies has also released such statements.

Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements. The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to pass climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, we urge you to support the scientific integrity of the EPA’s endangerment finding by opposing Senator Murkowski’s attack on the Clean Air Act.

Mrs. BOXER. These doctors and scientists are so alarmed at this Murkowski amendment to repeal an environment includes finding that they have written a letter, and here is who they are. I am going to take the time to read all of these people.

ALABAMA

David Campbell, Ph.D., Tuscaloosa, AL.

ARKANSAS

Stephen Manning, Ph.D., Beebe, AR.

CALIFORNIA

Richard Ambrose, Ph.D., Los Angeles, CA; Linda Anderson, Ph.D., Felton, CA; Stephen Asztalos, Ph.D., Oakland, CA; Lawrence Badash, Ph.D., Santa Barbara, CA; Holger Brix, Ph.D., Los Angeles, CA; Stephen Brooks, M.S., Carmel, CA; Clifford Bunton, Ph.D., Santa Barbara, CA; Paul Chestnut, Ph.D., Palo Alto, CA; David Cleveland, Ph.D., Santa Barbara, CA; Bernard Cleveyt, Ph.D., Salinas, CA; Mary Coker, M.S., Morgan Hill, CA; Alan Cunningham, Ph.D., Carmel Valley, CA; George Ellison, M.D., San Diego, CA; Shanna Davis, Ph.D., Paso Robles, CA; Jed Fuhrman, Ph.D., Topanga, CA; Daniel Glessenkamp, Ph.D., San Francisco, CA; Andrew Gunther, Ph.D., Oakland, CA; Karen Holl, Ph.D., Santa Cruz, CA; Jeff Holmquist, Ph.D., Bishop, CA; John Holtzclaw, Ph.D., San Francisco, CA; Joseph Illick, Ph.D., San Francisco, CA; Burton Killman, Torrance, CA; Richard Krandzinger, Ph.D., San Luis Obispo, CA; Arielle Levine, Ph.D., Berkeley, CA; William Lidicker, Ph.D., Berkeley, CA; Ils Lindsey, M.S., Santa Cruz, CA; Robert Meese, Ph.D., Davis, CA; Peter Meuche, M.S., Stockton, CA; Susanne Moser, Ph.D., Santa Cruz, CA; Michael Nelson, M.S., candidate, Redwood City, CA; Roger Pierno, M.S., Palo Alto, CA; Burton Primo, Ph.D., candidate, Los Angeles, CA; Paul Rosenberger, B.S., Manhattan Beach, CA;
Mr. President, I will reiterate why I am down here on the floor. Senator MURKOWSKI is announcing today that she seeks to overturn the scientific finding that carbon pollution is harmful to the health of our families. I think this is radical. I think this has never been done. If Senators had done it in the past, we could not have protected our families from tobacco, arsenic, lead, ozone, smog, or cadmium, and the list goes on. She doesn’t want EPA to be able to take any action to protect our families. This is a very radical way to go about it.

We have a letter from the attorneys general of Rhode Island, California, Connecticut, Delaware, New Mexico, Vermont, and the corridor counsel for the city of New York. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
Hon. HARRY REID, Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are writing to urge you to oppose Senator Murkowski’s anticipated amendment to the debt limit bill (H.J. Res. 45), which is expected to embody a Congressional limitation on actions by the Environmental Protection Agency (EPA) to begin to regulate carbon dioxide and other global warming pollutants. We refer to Senator Murkowski’s widely-reported attempt to introduce a floor amendment to restrict or void the EPA’s recent (December 15, 2009) endangerment finding (found at 74 Fed. Reg. 66496) or to block EPA from limiting emissions from power plants or other sources of carbon pollution. That amendment will probably be offered on January 20, or shortly thereafter, as an extra-neous amendment to the debt limit bill.

We also oppose, whether introduced by this means, at this time, or otherwise, any Congressional Review Act (CRA) resolution relating to the endangerment finding. In this letter also applies to any attempt, in the coming months, at a Congressional veto of the EPA’s above-referenced action.

The urgency for the federal government to take action to drastically reduce greenhouse gas emissions and to prevent the impacts of climate change. The anticipated Murkowski amendment, and its endangerment finding, the CRA resolution would be not only giant steps backwards, but would needlessly delay reductions in greenhouse gas emissions that we can be making today.

EPA’s endangerment finding is compelled by the Supreme Court’s decision in Massachusetts v. EPA, 549 U.S. 497, 528–29 (2007), ruling that the Clean Air Act covers global warming pollutants. The finding is the basis for President Obama’s issuance of landmark greenhouse gas emission vehicle standards—both the support of auto companies, auto workers, states, and environmentalists—that will save consumers money at the pump, cut global warming and lay the groundwork for the new clean energy economy. The amendment would re-vote the important programs the state of the most people in the country. The amendment would also undermine EPA’s important efforts to use the Clean Air Act to ensure that the nation’s largest power plants and factories use modern technology to reduce their global warming pollution, as they already must do for other pollutants.

EPA has developed and is using a carbon pollution standard that will be the cornerstone of the new clean energy economy. In sum, support EPA’s actions as a start towards holding the biggest polluters accountable, reducing America’s oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

Mrs. BOXER. Mr. President, they say:

In sum, support EPA’s actions as a start towards holding the biggest polluters accountable, reducing America’s oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE.

DEAR SENATOR: As communities and people of faith, we are called to protect and serve God’s great Creation and work for justice for all of God’s people. We believe that the United States must take all appropriate and available actions to prevent the worst impacts of climate change; we therefore urge you to oppose any efforts to undermine the authority of the Clean Air Act to regulate greenhouse gas emissions. In particular, we urge you to work for the defeat of Senator Murkowski’s (AK) proposed amendment to the upcoming debt limit bill (H.J. Res 45) that would prevent the Environmental Protection Agency (EPA) from going forward with greenhouse gas regulations under the Clean Air Act (CAA).

The CAA, with a long history of reducing pollution and protecting God’s children and God’s Creation, successfully decreasing the prevalence of acid rain, responding to health-threatening smogs and ozone problems faced in our major urban areas, and generally improving the air quality of our nation in the decades since its passage. It is only appropriate that we pursue any and all air-related challenges that we face.

In 2007, the Supreme Court ruled that greenhouse gas emissions, the leading cause of climate change, are covered under the CAA and could be regulated by the EPA. New CAA regulations limiting greenhouse gas emissions will also ensure that the largest emitters of carbon in our society—industries, use the best available technologies to reduce their greenhouse gas emissions and begin to shift to sustainable forms of energy.

The EPA, in its efforts to implement the CAA in an appropriate manner, has already proposed to tailor the CAA to exempt small carbon emitters and apply them only to large sources subject to similar standards for other pollutants. However, Senator Murkowski’s proposed amendment would prevent these regulations from going forward.

Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

There being no objection, the material was ordered to be printed in the Record, as follows:

ENVIRONMENTAL ENTREPRENEURS,


DEAR SENATOR: As members of Environmental Entrepreneurs (E2), we urge you to oppose Senator Murkowski’s amendment to the debt limit bill (H.J. Res. 45). This amendment would diminish incentives to the private sector to invest in low carbon technologies and will have serious economic growth and job creation in the clean energy sector.

E2 represents a national community of 850 business leaders who collectively manage over $20 billion in venture capital, are committed to accelerating the clean energy transition, and have started well over 800 businesses which in turn have created over 400,000 jobs.
The Clean Air Act is an example of how sensible policy can benefit both our environment and our economy. While improving air quality in our cities, reducing acid rain, and protecting the ozone layer, the law has also driven innovation in pollution control and industrial efficiency, minimizing cost to business. According to the Environmental Protection Agency, the health benefits of the Clean Air Act outweigh the costs by as much as a 48:1 ratio. In 2007 the U.S. Supreme Court ruled that global warming pollutants are covered under the Clean Air Act, and President Obama is carrying out the law by issuing clean vehicle standards and steps to ensure that large polluters use the best-available technology to reduce their global warming pollution. EPA is already working to ensure that these efforts will be successful.

The growing clean energy sector represents our greatest opportunity to restore a robust economy and create new jobs. Investors and entrepreneurs in this sector are seeking to commercialize the innovations and technologies that will secure America’s competitive position in the global economy. The Murkowski amendment sends the wrong signal to the market, while undermining investor confidence in this critical industry. Instead of blocking the administration’s efforts to curb carbon pollution, the Senate should enact strong climate and energy legislation to deploy America’s workforce, encourage innovation, and promote U.S. leadership in 21st century clean technologies. We urge you to oppose Senator Murkowski’s amendment.

Sincerely,

(272 E2 members signed this letter)

Mrs. BOXER. Mr. President, it is very clear that Senator MURKOWSKI’s amendment is causing a ripple through the country. It is causing a firestorm of protests among doctors, scientists, and business leaders who believe it is a bad precedent to overturn science. It is hard for me to believe in this century that is what we would be doing.

I wish to have printed in the RECORD some editorials from various newspapers. One is from the New York Times dated 2 days ago, “Ms. Murkowski’s Mischief.” They are basically saying, which I thought was interesting: “Senator Murkowski would prevent the Environmental Protection Agency to finalize its new and much-needed standards for cars and light trucks and prevent it from regulating greenhouse gases from stationary sources.”

Ms. Murkowski also is mulling a “resolution of disapproval” that would ask the Senate to overturn the E.P.A.’s recent “endorsement finding” that greenhouse gases and other global warming gases threaten human health and the environment. This finding flowed from a 2007 Supreme Court decision and is an essential precondition to any regulation governing greenhouse gases. Re-scinding the finding would repudiate years of work by America’s scientists and public health experts.

Ms. Murkowski says she’s concerned about global warming but worries even more about what she fears would be a bureaucratic mandate if the E.P.A. were to regulate greenhouse gases. She says she would prefer a broad legislative solution. So would President Obama. But unlike Ms. Murkowski, he would not unilaterally disarm the Environmental Protection Agency to regulate greenhouse gases public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by the science. A “Resolution of Disapproval” using expedited procedures under the Congressional Review Act or other similar amendment is expected to be introduced in the Senate to overturn EPA’s global warming endangerment finding. Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America’s scientists and public health experts is not appropriate.

We urge a “no” vote.

I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Dear Colleague:

In 2007 the U.S. Supreme Court ruled that greenhouse gas emissions from stationary sources are pollutants covered under the Clean Air Act and the Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by the science. A “Resolution of Disapproval” using expedited procedures under the Congressional Review Act or other similar amendment is expected to be introduced in the Senate to overturn EPA’s global warming endangerment finding.

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America’s scientists and public health experts is not appropriate.

The independent work of America’s scientists and public health experts is from both the Bush and Obama administrations should stand on its own. We strongly urge you to “no” when a Resolution of Disapproval or a similar amendment comes before the Senate.

Sincerely,

Barbara Boxer, Chairman; Thomas R. Carper; Frank R. Laubenberger; Benjamin L. Cardin; Bernard Sanders; Amy Klobuchar; Sheldon Whitehouse; Tom Udall; Max Baucus; Jeff Merkley; Kirsten Gillibrand; Arlen Specter.

Mrs. BOXER. Mr. President, the Washington Post said about the Murkowski amendment that hobbiling the EPA is not the right course. The correct response is to provide a better alternative. Obviously, they are not in favor of overturning an endangerment finding.

The Scranton Times-Tribune—a very important, I think, editorial, says:

There should be little debate on . . . the premise that carbon dioxide: I think that is really what we are saying. The scientists are saying let’s clean up the carbon and have healthier air.

The St. Louis Post-Dispatch has a very good editorial. They also come out against this kind of a move by Senator MURKOWSKI and big oil and big coal. They believe this vote is a very important vote.

I ask unanimous consent to have these editorials printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 19, 2010]

Ms. MURKOWSKI’S MISCHIEF

Senator Lisa Murkowski’s home state of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration’s efforts to do something about climate change.

As part of an agreement that allowed the Senate to get out of town before Christmas, Democratic leaders gave Ms. Murkowski and several other Republicans the chance to offer amendments to a must-pass bill lifting the debt ceiling. Voting on that bill begins this Thursday, though she has not shown her hand. Ms. Murkowski has been considering various proposals related to climate change—all mischief.

One would block for one year any effort by the Environmental Protection Agency to regulate greenhouse gases like carbon dioxide. This would prevent the administration from finalizing its new and much-needed standards for cars and light trucks and prevent it from regulating greenhouse gases from stationary sources.

Ms. Murkowski also is mulling a “resolution of disapproval” that would ask the Senate to overturn the E.P.A.’s recent “endorsement finding” that greenhouse gases and other global warming gases threaten human health and the environment. This finding flowed from a 2007 Supreme Court decision and is an essential precondition to any regulation governing greenhouse gases. Re-scinding the finding would repudiate years of work by America’s scientists and public health experts.

Ms. Murkowski says she’s concerned about global warming but worries even more about what she fears would be a bureaucratic mandate if the E.P.A. were to regulate greenhouse gases. She says she would prefer a broad legislative solution. So would President Obama. But unlike Ms. Murkowski, he would not unilaterally disarm the Environmental Protection Agency before Congress has passed a bill.

Judging by the latest and daffiest idea to waft from Ms. Murkowski’s office, she may not want a bill at all.

Last fall, the Senate environment committee approved a cap-and-trade scheme that seeks to limit greenhouse gas emissions by putting a price on them. The Democratic leadership’s plan is to combine the bill with other energy-related measures to broaden the base of support; by itself, it cannot pass.

Knowing that the bill is not ripe, Ms. Murkowski may bring it up for a vote anyway as an amendment to the debt bill. Why? To shoot it down. The tactic would give us a “barometric reading” of where the Senate stands on cap-and-trade, one Murkowski staffer said recently. What it really gives us is a reading on how little the senator—or for that matter, her party—has to offer.

[From the Washington Post, Jan. 20, 2010]

AVOIDING A TRAP ON CLIMATE CHANGE

Ever since his inauguration a year ago, President Obama has been traveling to Congress with a strong ultimatum: Pass climate-change legislation, or the Environmental
Murkowski gambit; Sen. Bob Casey should of Alaska, that in effect would exclude fuels, higher-mileage vehicles, reduced in-
ing stalemate.

For the most part, the debate truly is about policies—a simple carbon tax or cap-and-trade scheme aren't gaining steam. Instead, the House passed a laughable bill, and the Senate is stalled. Majority Leader Harry M. Reid (D-Nev.) indicated last week that he fears Ms. Murkowski's measure will diminish efforts to curb global warming no longer can be held up because of one political figure's attempt to weaken the law. Instead, the Senate should provide a better alternative.

That effort is likelyfraught. The best policies—a simple carbon tax or cap-and-trade scheme aren't gaining steam. Instead, the House passed a laughable bill, and the Senate is stalled. Majority Leader Harry M. Reid (D-Nev.) indicated last week that he fears Ms. Murkowski's measure will diminish chances of producing a bipartisan climate-change plan. Ms. Murkowski would do better by helping end the Senate's paralysis than by seeking to condemn the rest of govern-
ment to the same inaction.

WIN FIGHT FOR CLEANER AIR

Most of the debate about the human con-
tribution to global warming is about politics and economic convenience. The scientific consensus is that human activity does increase greenhouse gases. Increases in greenhouse gases in the atmosphere are causing global warming. Even a 0.5-degree increase in average temperature over the past few decades would cause increased melting of ice, more severe storms, and increased ocean acidity. Any increase in greenhouse gases is dangerous to human health and welfare. The EPA merely is doing what the Clean Air Act requires. It is allowing the EPA to balance their actions against estimates of the benefits of reducing pollution from the biggest polluters.

The Senate could vote as early as Wednes-

day on a proposal, by Sen. Lisa Murkowski, R-Alaska, and other friends of Big Coal and Big Oil, and face a crucial vote this week.

Sen. Murkowski wants to bail out big pol-
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The EPA merely is doing what the Clean Air Act requires. It is allowing the EPA to balance their actions against estimates of the benefits of reducing pollution from the biggest polluters. Senators play the role of Senators; they do not play the role of scientists. I will tell you, if we start doing that, there is no end to what we could do. We could overturn action on controlling the nicotine in cigarettes. We could overturn action to block the lead alloy in cars. We could overturn the science based on limits for arsenic in water. I could go on and list all the toxics—cadmium, carbon tetrachloride, naphthalene, toluene, and it goes on. That is why this is so dangerous.

I am very much up for a debate on the best way to solve this problem of too much carbon pollution in the air. We differ. Some of us have one idea, some have another. That is why I am so grateful that Senator KERRY, GRAHAM, and LIEBERMAN, with all of us working in the background, can come up with the 60 votes necessary. But make no mistake about it, we should not start down the path of overturning a health finding. That is not why we were elected.

I can just speak for my constituents. My constituents sent me here. They want me to protect the health and safety of the people, and that is what I intend to do.

I am very proud of the doctors who have come forward today. I met with one in my office just about an hour ago. They are going to stand with us, and they are going to tell the truth about this. The American people will judge who is on their side. That is up to them. They will make that decision.

Mr. President, I am so grateful for your patience. I have put many things into the Record. I have spoken much longer than I normally do, I am sure to the chagrin of a few people on the other side, which I understand how they feel. But I felt it important to lay out how serious I think this is. Not that I think at the end of the day it will become the law but because I love serving in the Senate. I love the work we do. And one of the things we should not do is overturn science and public health experts. That is exactly what the Murkowski resolution does.

Mr. President, I know Senator Gregor was speaking and we have a slot re-

served for a Democrat after that conclusion.

I yield the floor.

[From the St. Louis Post-Dispatch, Jan. 19, 2010]

THE DIRTY AIR ACT OF 2010

(By Melissa K. Hope)

Big Oil and dirty coal are spending hun-
dreds of millions of dollars to stop Congress from passing legislation and now they are trying to gut one of our na-
tion's most important environmental laws, the Clean Air Act.

Just last month the U.S. Environmental Protection Agency moved to enforce the Clean Air Act. The EPA declared that global warming pollution endangers human health and the agency plans to limit emissions from the biggest polluters. Now this plan is under attack in Congress by Sen. Lisa Murkowski, R-Alaska, and other friends of Big Coal and Big Oil, and faces a crucial vote this week.

Sen. Murkowski wants to bail out big pol-
luters by blocking President Barack Obama and the EPA from taking action to limit emissions. She is proposing an amendment to the Senate's national debt ceiling bill. Her amendment would dismantle the Clean Air Act and put the public's health and safety at risk to global warming. Her "Dirty Air Act of 2010" would block the EPA from limiting carbon dioxide emissions.

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served for a Democrat after that conclusion.

I yield the floor.

[From the Scranton Times-Tribune, Jan. 19, 2010]
Mrs. GILLIBRAND. Mr. President, I rise today to speak against the proposed amendment from the Senator from Alaska.

This resolution of disapproval goes against good public health policy and poses a serious threat to my constituents in New York—and all Americans—undermining our ability to advance efforts to clean our air and water and leave our world a better, healthier place.

This assault on the Clean Air Act would handcuff the Environmental Protection Agency, stripping it of its authority to regulate dangerous greenhouse gases. This amendment would let large scale polluters off the hook by scrapping requirements for electric generation facilities to use modern technology to reduce emissions and produce cleaner energy.

If passed, this amendment would send a message that the United States will remain reliant on outdated and inefficient energy technologies and delay investment in new, clean technologies that would spur innovation and create good-paying, American jobs, all across this great Nation.

For my constituents in New York, this amendment stands for more air pollution in our communities, more acid rain devastating natural treasures like the Adirondacks, ever-increasing asthma rates for our children, and a failure to take action when action is long overdue.

Regulatory uncertainty is undermining our national interests and giving countries like China and India, the ability to eclipse our Nation in developing the next generation of energy technologies—that we, the United States, should be leading the way on.

Supporters of this amendment are essentially saying that they do not believe the worldwide scientific consensus regarding climate change, and that they don’t believe greenhouse gases pose a threat to human health—despite decades of world-class science that predate it, and the clarion call from public health advocates across the country.

A vote for this amendment would be a vote for more pollution and increase protection of those polluters.

It would encourage a regression in the environmental progress that has been made over the last 40 years, and represent the need to cut the ribbon on the next generation of jobs and revitalize our economy with clean, renewable, American power.

We need to pass comprehensive climate and clean energy legislation that will create jobs by spurring investment and innovation, enhance our national security by moving our Nation forward on a path to energy independence, protect our air and water by reducing pollution, and decrease energy costs for American families.

The science is clear and we cannot afford to wait.

I urge my colleagues to join me in voting against this attempt to undermine action to tackle climate change and urge this body to move forward with comprehensive climate and clean energy legislation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BÁRCenas. Under the previous order, I believe the Senator from New Hampshire is to have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 382

Mr. GREGG. Mr. President, I rise to support the amendment offered by Senator CONRAD, of which I am a primary sponsor, to address what is the second biggest threat our Nation faces. Clearly, the largest threat our Nation faces is the fact that terrorists who wish to do us harm might get their hands on a weapon of mass destruction and use it against us. That is our Nation’s greatest threat. But after that, the biggest threat to this country is our fiscal situation. That is that we are on a path where our Nation will go into bankruptcy because we will not be able to pay the debts we are running up.

You do not have to believe me on that point. This is not exaggeration simply to get any attention for the purpose of political events. This is just the way the numbers work.

By the end of this year, our public debt will exceed 60 percent of GDP. That is known as a tipping point, when everybody compares how much you produce as a nation to how much you produce as a nation.

Sixty percent is considered the tipping point toward an unsustainable situation.

Within 10 years—I actually think it will occur sooner—our public debt will cross the 90-percent threshold. When you get into those ranges, you are basically in a situation like a dog chasing its tail. There is no way to catch yourself. There is no way to catch up with the money you are spending on the books. The cost of bearing that debt eats up your resources as a nation. It takes away from your productivity and your prosperity.

This is not hyperbole, as I said. This is just real, honest projections on numbers which we already know exist. The proposal from the President in the last budget, under which we are now functioning, projects $1 trillion of deficit every year for the next 10 years.

Today we are facing a debt ceiling increase which is proposed to be $1.9 trillion—that is the increase—taking the debt of our Nation up to $14 trillion. And it is not the end of these requests for debt ceiling increases because we know the debt is going to continue to jump by over $1 trillion a year every year as we move forward.

This chart reflects the severity of the situation. Historically, the Federal Government has used about 20 percent of the gross national product of what we cost the American people as a government. Just three programs—Medicare, Social Security, and Medicaid—by the year about 2030 will represent spending that exceeds 20 percent of the gross national product. Everything else in the Federal Government, if we were to maintain our usual spending level, could not be done. Our national defense, education, building roads—all those sorts of things could not be done. But what does that mean?

With those three programs, the costs go up astronomically as we go out into the future.

To pay for those costs, we have to run up the debt of the United States at a rate that we have never seen. It will double in 5 years. It will triple in 10 years. Those are hard numbers. Our debt, as I said, will pass the 60-percent threshold.

Why is that considered a tipping point? Because to get into the European Union, which is a group of industrialized states, they have a threshold which a nation cannot have a public debt that exceeds 60 percent of GDP. It cannot have deficits that exceed 3 percent of GDP. Our debt in the next 10 years will be between 4.5 percent and 5.5 percent of GDP and, as I said, the public debt will be up around 90 percent of GDP by 2019.

We know there are no on an unsustainable course. What is the effect of that? What happens when we get our debt up so high? There are only two scenarios for our Nation. One, we devalue the currency. That means inflation. That is a terrible thing to do to a nation. It is not sustainable. Two, you literally cut them by whatever the inflation rate is. It means your currency cannot buy as much as it used to. It means you cannot be as productive as a nation because you have an inflationary problem. Or, alternatively, you have to raise taxes at a rate that you essentially suffocate people’s willingness to go out and create jobs, to be productive, take risk. And you take the money that should have been used for entrepreneurship and building that local restaurant or that small business and creating jobs and you move it over to pay debt.

Where do you send it? You send it to China because they own most of our debt or you send it to Saudi Arabia because they are the second biggest owner of our debt, instead of investing in the United States to make us more productive. Either scenario—a massive increase in tax burden to pay debt or inflation—leads to a lower standard of living for our children.

So as a very practical matter, what is going to happen to our Nation, under the facts which we know already exist, is that we will, for the first time, pass on to the next generation a nation which is less because spending where there is less opportunity for our children, and where the standard of living goes down rather than up. That is not acceptable. It is not fair and it is not right for one generation to do that to another. So we have to get our fiscal house in order.

Many would argue: Well, that is your job. That is why we sent you to Congress. Do your job. Get the fiscal house
in order, limit spending. That would be the position of our side. The other side’s position would be to raise taxes. But we know that doesn’t work. We know regular order does not work. Why? Because we have seen it doesn’t work. But when you have proposals around here on these big issues of public policy, specifically entitlement programs or tax reform, you are immediately attacked. If you make them on entitlement issues and if you are not inside the beltway, the response is from the left as trying to savage senior citizens. If you make a proposal on tax reform, you are attacked from the right as trying to increase taxes on working Americans.

Usually, those attacks are filled with hyperbole and gross misrepresentations, in many instances. People send out these fundraising letters. If you ever say anything about Social Security as a Republican—as to how it should be reformed and made more solvent—in a very real sense, there is a letter that goes out from this group called Citizens to Protect Social Security—or some other “motherhood” name—that looks like a Social Security check, and it goes to all these so-called Citizens to Protect Social Security. We asked ourselves: Shouldn’t we try some other approach, think outside the box? The conclusion Senator CONRAD and I came to, in a bipartisan way—obviously, because he is the chairman of the Budget Committee and I am ranking—was let’s set up a procedure which leads to policy, which leads to a vote, and guarantee that procedure is absolutely fair, absolutely bipartisan in its execution so nobody can game the other. I can’t game Members of the Democratic side and Democratic Members can’t game the Republican side. So the American people will look at the product of this commission and say: Thi is bipartisan. I have some confidence in that.

So this commission, which is proposed in this amendment, does exactly that. It sets up a fair, bipartisan process, requiring supermajorities to produce policy and get a vote on those policies under fast track. Let me get into a couple specifics.

There are 18 members on this commission. They all have their fingers on the Republican and Democratic side. There will be 16 people from the Congress and two people from the administration—10 Democrats and 8 Republicans. The Republicans will be appointed by the Republican leadership, the Democrats by the Democratic leadership. So the membership of this commission, everybody knows, will be people who reflect the philosophical views of the leadership of the two parties. That group will meet and have public hearings, and have an advisory group that has all the different constituencies who want to be heard on that, and who will give them input, and there will be a lot of public input. Then the commission will have to come to a conclusion on the big issues that affect fiscal policy in this country.

The point is, neither side is going to come to the table on this unless everything is on the table. Let’s be honest. If I say no taxes on the table, why anybody on your side? If they say no entitlement reform on the table, why anybody on our side come to the table? If they say no entitlement reform on the table, why anybody on our side come to the table? So everything is on the table. But, of course, the interests of the different parties on the different issues are protected by the way the membership of the commission is appointed. Obviously, the Republican leader isn’t going to appoint to this commission people who are going to go off on some tangent that would be very unacceptable to Republicans, and the same is true of the Democratic leader relative to entitlement reform.

So the commission is made up of a balanced and fair approach, and when it reports, 14 of the 18 people have to vote for it—14 of the 18. So neither side can game the other because the majority of both sides have to be for what the report is. Then it comes to the Congress, and 60 percent of the Congress has to vote on it. So neither side can game. It has to be balanced and it is an up-or-down vote on the proposal. No amendments.

Why no amendments? That has been a point of controversy. People say: Well, you have to be able to amend it. No amendments. Because we all know what amendments are for on an issue such as this. They are for hiding in the corners. That is what Members do with amendments. They offer their amendment, and if it doesn’t pass, they say: Oh, I can’t vote for this; my amendment didn’t pass. It is called a hide-in-the-corner approach.

Well, that is why we don’t have amendments. It is up or down. The theory, of course, is the membership of this commission is going to be balanced, and which it will be bipartisan. I have some confidence in that theory, that reality. It will be balanced and bipartisan players who will understand these issues in a very substantive way. Two of those Members are on the floor right now, who I am sure will be members of the commission—and I am not one of them.

As a very practical matter, the result will be something that is politically doable. Will it be a magic wand that corrects the whole issue of the outyear insolvency of our country? No, absolutely not. But it will be a significant statement by the Congress of the United States that we recognize the seriousness of the situation we are in as a nation—that we recognize it is not fair for one generation to do this to another generation; that we recognize we will be unable to sell our debt as a nation—or sell it at a reasonable price in the fairly near future unless we take action. That is what we are proposing. That is on those points, and it will be a positive message. The markets will react by saying: They are trying. The American people will react by saying: Thank God, there is finally a bipartisan effort to try to do something around here on this issue. Sure, it will not be the magic wand or the magic bullet that solves everything, but it will be a significant step, I suspect. I have confidence the people who will serve on this commission will be committed to doing something around here on this issue.

I realize this is a process that af- fronts many because it is outside the regular order. But the simple fact is, if we stand on regular order around here, we are going to go through a trapdoor procedure because we are not going to stand up to the issues that are critical to putting us back on the road to solvency. So this is a proposal that is serious, it is bipartisan, and it has a fair amount of support—34 cosponsors. It is 14–20. It is a proposal that has 34 cosponsors around here on anything, and they are bipartisan. It is about half and half. Well, I think it is 14–20.
So I would hope my colleagues would vote for this. I understand my colleagues are hearing, on our side of the aisle, from a number of very credible people who oppose this because they are concerned or worried about the tax side. I understand the other side of the aisle is hearing from a considerable number of constituency groups of theirs who oppose it because they are concerned about the impact on entitlements. Maybe that means we have it right, that we have all these interest groups who are weighing in, that I think means we have it right, and I believe this is pretty much coming to be our last clear chance of getting something done; that the course we are on now is coming to the point of being irreversible, unless we do something such as this.

I don’t believe it is correct, as I said, for one generation of political leaders to pass on to the next generation a country that will be in total fiscal disarray. We have a responsibility to act, and this is a way to act. I appreciate the courtesy of the Members on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would say we are expecting the Senator from Connecticut, Mr. DODD, to arrive shortly, and when he does, I will yield to him.

I wish to also respond, briefly, to the Senator from New Hampshire wishes to turn over to somebody else—over to a commission. We disagree on that point. I don’t think we should turn the power that Senate senators have over to some other body to do something called an entitlements commission.

The Senator from New Hampshire proposes to create such a procedure to protect Senators, frankly, from being attacked for the decisions they make. That is what this is all about, in some respects, to turn this decisionmaking over to somebody else so Senators can say: They did it. They made me do it. He and the Senator from North Dakota proposed a commission, for example, with a fast-track process that would absolve Senators from responsibility for any amendments. Senators could then throw up their hands and say: The commission made me do it.

It sounds as if all of us parents heard something similar from our kids: Daddy, Mommy, something made me do it. I will never forget that many years ago, my son said: Daddy, it just seemed so good. Somebody else suggested the idea and that made me do it. I couldn’t say no.

But on matters as important as Social Security for seniors, on matters as important as the tax rates the government will impose on American families—on those important matters, I think we need an open process where Senators and House Members participate and offer suggestions. On matters that important, I do not think we need a procedural shortcut.

Sometimes the most important things are difficult to do. I think most Members of Congress and the Senate who ran for these jobs expected there would be some tough choices, there would be some tough times. I don’t think they want procedural shortcuts because with procedural shortcuts, often there are unintended consequences. With procedural shortcuts, things that are not thought through in advance, rather, we should have full and open debate. There are fewer surprises with full and open debate when Senators can amend and improve the product, and that is why I believe the Conrad-Gregg commission is a bad idea.

There are alternatives to that proposal. One is that we do it ourselves, which is what we should do it the right way. But there is also another alternative, an alternative which the President and Vice President—especially the Vice President is working on that sets up an executive commission, not a statutory commission as outlined by the Senator from New Hampshire and North Dakota but, rather, one on which the Vice President has convened a series of discussions, and in that proposal the Vice President has proposed an Executive order where the President would create a commission to consider our fiscal situation. It would also have similar composition, similar powers. It is similar to the statutory commission offered by Senators CONRAD and GREGG but there would be some tough choices, and that difference is in the process. The Vice President’s proposal, which I think the President will announce fairly shortly, would preserve the rules of the Senate. The Gregg-Conrad amendment would allow for the House to preserve the rules of the Senate that I think makes all the difference.

Under the proposal that I think will be offered by the President, that is, the executive commission, again, I think it is important for our huge bureaucracy and urge my colleagues to join in support for the Vice President’s efforts and oppose the Conrad-Gregg amendment.

I understand the Senator from Connecticut is not here. Maybe the Senator wants to proceed? Oh, he is here. Does the Senator from South Dakota wish to proceed?

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, today the Senate will have an opportunity to indicate to the American people whether they are listening to the American people because we are going to have an opportunity to vote on a debt limit bill later, but earlier, before that, on a series of amendments. The first amendment is an amendment I am offering along with Senator VITTER from Louisiana and Senator BENNETT from Utah. They have worked extensively on this. They have already been down here and they spoke on this this morning, as have a number of my colleagues.

What is important about this amendment is it will give an indication to the
American people about whether their voices are being heard here in Washington as expressed by the voters of Massachusetts. I think what they were saying in that vote a couple of days ago was: We are frustrated. We are concerned about what Washington is spending and taxing and borrowing. We want the brakes put on that.

I have an amendment that I offer to the debt limit today that will end TARP. It is a very straightforward way in which we can signal to the American people that we are serious about fiscal responsibility.

Just by way of context, if you look at what is being proposed here with this debt limit increase, it is to add $1.9 trillion to the debt limit of our country—$1.9 trillion. Remember, we already raised the debt limit before we left for the Christmas holiday by $290 billion, so if you add that to the $1.9 trillion, you are talking about well over $2 trillion that we will have added to the debt limit in the last 30 days. Bear in mind that the entire Federal budget a decade ago did not exceed that amount of money. We are going to add more to the debt limit in this vote, coupled with the vote we made about 30 days ago, than was spent in the entire Federal budget a decade ago. That is remarkable. It speaks to the whole issue of the amount of spending and the growth of the government here in Washington, DC. Washington is spending and taxing and borrowing and growing. The argument was made by the Senator from Alabama was: We are frustrated. We are concerned—and with good reason.

If you look at what has happened in the last several years, starting in 2008 and up through 2010, this year—if you take the end of 2008, the amount of money spent in the appropriations bills here in Washington, and then go to the 2009 appropriations bills and the 2010 appropriations bills, over that time period the entire government grew by 16.8 percent over a 2-year period. That is an average of 8.4 percent, over a 2-year period. The entire government grew by 16.8 percent, over a 2-year period. That is remarkable. It speaks to the whole issue of the amount of spending and the growth of the government here in Washington, DC. Washington is spending and taxing and borrowing and growing.

One of the reasons we are here today asking for a $1.9 trillion increase in the debt limit and the reason we have a debt that next year will exceed 60 percent of our gross domestic product—which, by the way, would keep us under 50 percent of GDP if we got under 50 percent of GDP— is because we continue to spend and spend and borrow and borrow and frankly use a lot of accounting gimmicks here in Washington, DC, to disguise and shield the amount of borrowing and spending that is going on here.

A good example of that was the health care bill which we have been debating now for the last several months. It passed the House of Representatives, it passed the Senate, and it is now on the conference discussions. Negotiations are going on between the leaders in the House and Senate. I am not sure—we have not been privy to those discussions. Negotiations are going on in Washington, DC, to disguise and shield the amount of borrowing and spending that is going on here.

I think it is important to know that there were a lot of things in that bill designed to understate its true cost. They said it would only cost $1 trillion over the first 10 years, but if you look at the fully implemented cost, because it used various accounting gimmicks to understate the true cost of it, if you look at the fully implemented cost over 10 years, it was in fact $2.5 trillion. I think those numbers are starting to sink in with the American people.

One of the things that was done in the health care bill—and I think this is an example of the things that happen, processes, procedures that happen here in Washington, DC, that defy logic and are very difficult to explain to the American people—one example of that is the way the Medicare issue was debated and handled with regard to the health care debate. About $5/2 trillion in Medicare cuts was proposed, along with a Medicare tax increase of 9 percent, all used to finance this new health care entitlement program, to pay for the new $2.5 trillion in spending. They said it would only cost $2.5 trillion in spending. They said it would only cost $2.5 trillion in spending. The truth, quite frankly, is that the cuts to Medicare and the revenue increases were somehow going to expand the lifespan of Medicare.

What I thought was interesting about that was the Senator from Alabama asked a question of the Congressional Budget Office toward the end of that debate about that. How can you count this as paying for the new health care program, the new health care program, and still say you are extending the lifespan of Medicare because obviously you can’t use the money twice. In response to that question, the Congressional Budget Office said—and I think it was Mr. Baucus—and said that the key point is that the savings to the HI trust fund, the Medicare trust fund, under the health care bill would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and at the same time pay for current spending on other parts of the legislation or on other programs.

They went on to say: The unified budget accounting showed that the entirety of the health care bill's savings (the trust fund savings) would be used to pay for other spending under the health care bill and would not enhance the ability of the government to redeem the bonds credited to the trust fund, the Medicare trust fund, to pay for future Medicare benefits. To describe the full amount of HI trust fund savings as both in the government's fiscal position to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the movement in the government's fiscal position.

That is just an example of one of the unique accounting mechanisms used by the Federal Government in Washington, DC.

Mr. BAUCUS. Will the Senator yield for a question at that point?

Mr. THUNE. I would say to the chairman, I will yield in a moment after I make some remarks, but I want to speak to the TARP amendment before I do that. I will be happy to yield at that time.

I want to say that I know what the chairman is going to say. He is going to say the CBO came back and said it would extend the lifespan of Medicare, and they did, and it would under the mechanisms used in the unified budget when it comes to trust fund accounting.

Mr. BAUCUS. Would the Senator yield on that point since he is raising the subject?

Mr. THUNE. As long as we are not on any time limitation, all right, I will.

Mr. BAUCUS. Didn’t that same CBO letter also say the health care bill that passed the Senate would reduce the budget deficit? The Senator is throwing out these huge figures—it is going to cost $2 trillion and so on and so forth. I don’t know where the Senator got that figure because the Congressional Budget Office, in that same letter or a similar letter—either that letter, in an earlier letter, or in a subsequence letter—said the Savings to the HI trust fund, under the health care bill passed in the Senate cuts the budget deficit by $132 billion the first 10 years and cuts the budget deficit by between
$650 billion and $1.3 trillion in the next 10 years. That is what the letter says. The Actuary said the bill extends the life of the Medicare trust fund I think 5 or 6 more years—maybe more than that.

Isn’t it true that CBO letter said that the Senate bill reduces the budget deficit by $132 billion in the first 10 years and reduces it in the second 10 years by between $650 billion and $1.3 trillion? Isn’t that true?

Mr. THUNE. The CBO number, as the Senator from Montana knows, has been a moving target because at the end of that debate, they adjusted by about $3/4 trillion the amount they considered the deficit would be reduced. But I point out to the Senator from Montana that, yes, the CBO came out and said that because they are using the trust fund accounting conventions we use here in Washington DC, and that is my whole point. I am not disputing what the CBO has said because legally they are correct. It is just the way that the way we do it under a unified budget accounting in the trust funds.

But as a practical matter, as an economic matter, what the CBO is saying in the statement they issued is, you cannot spend the same money twice. You cannot double-count the money. It is spending the same money twice. You cannot use the same revenue twice.

Mr. BAUCUS. Will the Senator yield?

Mr. THUNE. This double-counting, frankly, is a bogus issue. It kind of sounds good on its face, but it is meant to confuse people.

But even subsequent to that statement about the double-counting, even subsequent to that, is it not true that CBO came out with a subsequent letter that said still the budget deficit is reduced by $132 billion in the first 10 years and $650 billion to $1.3 trillion in the next 10 years?

Mr. THUNE. The CBO came out and said that the budget deficit would be reduced by $132 billion over the first 10 years. But the point I made earlier is that included, of course, a lot of gimmicks that were used, including taxes began immediately, spending that does not occur until 4 years later, counting revenue from—for example, not taking care of the physician fee increase, which we know is a $250 billion to $350 billion at some point, the government is going to have to deal with, as well as creating a new entitlement program called the CLASS Act, under which the CBO assumed about $72 billion of savings in the first 10 years, which they also said would generate billions of dollars in the future. So the Senator from Montana may be correct legally under the conventions that are used in trust funds under a unified budget, but as a practical matter, and this is what I think the American people understand and what an economic matter I understand, you cannot use the same revenue twice. And if you have revenues coming in from Medicare cuts and Medicare pay-roll tax increases, and you are saying we are going to use those to finance this expansion, this new health care entitlement, and at the same time we are going to use those to preserve and extend the lifespan of Medicare, most people would not do that. What the CBO said in this statement is, it is double-counting. It is spending the same revenue twice. That is the practical implication of this, notwithstanding the gimmicks and the way Washington, DC, thinks about accounting for revenues in a unified budget that go into trust funds because essentially what is happening is, you are issuing an IOU to the Medicare trust fund and also taking those revenues and saying we are going to spend them to finance the new health care entitlement. You cannot spend the same money twice.

People in South Dakota know that. If you have revenues coming in that would normally finance the new health care entitlement but because we are concerned this fund is going to be used for all types of purposes for which it was not intended.

Most recently, the House of Representatives passed the stimulus 2 bill, the second stimulus bill, which is going to take an offset of $9 billion and put it here. What we are simply saying is, this is $320 billion that we can save the taxpayers of this country, that we can keep from piling on debt to future generations, and keep from adding to the total amount of borrowing we are doing.

So let’s stop. Let’s end this program today and not allow this $320 billion to be spent and further stipulate that anything here in the blue, the $545 billion that is currently spent or committed, if paid back, would go to reduce the Federal debt rather than be recycled and repented and reused again. It is a very straightforward, very simple amendment, but I think it is important in the message that it sends to the American people about whether we are serious about what this TARP was created for in the first place, its specific statutory purpose, and whether we are going to deviate from that and use it for all other types of spending and ideas that people in Washington, DC, might come up with.

So I hope my colleagues today will support this amendment. I happen to believe the TARP has a very important purpose. The Treasury had an opportunity to extend it at the end of last year, the end of December of last year. They chose not to let it expire. They chose to extend it. So now this program runs until October of this year. My fear is that amount of money, this $320 billion, is going to be spent, but it is not going to get spent for the purpose it was intended to be spent for under the TARP authority but, rather, for all kinds of other things that people, politicians in Washington, might come up with.

Also, this blue amount here, those funds that are already committed, are
spent, when they are paid back, and we hope they will be, although there are some questions now about whether we are going to see a lot of that money being paid back, but assuming it is, that money not be recycled or respent but that it will be used to retire the Federal debt. That would reduce the total amount by which we would have to raise the debt limit.

We are serious about getting this debt under control. We are serious about getting spending under control. This straightforward way to do that. So we are going to have this vote, hopefully, later today, sometime this afternoon. We can save the American taxpayers $320 billion by not spending this amount of money here. We can, hopefully, as these are paid back, save a whole lot more for the American taxpayers.

I would urge my colleagues in the Senate to support this amendment and to restore some sense of fiscal discipline to the way we do business in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Presiding Officer. I have two subject matters I wish to address. One is the amendment of my friend and colleague from South Dakota, Senator Thune, that he has just addressed in his remarks, and a second set of remarks regarding Haiti that I also want to address.

I chair the subcommittee of the Foreign Relations Committee dealing with the Western Hemisphere and, obviously, includes the nation of Haiti, as well as served as a Peace Corps volunteer some 40 years ago on the island of Hispaniola on the border between Haiti and the Dominican Republic. So aside from the interest we all have in what has happened to the thousands of Haitians as a result of this catastrophic earthquake that has occurred, I have many friends in that country, some of whom I have not heard from in the last week or so, who are lost at this point. I want to address some thoughts on that subject matter as well.

But I want to, first of all, if I can, address the subject matter of the Thune amendment which will be voted on. I gather, at some point either today or tomorrow, whenever that is going to be dealt with.

Let me begin by, first of all, thanking my colleague from South Dakota. I applaud him for saying that while it was a controversial debate a year ago last fall on whether to have an emergency economic stabilization program, I remember the night that we all gathered here and sat at our desks in this Chamber and voted 75 to 24 on whether to commit as much as potentially $700 billion in order to stabilize our financial institutions and move forward.

It was a courageous vote that a number of our colleagues took that day, many of whom were up for reelection within a matter of days after that vote, and yet cast ballots in favor of it despite the tremendous outpouring of anger over the fact that we were in those economic circumstances to begin with, and that, secondly, we might be committing as much of American taxpayer money to stabilize our financial institutions.

I happen to believe, and I think history is proving to be so, that we made the right choice that evening; that even though it was a painful vote, had we not taken those steps to stabilize our financial institutions, I firmly believe we would be looking at a far more catastrophic set of economic problems both here and around the globe had we not acted.

So while those resources have gone to large financial institutions and to major organizations because that is what was needed to be done, there is an understandable degree of anger and frustration being expressed by our fellow citizens as a result of this catastrophic earthquake that has happened to the thousands of Haitians as a result of this catastrophic earthquake.

The United States to foreclosure. So people a day were losing their homes in the United States to foreclosure. So the American people have suffered terribly as a result of this economic crisis.

But we needed to take those steps. As a result, today, while the news is still far from good, in most corners of this country we are stabilizing an economic crisis. We avoided a depression which we were on the brink of falling into had we not taken those steps. So I want to commend my colleague from South Dakota for recognizing the value of that decision.

Now he points out with a chart—it is not up here any longer—the fact that the administration has suggested, and I believe most of us do, is that we need to get assistance and support to these smaller businesses and to these community banks in order that they can survive and get on their feet, and credit will flow where it is not flowing today.

The administration has sent a letter committing to limit the use of these billions, to mitigate foreclosures, which is still serious; support for small banks so they can lend to their communities; facilitate small business lending; and address the deepening crisis in the commercial mortgage banks. That is the focus of the four obligations we are talking about. It is not unlimited. It is not all for ideas that may be floating around here that have little or no merit. It is specifically the areas in which we all know we need to provide help.

We can do this one of two ways. We can do it by appropriating additional money, which goes right to the heart of the argument of my colleague and friend from South Dakota. We cannot do that. But we need to do that. And the numbers are growing larger by the hour, and to appropriate additional money at a time like this would be very difficult if not unwise in many cases. Or we can take resources we have already appropriated that are not being spent, that could be used exactly for the purposes that are needed for our economy to get moving again. In a sense it is a catch-22. Our economy is only going to improve if small business starts hiring again, and community banks start lending credit again, and we minimize the foreclosure problem.

How do you do it? It doesn't happen magically. It happens because we make intelligent decisions. A year and a half ago, when we voted for the economic stabilization bill, the problem in front of us was the stabilization of financial institutions. So the resources were going to be limited for that purpose. We thought we might need $700 billion. The good news is, we haven't needed all that amount of the money is coming back in. There remains this pool of $320 billion in that fund. Wouldn't it make sense if, in fact,
The losses extend well beyond Haitians. The United States also lost a dedicated public servant named Victoria DeLong, who was serving as cultural affairs officer in Port-au-Prince. Several more Americans have been killed and many more remain unaccounted for a week later. The United Nations, no stranger to dangerous and difficult missions, has suffered its single greatest loss of life in the history of the United Nations. Over 100 United Nations staff members and peacekeepers remain unaccounted for. The special representative for Haiti, Hedi Annibi, also lost his life.

On behalf of my colleagues in the Senate, I extend our heartfelt condolences to the families of those who lost their lives in Haiti. They should know they are in our thoughts and prayers every single minute of every day.

This earthquake has been called a disaster of epic proportions. When such a disaster strikes one of our neighbors, a country so close to many of us, our Nation responds, as have others. I applaud President Barack Obama, Secretary Clinton, and Administrator Shah for their immediate, robust, and coordinated efforts, which has truly been a whole-of-government response, utilizing resources, skills, expertise of our Department of Defense, Department of State, USAID, and the Defense Department. Secretary Gates deserves great commendation. Our forces in uniform that poured into the area on a moment’s notice to help out, as they always do, deserve particular recognition in this effort. We have deployed thousands of troops to Haiti who are supporting operations at the Port-au-Prince airport, working to provide logistical support, open the port. The United States has sent an aircraft carrier with numerous helicopters to deepen our ability to get to otherwise hard-to-reach places in and around Port-au-Prince, a hospital ship to provide lifesaving medical care, and urban search and rescue teams and doctors to help rescue those trapped and treat those who are injured.

In addition to manpower, the United States has pledged money and supplies, including water, ready-to-eat meals, and medicine to help those in need. This response has demonstrated the solidarity and spirit of the American people, especially when it comes to helping others who are in desperate need, as clearly Haiti is. The American people have also responded, as we always do. It is a source of great pride to all of us to watch our fellow citizens, people whose names we will never know, the donations which they have given may not sound like much; but for people who have lost a job, lost a home, as I talked about a moment ago, during this economic crisis, to reach deep into their pockets and send that $1 or $5 or $10 to help out some family they will never know, some child they will never meet in a place
they may never go to, may never have known about before is, once again, a demonstration of the spirit and heart of our fellow citizens in the United States. Aid agencies and NGOs have reported an outpouring of support as our fellow citizens have donated money, clothing, and supplies to hundreds of organizations that operate in Haiti today. These donations are absolutely critical at this time. At a time when we can’t seem to decide on a bipartisan basis what day of the week it is, to watch President Bill Clinton and President George W. Bush, two people who have been political opposites, have very different points of view, sitting down together as two former leaders of our Nation to head the effort to provide relief to Haiti is a demonstration of what we ought to be doing together here on occasions that affect our own citizenry. If two former combatants in the Presidential field sit down and become a team to face a crisis, this is a country in need. It ought to be a lesson about what we need to be doing when it comes to our own crises here at home.

I commend President Clinton and President George W. Bush for their tremendous agreement. I commend President Bush’s father, who joined with President Clinton back when the tsunami crisis hit Southeast Asia. The Bush family has always responded at times such as this. Both father and son deserve our thanks and commendation for what they have done. Of course, Bill Clinton has dedicated his post-Presidency period to a global initiative to help out every single day in places that are not the subject of news stories, as Haiti is. He, of course, deserves our expression of gratitude as well.

The international community has responded. Over 27 international search-and-rescue teams, with some 1,500 rescuers from around the world, are already on the ground in Port-au-Prince and neighboring communities, searching through the rubble to find those who may have survived. I know all of us sit in absolute stunned admiration for those who have survived 6 and 7 days, living in the midst of rubble, to be discovered alive and be extracted by rescue workers. Our only hope in these waning hours, is that we will find additional people who have somehow miraculously have survived this disaster. Utter unbelievable stories of survivors, doctors, supplies have arrived from China, Israel, Iceland, Brazil, France, more countries than I can enumerate. The European Union has pledged over $2 billion in assistance already, and I suspect more will be forthcoming. Despite its own tragic losses, the United Nations has come to the rescue of the Haitian people. The United Nations Stabilization Mission in Haiti has responded heroically to this disaster, organizing supply convoys, setting up supply points, and providing security. On Saturday, the World Food Program fed 40,000 people. Within the next week or two, that number will increase to 2 million. Private organizations are also doing heroic and valued work, including the Red Cross, Doctors Without Borders, Save the Children, Partners in Health.

Let me say, particularly on Partners in Health, my great friend, Paul Farmer, who spent years in Haiti as he has in other nations working with HIV/AIDS and other issues, is there, as you might expect, in Haiti. I have spoken to him several times, and I think you might imagine. He needs orthopedic surgeons, trauma specialists, skilled nurses, supplies. My hope is, in these coming days, coming weeks, we will be able to get those resources to him.

On the ground, the Obama administration and the international community are working as quickly as possible to distribute aid to those in need and to help clear the jam of supplies arriving in Port-au-Prince and Cape Haitian. Haiti is one of the poorest nations on the face of this Earth. It is critical that aid gets distributed beyond the immediate confines of the country. Those who survived the quake are now trying to survive, once again, without food and water and medical care and shelter.

At the same time, we must work as quickly as possible to ensure that violence does not break out as people become desperate to survive, as one might expect under these circumstances. The people of Haiti are our neighbors, and it is our duty to help them weather this storm, as others are doing as well. I strongly agree with Secretary Clinton who, during her trip to Haiti this past Saturday, affirmed to the Haitian people that “we will be here today, tomorrow, and for the time ahead” as well.

I wish to take a few minutes to describe what I believe needs to happen. The Honorable Secretary Clinton referred to. These are not all the suggestions. I know many others are coming in, and we need to think about how we can intelligently respond to this. We can’t do it all alone. We need help from the international community, obviously. But there are some steps we can take that I think would make some difference in all this. In order to do that, we must understand where Haiti was the day before the earthquake occurred. Despite its location only a few hundred miles from the wealthiest nation in the history of mankind, Haiti is one of the poorest nations on the face of this Earth. It ranks as the poorest country in the Western Hemisphere, with 80 percent of the population living under the poverty lines of this hemisphere.

While recent years showed some positive trends in economic growth, the 2008 hurricanes devastated that country, causing widespread destruction and severely damaging the agriculture sector, upon which two-thirds of all Haitians depend. Remittances to Haiti represented more than twice the earnings from exports and accounted for one-quarter of the gross domestic product of that nation. Haiti has also one of the lowest life expectancy in the world. The average Haitian income is less than $1 a day. In terms of income, less than 1 percent of Haitians live in poverty.

Clearly, Haiti had a lot of ground to cover before this earthquake struck, and rebuilding Haiti is not going to be easy for anyone. Many have debated why Haiti remains so poor and what can be done to allow us to improve public health outcomes, and help that nation develop a sustainable and equitable way forward. This debate is all the more important and necessary as we move forward.

As the chairman of the Subcommittee on the Western Hemisphere and as an American who knows and cares about Haiti, having worked with the people of Haiti and its leaders for many years, I am continuously puzzled and dismayed by the lack of progress in finding the best solutions to these vexing problems and to working in close coordination with the administration, the United Nations, and our neighbors in the region, including Brazil, Mexico, and others who are already there helping to rebuild Haiti.

I might mention, there are 400 physicians from the island of Cuba who are operating in Haiti today, down there trying to make a difference. Whatever thoughts people have about the Government of Cuba, the fact is, there are doctors there now from that nation that is only a few miles from the northern parts of Haiti who are now trying to save lives.

As we begin to transition from a rescue mission to a medium- and long-term recovery mission, we must think creatively and allocate resources to the most effective and efficient methods for sustainable reconstruction and development. We must find ways to make Haitian agriculture better equipped to feed the people of Haiti, and we must work to forgive Haitian debt.

In April of this past year, Haiti was added to the IMF and the World Bank’s list of what is called the Heavily Indebted Poor Country Initiative making them eligible for special assistance with debt relief. This is an auspicious start, and one we must build upon.

Public insecurity has long been a systemic problem, hampering economic growth. Therefore, it is critical we work with the Haitian authorities in that nation and others to build and reinforce the institutions to bolster the rule of law in Haiti that will be necessary to lift Haitians out of poverty, rebuild the country and attract and maintain foreign direct investment to jump-start that nation’s economy.

Let us make this work. We must not get bogged down by old formulas and hardened ways of doing business as usual. We must think outside the box, as the expression goes, marshal the necessary resources and creativity of our friends in the region, and the Haitian people must devise and be a part of a medium- and long-term strategy for this effort.
Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—53

Alexander    Ensign    Murkowski
Barrasso    Enzi    Nelson (NE)
Bayh    Feingold    Nelson (FL)
Baucus    Feinstein    Pryor
Benetton    Graham    Risch
Bennet    Grassley    Roberts
Bennet    Gregg    Sessions
Brownback    Hatch    Shelby
Burns    Hutchison    Snowe
Burris    Inhofe    Tester
Chambliss    Isakson    Thune
Chapman    Kyi    Udall (CO)
Collins    LeMieux    Vitter
Corker    Lincoln    Voinovich
Cochrane    Lugar    Webb
Crapo    McCain    Wicker
DeMint    McConnell    Wyden

NAYS—45

Akaka    Gobind    Menendez
Baucus    Harkin    Merkley
Bingaman    Inhofe    Mikulski
Boxer    Johnson    Murray
Brown    Kaufman    Reed
Burr    Kerry    Reid
Canwell    Kirk    Rockefeller
Cardin    Kohl    Sanders
Capito    Kyl    Schakowsky
Casey    Landrieu    Shaheen
Conrad    Lautenberg    Specter
Dodd    Leahy    Stabenow
Dorgan    Levin    Udall (NM)
Durbin    Lieberman    Warner
Franken    McCain    Whitehouse

NOT VOTING—2

Byrd    Hagan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montan.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 331

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to a vote in relation to the Thune amendment No. 3301 and that the provisions of the order of December 22 regarding the vote threshold remain in effect and no intervening amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

I think all of us realize that there is no way we are going to deal with the long-term issues relating to Social Security and Medicare without doing something that causes us to have to take a vote.

A lot of people criticize the Gregg-Conrad amendment, saying that there is a possibility that one of the recommendations that may come forth from this commission could be that we actually make a report and call us to vote after November of this year that there may be a tax increase that is recommended in this legislation. The Gregg-Conrad amendment would get Republicans and Democrats to agree on a way to deal with long-term issues. It does not commit people to vote for those recommendations. As a matter of fact, there is nothing in this amendment that speaks to tax increases.

I know on the other side of this issue we have some moves of liberal groups, if you will, that are saying: We do not want you to deal with entitlements because the only way to make entitlements whole may mean making some reforms, and we do not want any changes.

We have people on both ends of the spectrum who are saying do not support Gregg-Conrad when everybody in this body knows we cannot continue as we are today. We all know that.

The Finance Committee, which I respect greatly, just in this last health care bill—and I am not trying to touch a subject that may be hard for all of us after the last couple of weeks, but the fact is, the Finance Committee proposed taking $464 billion in savings from Medicare to use to create a new entitlement. What that means is the Finance Committee has no notion whatsoever of doing things that make Medicare more solvent over the long haul. If we are going to be taking savings such as that, we ought to make Medicare more solvent. By the way, we can debate those kinds of issues, but the fact is, the Finance Committee has had decades to deal with the long-term entitlement issues. I respect their work.

The fact is, during regular order, it is very difficult for this body to make the tough decisions that call us to make sure we are not pushing huge amounts of debt onto future generations.

I cannot imagine anybody in this body would oppose setting up a bipartisan group—they do not have to vote for the recommendations—that will spend a year looking at these issues in an intelligent fashion, hopefully, and then come back and report. And you can vote yes or not. You may or may not like it.

I see the Senator from Missouri. Let me say one more thing. The way I understand it the majority leader would appoint the Democrats and the minority leader is going to appoint the Republicans. That alone ought to give people some sense that they are not going to appoint people who are out in
left field, if you will, or out in right field as it relates to fiscal issues. They are going to appoint people who want to look at this generally along the lines of the philosophy of each of the two parties.

I cannot understand how any of us cannot support putting in place a mechanism to deal with the long-term liabilities of this country. Mr. President, I know you join me in those concerns. You have to. The Senator from Missouri has to join me in those concerns.

I hope we will set aside politics and the groups that are calling in and laboratory against this issue because we might have to make a tough decision—which, by the way, would benefit future generations—by keeping us from doing something that would make sense. Again, if the things they recommend are not good, vote against them. But let’s put some process in place to deal appropriately, to make sure seniors down the road are going to have Social Security, and that those young people we talk about so much and care so much about are not burdened with huge amounts of debt. We do not have the leverage in this body to make the decisions we need to make to put this country on a solid footing. We all know that. We see it every day. We do not want to make those tough decisions. This gives us a mechanism to at least consider making sure we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

I implore my friend from Tennessee to restore this as one of the priorities of the Republican caucus, to prevail upon his leader to not—I hope this is not the case, but the rumors are floating around are that our leaders are not going to do the things we have to do to fix it. Everybody here knows we are not going to fix this problem in the regular order. Everybody knows it. It is not going to happen. So we are going to talk deficits, we are going to continue to talk deficits, but we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. I will.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DORGAN. Mr. President, I had no intention of speaking today, but this place has been a little strange over the last few months in terms of our ability to come together.

When I heard my friend from Tennessee talking about the Conrad-Gregg amendment, I realized we had a moment of bipartisan agreement. I wanted to stop and recognize that it is not completely gone. There are Republicans and Democrats who agree on issues.

I could not agree more with my friend from Tennessee. I think this statutory commission is our best hope at restoring fiscal sanity in this country. It is important that we adopt it. I am proud to be a cosponsor of the amendment. There are a number of us on this side of the aisle who are cosponsors of the amendment. There are a number of Republicans who are cosponsors. But I am beginning to sense that there may be some political gameplaying that is going to occur here, and it worries me.

The leader, with all due respect—in a bipartisan moment, I am going to backtrack a little bit. I remember the Republican Party announcing that this was one of their priorities. Now all of a sudden we are hearing that the leader of the Republican Party is opposed to it. Think about that for a minute. Before the sheriff got rocky for Democratic legislation, and there was just about every issue that the moment we have, Everybody here knows we are not going to fix this problem in the regular order. Everybody knows it. It is not going to happen. So we are going to talk deficits, we are going to continue to talk deficits, but we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

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The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. I will.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. CORKER. As always, yes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Conrad-Gregg fiscal action
task force amendment. I am going to vote for it, and I do so not because I think it is the best solution. The best solution would be for us, year to year, to reconcile that which we spend and the amount of money we have to spend. But we don’t do that, and we are in a situation where we are on an unsustainable fiscal policy. It just is.

I know people on that side want to blame this administration; people on this side want to blame the last 8 years. Whatever the blame might be, let me say that we are paying taxes, and it is required, in my judgment, by Republicans and Democrats, to come together to find a way to address it. This is not the best way, but it is probably the only way we are ever going to get some control.

I have heard so many people come to the floor of the Senate to say this administration is a socialist administration; it is going to spend this country into the ground. I have heard all of that. It is easy for me to stand here and go all the way back to a time when I stood on this floor—a time when we had the only budget surplus in several decades—and say in response to a President Bush who had proposed to spend more than it even existed, and all we had was 10 years of projections, why not be conservative? These surpluses only exist this year, not for the next 10 years. Let’s be a little conservative. And the fallback was: Katey, bar the door. Let’s do big tax cuts. Let’s do all these things. Then immediately—and I didn’t vote for it—but immediately we ran into a recession, then we ran into a terrorist attack, then a war in Afghanistan, and a war in Iraq—which, by the way, we never paid a penny for. We just sent men and women to go to war and said: We won’t pay for it except with emergency supplemental every year.

So there is plenty of blame to go around. President Bush, President Obama, has been in office just 1 year. There are things with which I disagree with this administration, for sure. But, look, he inherited the biggest mess in the history of a Presidency, in my judgment. So let’s try to figure out how we can get the best of what both parties have to offer in this country rather than the worst of each. I have often quoted Ogden Nash’s four lines that I think captures this: "Here’s to my baby, she’s doing pretty well. By the way, I don’t think so, in areas where we are spending money, watching money beam ing television signals into the country of Cuba. We have spent $1/4 billion sending television signals to the Cuban people in TV Marti. Yes, we have spent that, and there are television signals beam ed from 3 a.m. to 7 a.m. and nobody can see them. I guess some people here feel better about that. I have been trying to shut that down for 10 years and can’t even shut down that kind of insanity.

So cutting spending, yes. How about asking those who aren’t paying their fair share of taxes? Yes. Let’s do all of that. Perhaps we are requiring that be done if we set up this mechanism. Perhaps that is what will happen. I wish we didn’t have to do this, but with the choice of yes or no, which is a very simple choice on should we do something or should we just continue down this bumpy road that leads to a destination none of us wants and none of our children will like, my answer is let’s vote yes on this amendment. Let’s decide to do something that maybe can put this country back on track, help us and our children and give us the American people confidence again.

I used to teach a little economics in college, and I used to teach that it didn’t matter what the supply and demand curve and all those issues dealt with, what really matters is do people have confidence about the future—about themselves, their family, and their future. If they do, they do the things that expand the economy. They take a trip, buy a suit of clothes, buy a car, buy a home. That isn’t a tax, that is the economy. If they are not confident, they do exactly the opposite, and they contract this economy.

Let’s do some things that give people some confidence in the future. Let’s give them confidence that finally, at last—at long last—we are going to grab these issues, look them square in the eye, and say: We will fix them. Why? Because our kids and grandkids deserve this and our country deserves that leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. Collins pertaining to the introduction of S. 2943 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWNBACK. I rise to speak on the budget deficit and a mechanism that the body has embraced in two prior budget agreements that I think it is time to put in place now. It is called the CARFA mechanism, the Committee on Accountability and Review of Federal Agencies. It is a BRAC process on spending. We passed it in the budget resolution twice, with votes on both sides of the aisle for it. What it does is basically says: OK, we have to look at all of the Federal Government. Places that aren’t working, we need to act on, and we can use to pay down our debt and deficit. If there were ever a time to do this, this is the time. I have argued for a decade that we need to do this, and I put this bill forward for a decade. This is my last year in the Senate, and I hope we can get it done this year. It has received bipartisan votes, as I mentioned, two times before in the budget.

It is a simple mechanism. What it does, it is an eight-member commission, four appointed by each side of the Hill and the Speaker from each party. It has to pass by—six of the members, of the eight have to vote to put forward the recommendations of the commission. It takes a fourth of the Federal Government each year and it recommends spending cuts examined in two that is then referred to the appropriate committees, and then within 30 days after the commission reports out, it is subject to a privileged motion, that the actual recommendation of the commission must be voted on by Congress. It then goes to the floor for debate without amendment, and you get a vote up or down—very similar to the BRAC process that we have followed.
Mr. BAUCUS. Madam President, I amI ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4462, in act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, received from the House and at the desk. The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

Mr. BAUCUS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4462) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Madam President, I am going to point out that the House--it already passed the House—to help all of those Americans who find the tragedy in Haiti so wrenching and want to help.
Americans are trying to help in lots of ways. Some are taking orphans into their homes. I have worked, as an example, in the last several days with many churches and organizations, including especially the Catholic Relief Society, to just help in any way we possibly can. But there are other Americans who just want to help with financial contributions. So this bill enables many people—in my home State of Montana, many people have contacted me to say: Max, what can we do to help? And this is essentially an effort to help people who want to help, so they can get a deduction on their 2009 tax returns if that deduction is made between basically the date of the earthquake, January 11, and March 1. So any contributions made during this period will be tax-deductible on 2009 income tax returns.

I am happy to work on a bipartisan basis with Senator Grassley, my counterpart on the Finance Committee, and he and I worked to get this put together, as well as the two Senators from Florida—both political parties. They very much care about this, and I know all Senators do. But I give particular thanks to those Senators who not only have been very helpful to get this put together and get it passed without any rancor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

The legislative clerk proceeded to call the roll.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1032

Mr. KYL. Madam President, I wish to talk a little bit this afternoon about the amendment which Senators Conrad and Gregg have proposed and which we will be voting on next week. Both of these Senators are very well versed, as the chairman and ranking member of the Budget Committee, in fiscal policy and in the types of reforms everyone is looking for to get a handle on the deficit and the debt this country is facing. So it is with some trepidation that I oppose an amendment the two of them would offer.

I hasten to say that both are respected Members of this body who approach problems with principle in mind, and in this particular case, having talked to Senator Gregg, I know the idea that only by working across the aisle with each other and compromising can we hope to deal with the most vexing problem that seems to face this body; that is, how to deal with the problem of deficit and debt.

Having acknowledged their good will, however, I have to respectfully disagree with the approach they take in their commission. I do it for basically three reasons.

First, I have never found either the House or the Senate in a position where they were anxious to cut spending or thereby save taxpayer money. I have, on the other hand, seen an effort to raise taxes every time we seem to get into a deficit situation. It seems it is always easier to gather in more taxpaying money than it is to stop spending money that we already spent. The problem with that is, there is no longer money they have sent us, it is money we have borrowed from other people such as China, for example. That borrowing has costs, foreign policy costs as well as interest costs. We eventually have to pay it back. Because we have borrowed so much the Chinese are saying we better be careful about how much we have borrowed, and they will have to increase interest rates. There is a point at which you cannot keep borrowing in debt to all the folks around the world. It is not as if we haven’t collected enough taxes. We are now at something akin to 23 or 24 percent of our gross domestic product on Federal spending. It is not at all clear, therefore, that it is not tax revenues that are the problem. It is spending that has gotten out of control. We know that from all these statistics a lot of us have been talking about relative to the deficit and the budget. That is why we need an increase in debt that needs to be raised presumably next week. We wouldn’t have to raise the debt ceiling by almost $2 trillion if we had been more restrained in our spending.

To put it in perspective, before I move on to the next point, the President’s budget last year called for more debt in the 5-year period of that budget than all the debt that had been accumulated by every President of the United States since George Washington through George Bush. Think about that for a moment. In 220 years of history, take all the debt, including World War I, World War II, the Civil War, pile it all up, and this one budget included more debt than that. We double the debt in 5 years, triple it in 10 years. That is not responsible. And it is not for a lack of Federal revenues. It is not because we are not taxing the American people enough. It is because we are spending too much. The American people believe that the situation is a political one, and therefore, if we reduce the country’s debt to all the folks around the world.

The second, our rules are premised on a fallacy. Unfortunately, I believe it will drive the commission because of this fallacy. The fallacy is, all the money in the country belongs to the U.S. Government and, therefore, if we reduce taxes somewhere, we have to make up that reduction in tax revenues somewhere else, either by raising taxes somewhere else or cutting spending. Of course, we never cut spending. So the idea is you have to raise taxes somewhere. If I want to give the American people a tax break by reducing their taxes, I should have the right to do that. Congress should be the one making the rules. We should have the right to say: We are going to reduce your tax burden. But under existing rules, unless you have 60 votes for a permanent change such as that—and even then it is difficult because of our scoring rules—any revenue that is lost because of an action we take in reducing taxes has to be made up somewhere else in some other way. It has to be offset.

What that generally means is, since we don’t find ways to cut spending around here very often by raising taxes over here to make up for the tax revenue lost over here. If I want to reduce the capital gains tax by 5 percent, for example, or to give a real-life example, I want to reduce the estate tax—and Senator Lincoln and I would just like to—(inaudible) I can’t do that without “paying for it.” We just want to reduce the estate tax so that people when they die, their heirs will not have to pay as much estate tax. No, you can’t do it. You have to make up the revenue that these folks lose. The reason why we don’t cut taxes around here very much. Because it is hard to find offsetting revenue that is acceptable to people.

To carry this a little further, Senator Lincoln and I would simply like to repeat the estate tax. That is not going to happen. We have agreed to a compromise in which we would have a $5 million unified credit; that is to say, that is the amount that is exempt from the tax, and then it is a rate. It would be indexed for inflation and then anything that remains above that in the estate would be taxed at the rate of 35 percent. That costs a certain amount of money, according to the budget scorers. I am not sure how much. Let’s say $80 billion. We have to figure out a way to pay for that. So the question is, is there some other place where we can raise revenue? Ordinarily, raising revenue means raising taxes. But we don’t want to do so. We are relegated to the kind of political games, such as maybe phasing it in over time, because it doesn’t cost as much if you bring the rates down over time, where you gradually increase the unified credit over time. That is how we got to the crazy situation we are at today, where we had the rate go down over a period of 9 years and then this year it went to zero. But next year it goes right back up to 55 percent. So the rules we have around here create crazy policy.

I am afraid a commission that has the ability to both make tax revenue increase recommendations as well as
spending reductions will not only focus a lot on the taxing side, because it is very hard for Congress to reduce spending, but also will be bound by the same rules so we will never get tax cuts anymore. Because every time you want to decrease the tax, you have to raise the taxes somewhere else. You will have to raise taxes over here. I think we should start from the premise that the money in the country belongs to the people. It is their property. The government should not take it away, and unless the people acquiesce through their representatives. If Congress decides it wants to take less money from the people, for example, so they will have more money to invest in small businesses to create jobs and put America back to work again, we ought to be able to do that without saying: We are going to give you a tax break here, but we are going to have to raise your taxes over here by an equivalent amount. If the money belongs to the people, we wouldn't have a rule such as that. I think it is very elitist and very wrong to essentially start with the proposition that the money belongs to Washington and you can give it back to the people without recouping it in some other way. That is the second reason why I think this is not a good idea.

Third, we should be focusing on spending reductions. Everyone talks about not spending as much. Yet we have increased spending dramatically over the years. One of the reasons why is because our constituents want lots of things. If a particular special interest asks for some spending, there tends to be political support for that. The opposition to it being spread over all the people, in effect being everyone's problem, is no one's problem. So you have in spending bills here Members who put earmarks in bills or request certain spending, and there is a constituency for that. By the way, when I talk about special interests, I am not necessarily talking about bad people. Every family in America is represented by some special interest. You have veterans in the family, and you have the veterans groups supporting them. Does anybody think those are bad special interests? If you have farmers, they belong to the Farm Bureau. That is not a bad special interest, but they may be coming to Washington asking for something specific.

I was visited today by the head of the police fire department in my city of Phoenix. Both of them are represented by groups in Washington. They are not bad special interests. There are a lot of special interests in the country. Because the government is a particular tax over here, the amount of what they do consists of persuading Washington it should engage in one policy or another because that is where all the power is, that is where the money is, and so they have to hire lobbyists to come back here. We listen to those special interests. Who pays the bill? Our constituents, the taxpayers, who don't have many representatives back here.

There are groups, such as the National Taxpayers Union, for example, that keep track of how much money we spend around here. They rate Senators based on how much they spend. Citizens Against Government Waste is another group, generally speaking, and they are not specific such as a lot of the special interests. What you end up with is a big push to spend money and not much of a push to save it.

When colleagues of mine, such as my friend Tom Coburn or my colleague from Arizona, John McCain, come to the floor and criticize earmarks in bills, spending they don’t think is necessary, they are criticized. Why don’t you play the game? Why are you creating such a stir? Senator Coburn has an amendment we will be taking up next week that says let’s at least get rid of a whole group of programs that a commission in the United States has decided are duplicative and not necessary. If you look at how many child nutrition programs we have or special education programs or job training programs, Probably many more than can efficiently spend taxpayer money to do the goods things they are supposed to do. But we never seem to get around to putting more efficiency into the system.

I think it was Ronald Reagan who said the closest thing to immortality in the United States is a government program. They are easy to create but hard to get rid of.

When you make deals that if you will just say we will solve the deficit problem, we will save money over here if you will raise taxes over here—I mentioned Ronald Reagan; I will mention him again. That was the deal he cut with Tip O'Neill and the Congress at the time. We got the tax increases, but we didn’t get the savings. One of the things Ronald Reagan always said he regretted was being so naïve as to make a deal assuming that if he agreed to raise taxes over here, Congress would agree to make savings over here. It is hard to do. Congress very rarely does it.

Another problem is, raising taxes for the purpose of raising revenue has two problems with it. No. 1, we don’t end up saving money. We just end up spending it on new things. No. 2, it affects behavior from taxpayers in a negative way. For example, they will not hire as many people. They will not be able to invest as much money in their business. They will probably not make as much money. If they don’t make as much money, what happens to their tax liability to the government? It goes down, not up.

On the other hand, frequently—and this has been demonstrated especially with taxes that have a direct relationship to revenues, such as the capital gains tax—if you reduced the tax, business activity increases, producing more revenue for the government to tax, and Federal revenues actually go up. This is not true with all taxes, but it is true with some taxes. I mentioned capital gains.

If you have a high capital gains rate today and businesses are told the rate is going to go down next year, do you think business is going to invest a lot of assets sold this year? You will have hardly any economic activity unless it is absolutely necessary. But on January 1 of next year, when the rate goes down, you will see all kinds of activity because the capital gains rate is taxed is reduced. By the same token, if you have a rate that is low today and you say it is going to go up tomorrow, you will see a lot of activity today but not much tomorrow. That economic activity is what produces revenue, which is what the government taxes. As I said, ironically or paradoxically, a lower rate generates more revenue to the Treasury.

That is what happens when you reduce the capital gains rate.

I believe if the President were to announce tomorrow he is asking Congress to pass legislation to send to him that would fix the marginal income tax rates, the dividends rate, the capital gains rate at exactly where they are now for, let’s say, for 5 years, the certainty that would create—even though some of those rates are too high, in my opinion; let that go—the certainty that would create because the rates would be known for a period of 5 years. The way the Bush tax cut rates so they would be much lower than they would be if they were allowed to go back up again—if the President were to do that, I think he would see the stock market skyrocket the next day. He would see job creation that would be incredible because businesses would know their taxes are not going up, that they could afford to hire people, and they would do so.

On the other hand, if you leave the tax rates in question or hint they are going to go up or, in fact, ensure they are going to go up—as they did under the health care bill, for example—it is no wonder businesses do not create jobs. In the health care bill, we actually have a couple payroll tax increases. All tax increases hurt business and hurt their ability to invest more and to hire more people, but a payroll tax is a direct tax on jobs. It says: The more people you hire, the more taxes you are paying. The more people you keep on your payroll, the higher your tax liability is going to be.

There is one provision that says, if one of your employees leaves and gets a subsidy for the insurance exchange, you are required to pay the more people you keep on your payroll, the higher your tax liability is going to be.

There is one proposal that says, if one of your employees leaves and gets a subsidy for the insurance exchange, that the Federal Treasury and tax rates. Tax rates and
taxes are not the same thing. You can reduce tax rates and actually collect more taxes. Again, it sounds paradoxical, but it is true. Think of this analogy: When you go to the store just before Christmas and they slash their prices by 40 percent, you are not doing that to make less money. They are still making money. They make more money on the volume that increases because a lot more people come into the store—even though they have reduced the cost of each of the items. They would if they increased the cost of the items. I guarantee you, if they raised their prices just before Christmas, their competitors would be reducing their prices, not so they would get more people in, they would have more volume, and they would end up making more. That is what happens when you reduce certain tax rates when you are the Federal Government. You actually increase your revenue.

So I am very reluctant to support a commission which I believe will undertake to reduce our deficit by raising tax rates. It is not good for job creation. It is not good for the economy. It is not good for families, of course. Ironically, I do not even think it is good for the Federal Government, but I mostly do not think it is because, at the end of the day, we always have the courage to talk big about cutting spending, but we do not do it.

In this, the last budget increased the funding for the departments of government dramatically at a time when we are in a deep recession. Families are having to cut their budgets. Yet you go to the Department of Agriculture, and I think it was a 23-percent increase or 26-percent increase, about the same for the Department of State and so on. I think the average was over 12 percent. Only the Defense Department took a hit.

I think that something else we need to be very careful of. It is one thing for a commission that is not elected by the people to have the specific goal of reducing the deficit. It is quite another to have the perspective of all the matters Members of Congress have to pay attention to in making decisions that offset each other or that take into account the needs across the entire spectrum of government.

It would be very bad, indeed, if we were to take seriously, and I hope that a lot of Members of Congress understand, the need to increase Defense spending next year. Because it got hit last year, it is going to have to be increased. I daresay, I hope, and I almost predict the administration will find a way to increase in its budget this year Defense spending because it cannot be sustained at the level it is. Yet if we were having to cut spending across the board, that would be difficult to do.

That is what we are elected to do as Members of the House and the Senate. As hard as that job is, we should be doing it to adequately represent our constituents. I understand the argument we need some help sometimes, and, frankly, I support some alternatives to what I am talking about. Senator SESSIONS and Senator McCASKILL, for example, have an amendment which I support because it focuses on spending. It starts with the 2010 budget, which is more than I would like to start with, but at least it says spending has to be constrained relative to that budget.

I think there will be another amendment that relates to spending which focuses on other ways to save money. Senator BROWNBACK, for example, similar to Senator COBEN, has talked about trying to end duplicate programs or Department on the problem, and if so, we could, we would be doing it right now. I have no doubt if President Obama knew he could save $100 billion by eliminating waste, fraud, and abuse, he would have gotten about the job by now, and he would not be waiting to see what kind of provisions we put in a health care bill before starting the job.

The private sector cannot afford to waste that much money. Federal bureaucrats also do not have the responsibility. It is somebody else’s money. It is everybody else’s problem. It is not my problem. In the private sector, they cannot afford to do that. It is one reason the insurance companies get criticized, because they have people making sure they do not pay claims that should not be paid, and sometimes they are criticized for that kind of activity. Their administrative costs are a little bit higher than the government because of that. They hire people to make sure they do not have a lot of waste, fraud, and abuse. So the amount of waste, fraud, and abuse against the insurance companies is pretty low, and they are able to stay in business.

With the Federal Government, you have the sort of “Did you ever wash a rental car?” syndrome, where it is somebody else’s money, you do not have to be as careful about protecting it, and, as a result, there is a huge amount of money lost in government programs, such as the Medicare Program, for example.

The amendments Senators SESSIONS and McCASKILL are presenting and, I believe, Senator BROWNBACK and some others will be presenting are going to focus on how we can actually save money in the way I am talking about, rather than cutting services, because those services are essential services, or the Medicare services are. That is the distinction between those two items that I think is important to draw.

So the bottom line: The people who are proposing this commission idea are very well motivated and I respect their position. Reasonable people can differ about the wisdom of what they are proposing. I would prefer to, first, focus on whether we could actually reduce spending with a little help from a commission or some other kind of group, depending upon which of the amendments you want to adopt that actually identifies where we can save the money and force us to act upon it. I would rather have the first step be getting out with the proposition that we can do it through tax increases because that is a sure way to hurt economic recovery, prevent job creation, take more property and freedom from the American people and, potentially, in the long run, provide for less revenue to the Federal Government.

A friend of mine always likes to say: There is a rate. Well, there are two rates, he says, at which the government collects exact no revenue: zero and 100. It is true. If you have a very high tax rate, you are going to get very little of whatever it is you are taxing. If you want economic activity that represents economic growth in this country and a high standard of living and a lot of job creation, you cannot achieve that by imposing a lot of taxes, even if you were not worried about the deficit. The way to solve that problem is to stop spending money rather than trying to take more money from the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

TODAY’S CITIZEN UNITED DECISION

Mr. SESSIONS. Madam President, I want to share a few thoughts at this time about the Supreme Court’s decision in Citizens United v. Federal Election Commission, which was announced by the Supreme Court this morning.

The Supreme Court issued the decision this morning by a 5-4 vote. Some concerns have been raised about the decision in the Judiciary Committee earlier today, and some of those comments were critical of the decision. I just want to say that I think it is a sound decision, a decision that is consistent with our Constitution and the first amendment.

I know sometimes people are irritated by seeing ads on television. I
know politicians are not happy when people run ads against them. But this is a free country. We are not immune to criticism and people seeking to promote their point of view throughout our Nation. I think the Supreme Court’s opinion today deals with the reality of free speech that simply is not going away.

In Citizens United, the Court overruled two recent precedents that had themselves undermined and were inconsistent with this Nation’s long tradition of protecting political speech. In doing so, the Court recognized that political speech is protected by the first amendment regardless of whether the speaker is an individual or is acting in corporate form. Over the years, there have been some dubious arguments made under the first amendment, such as arguments that pornography, and even child pornography, are protected under the free speech clause; however, there can be no doubt that the Founding Fathers were concerned about protecting people’s right to have robust a political debate. There can also be no doubt that robust political debate includes criticizing political candidates when they are running for office.

The decision today was an interesting matter. It shows how far some congressionally passed laws reach. The decision may indicate that sometimes these bills reach farther than we intended for them to reach when we wrote them. For example, the Citizens United case revolved around a film that was critical of one of the main candidates in the 2008 Presidential election. A group called Citizens United produced the film, and they wanted to broadcast it; however, under the recent so-called bipartisan Campaign Reform Act, it was illegal for Citizens United to broadcast the film during the 30 days before the election because the group had received money from U.S. corporations. Citizens United became the plaintiffs in a lawsuit and, eventually, the question of whether Congress could constitutionally prohibit them from broadcasting the film wound up before the Supreme Court.

I think Chief Justice Roberts, correctly summed up the holding of today’s opinion in his concurrence. We will probably talk more about it in detail as we go forward and have a little more time to examine it, but he says: Congress violates the First Amendment when it decrees that some speakers may not engage in political speech at election time, when it matters most.

Or, as Justice Scalia characterized today’s holding in his concurring opinion:

A documentary film, critical of a potential presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporate enterprise. We hear speech that irritates and frustrates us a lot of times, but we have to put up with it because it is a free country in which we live. I would not want anyone putting a film like the one at issue in Citizens United out against me, but it is a free country, and I don’t think it is justified to say that Americans who come together in some corporate body can no longer speak.

I will just add that the current administration has been a bit insensitive about this matter. We had the incidents earlier in the year when an insurance company published material to people that they could use to point out criticisms of the health care bill. The administration tried to get a federal agency to threaten them with a loss of business if they didn’t stop expressing an opinion. The insurance company was engaged in a business impacted by the bill. The people they were communicating with bought this kind of insurance coverage. I think they had every right as free Americans to send out a notice that said: This is not good for our company or for you, we think. Today’s holding in his concurring opinion in that case is that they are going to be threatened by the White House with punishment if they communicate to the people with whom they do business? That is no little matter. We have to get our heads straight.

The first amendment protects real substantive speech—about important issues, issues like health insurance and who is going to be elected President. And it protects them regardless of whether the speaker is an individual or whether the speaker is acting in corporate form.

Justice Scalia dissented in McConnell v. FEC, a 2005 case that was reversed by the court’s opinion today, and Justice Scalia has a knack for writing an opinion that makes the Court’s opinion should be reversed. And I agree with Justice Scalia. We cannot allow the government to suppress speech simply because it is near an election time and corporations have given some money to put it on. I think that is not healthy. In fact, I think our whole approach to constricting and limiting people in pooling their money and running ads is clearly in conflict with the first amendment.

I would just say this: The Supreme Court made it clear that all the limits we have placed on corporations giving to political campaigns were not struck down. That is a separate issue, I suppose, but the issue the Supreme Court decided in its opinion today is a very important one. We have had a debate on this issue for a long time. We have roared about it in this Senate for many years, and people have passionately argued about the first amendment and whether some of our laws mean an erosion of it. I used to say in my speeches that I just don’t think it is right to tell an American, or even a group of Americans who come together in corporate form, if they can’t buy an ad, even on the eve of an election, and say that JEFF SESSIONS is bad for our business, bad for our State, bad for our Nation, and ought to be thrown out of office. It can, perhaps, be a problem sometimes—if someone took over a company I just described I might think it is a problem—but the balancing test we use is the plain language of the first amendment, and it says that the right to free speech shall not be abridged. That right is important. We incur great danger when we say: Well, you can talk, but we are not going to let you make a political message 30 days before the campaign. You can contribute but only under our rules. America was made that the law at issue in Citizens United favored political incumbents. It gave an advantage to politicians already in office, who have an edge in obtaining individual, “hard money” contributions. I myself am an incumbent—I myself have been fortunate enough to receive many such contributions—but that does not change the clear mandate of our Constitution. I think the Supreme Court’s opinion should be respected for the fact that it takes the text of the first amendment very seriously. The opinion addresses very fundamental questions about what power politicians in Washington have to constrain the right of Americans, either individually or corporately, to defend their interests and support the system. Freedom is fundamental to the preservation of our Constitution.

Think about it. The New York Times. What is the New York Times? Is it a corporation? Yes, it is. But the New York Times runs an editorial every day saying they don’t like this party or they don’t like this Senator and criticize them repeatedly? Why, sure they can. But can Ford Motor Company defend its interests? Can it run an ad and say: We are getting a little bit tired of the Federal Government giving another $3 billion to General Motors Acceptance Corporation and we don’t get any money from the Federal Government to help Ford? Under the law the Supreme Court was dealing with in Citizens United the answer was no. That was wrong, and it threatened our Constitution. Under our constitution people ought to be able to push back and defend their interests, whether they do it individually or through a corporation. Otherwise, I think it allows us in Washington to appropriate power to ourselves—the power to benefit one another and be bought or criticized for it. I think that is the exact opposite of the robust political debate the Founding Fathers intended.
I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURIS. Madam President, for the past few days I have heard a number of my colleagues come to the floor to discuss whether this Congress should vote to raise the limit on the national debt. As this debate has unfolded, I am beginning to hear a familiar refrain from my friends on the other side of the aisle. Instead of offering constructive criticism or original ideas of their own, my Republican colleagues keep returning to the same irresponsible politics and empty rhetoric that has gotten us into this mess in the first place. They seek to shift the blame and hold Democrats responsible for the failed policies that led us to this point.

The American people remember who really is responsible. In 2001, at the end of the Clinton administration, our country enjoyed a $236 billion budget surplus with a projected surplus of $5.6 trillion over the next decade. But then Republicans took control of the House and the White House. Were they good stewards of the surplus left to us by the Clinton administration? Were they? Did they spend only what America could afford? Were they responsible with our pocketbook? After all, the decade is over, I ask, so where is the $5.6 trillion surplus?

It is nowhere to be found. Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests. They tried to place the blame on President Obama, but the reality is that this President inherited a massive deficit of $1.3 trillion on the day he took office last year. Now, as we try to clean up the mess they helped create and to be a responsible as we go forward, the wealthy and the special interests are trying to keep from harming us. They are trying to keep from harming us.

Mr. BURIS. (Mr. BURIS.) Without objection, it is so ordered.

GLOBAL WAR ON TERROR

Mr. McCONNELL. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain vigilant and that we will not have to be back here again any time soon. In some cases, it has gotten it wrong.

And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potential rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer. We should have gotten every bit of information we could have about this man’s plans, his connections, and his cronies in al-Qaida on the Arabian Peninsula. Instead, the administration placed a higher priority on reading him Miranda rights and on getting him a lawyer.

Even more outrageous is the administration’s plan for getting information out to the Christmas bomber, offering him a plea bargain and a hope he will talk. These are just some of the issues that when it comes to prosecuting the war on terror, the administration has caused the pendulum to swing too far in the wrong direction.

Mr. McCONNELL. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain vigilant and that we will not have to be back here again any time soon. In some cases, it has gotten it wrong. In others, it has been quite sensible. The President was clear and convincing, for example, when he explained our goals in Afghanistan last December—to deny al-Qaida a safe haven, to reverse the Taliban’s momentum and deny it the support of two counterterrorists, and to strengthen the capacity of Afghanistan’s security forces and government so that they can take the lead born terrorist attempted to kill nearly 300 innocent people in the skies over Detroit on Christmas Day. What could have been a terrible tragedy became instead an urgent reminder to remain focused—a wake-up call, if you will.

But even before Abdulmutallab became a headline maker, he had already begun to wonder whether we had become too slack over the past year in the fight against terrorism.

And who could blame them? Time and again, the administration has made decisions that suggest a pre-9/11 mindset of prosecution over prevention—decisions which have left most Americans scratching their heads and concluding that some of the administration’s priorities are dangerously out of whack. Most Americans did not understand why the administration was in such a rush to close Guantanamo, for example, before it had a plan for dealing with the dangerous detainees who were held there. Most did not see why classified memos detailing interrogation techniques that had saved American lives were kept secret and thus available to the very people we are trying to keep from harming us. And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potential rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer.
and take responsibility for Afghanistan’s future. The President had it exactly right. But Americans know that in this fight, in the global war on terror, getting the strategy partly right will only lead to partial success. As the attempted Christmas Day bombing showed, so too the army, partial success isn’t good enough.

So today I would like to discuss some of my own impressions of how our mission is going in the place where the attacks of September 11, 2001 were launched, and to describe the mission within the broader context of the global war that extends to places such as Yemen and to our own borders because success in one place overseas could easily be undermined by neglect in another, and success in both could still be undermined by neglect at home. We simply cannot prevail in this fight if we treat the various elements of it as separate events or if we fail to restore the proper balance between safety and civil liberties.

As the years wear on, it is easy for some to forget why we are still committing young men and women to fight in far off places such as Afghanistan or why our national security interests demand that we prevail. That is why it is important for us to recall that al-Qaeda and other extremists were at war with the United States long before the attacks of 9/11.

The World Trade Center had been attacked five years before the 19 hijackers destroyed it on September 11, 2001. The Khobar Towers bombing in 1996 killed 19 U.S. military personnel and injured hundreds more. Thousands were injured and hundreds were killed, including a dozen Americans, in the East Africa Embassy bombings in Nairobi and Dar es Salaam in 1998. That same year, Osama bin Laden declared that “the judgment to kill and fight Americans and their allies, whether in their home or military bases or on their soil by air, ground or sea, is a legitimate military operation for every Muslim who is able to do so in any country.” A year before 9/11, al-Qaeda attacked the USS Cole, killing 17 sailors and injuring dozens more.

So 9/11 may have been the day we realized the consequences of inaction, but the pattern of attacks leading up to that day is undeniably clear. From the first days after 9/11, our strategy has been the same: to deny al-Qaeda and its affiliates sanctuary and to deny them a staging ground from which they could plan or launch another attack on U.S. soil. This is why we resolved shortly after 9/11 to rid Afghanistan of the Taliban which had harbored al-Qaeda and its leader Osama bin Laden.

We had early successes in that effort. By November 2001, the Taliban had been driven from Kabul. Soon after that, an international body met to name an interim government in Afghanistan to be led by its current president, Hamid Karzai.

But despite that early success, al-Qaeda’s senior leadership was able to find a safe haven in Pakistan’s tribal areas, and a few years later it had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had re-established its headquarters in Pakistan and gained enough strength as a result of U.S. security forces and poor government to return to Afghanistan and to risk success to our mission there.

By last year, the situation had grown so perilous that our then recently appointed Commander in Afghanistan, GEN Stanley McChrystal, issued a report stating that our failure to gain the initiative and reverse the momentum of the Taliban within 12 months could make defeating the insurgency impossible. It was largely as a result of that assessment that the President agreed last year to send 30,000 more troops to Afghanistan.

Earlier this month, I and some of my colleagues had the opportunity to visit Afghanistan and Pakistan to assess the situation on the ground firsthand. Among other things, we saw progress in the crucial southern provinces of Helmand and Kandahar. Although still in the early phases, General McChrystal’s plan to clear these areas of Taliban control, terrain, control the population, build Afghan security forces, and establish a viable government for future and long-term stability shows early signs of success, not unlike the kind of success during the surge in Iraq.

The Taliban continues to put up a fight. As recently as last week, Taliban leaders accused NATO forces of defiling the Koran, a charge that led to major protests in Garmisir. This Monday, the Taliban demonstrated its lethality when it launched an attack against the heart of the government in Kabul. But the bottom line is this: Our commitment and that of our partners has given Afghanistan and its government a chance to extinguish the most dangerous preoccupation with prosecution over prevention, just as its hasty decision to close Guantanamo showed a preoccupation with symbolism over security.

But whether it is Guantanamo, interrogation, or prosecuting terrorists in civilian courts, many of the administration’s priorities in this fight appear to be dangerously misplaced. The case of Khalid Shaikh Mohammed. Here is the man who admits to planning the most catastrophic terrorist attack in U.S. history—nearly 3,000 people dead on our own soil in a single day. Yet once in court, he will enjoy all the rights and privileges of an American citizen. Classified information may be compromised, as it has been many times before in such cases. The consequences are easy to imagine.

Trying KSM in a civilian court makes even less sense. The fact the administration has decided to prosecute other foreign terrorists in a military commission, creating a bafﬂing scenario in which those who target innocent people in the homeland are treated better than those who attack a military target overseas.

The administration also needs to ensure that our intelligence professionals and men and women in uniform are free to gather intelligence from detainees without regard to where they are held. The U.S. marine assigned to a NATO-led security and development mission in Afghanistan shouldn’t have to release or turn over a captured terrorist within 96 hours, as is now the case, nor should the Christmas Day bomber be treated as a common criminal at home when the nation where he met his al-Qaeda handlers, Yemen, is actively pursuing al-Qaeda in the Arabian Peninsula.

The intelligence community must be able to gather information from detainees in a way that is lawful and which protects American lives. Equilibrium between safety and civil liberties must be restored, and currently
it is not, in my view. A plea bargain for a terrorist who tried to blow a plane out of the sky on Christmas Day? It is wrong to think that al-Qaeda would not use a civilian courtroom in New York or a long-term detention facility inside the United States for the same recruiting and propaganda purposes for which they have used other courts and Guantanamo in the past. This fact alone eliminates the administration’s only justification for closing Guantanamo—that it was some kind of recruitment tool.

We need a place to send terrorists like the Christmas Day bomber—and that place is not a civilian courtroom or a prison in the Midwest. Once here, these terrorists will enjoy new legal rights, including, quite possibly, the right to be released into our country, as one Federal judge previously ordered with respect to a group of detainees from GTMO.

The war on al-Qaeda will continue for years to come. In order to prevail, we must not only remain focused on the threat but also reliant on the reasonable tools that have served us well in the past. For example, now is not the time to experiment with the PATRIOT Act. Yet it is precisely the expiring provisions rather than eliminate one of them, sunset another, and tinker with those that remain, as the administration or some of its congressional allies propose.

As difficult as it may be to pursue this global network, we will rely more heavily on intelligence personnel, a point that was recently underscored by the December 30 suicide attack that killed seven CIA employees in Afghanistan. We mourn the loss of these brave Americans. Their sacrifice, along with the attempted Christmas Day bombing and the recent plot to attack the New York subway system, reminds us that the threat from al-Qaeda and other extremists to our homeland and has not—I repeat, not—diminished.

But in its eagerness to distinguish its own policies from those of the past, the administration has gone way too far. The reaction to the attempted Christmas Day bombing offered conclusive proof. Hoping that terrorists are incompetent is not enough to defeat them; and showing more concern about their Miranda rights than the right of Americans to be safe suggests a fundamental and dangerous shift in the priority of this war.

The good news is this: The administration is doing the right thing in Afghanistan. If it recognizes some of its errors in the broader fight, there is good reason to hope historians will look back on 2010 as the turning point not only in our fight with the Taliban but also as the year in which America achieved a balance in the war against al-Qaeda.

So we will have an opportunity to make a good first step in the direction of bipartisan balance. Once the Congress receives the war funding request from the Defense Department and the administration, the Senate can demonstrate a new unity of purpose by quickly considering this legislation. This would signal our resolve not only to Americans but to our allies and to our forces in the field. This is not too much to hope for, and it is not too much to expect. It is not always easy to come by in Washington, but in the war on terror it is necessary, and in my view it is achievable.

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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The ECONOMY

Mr. CASEY. Mr. President, I rise tonight for two purposes. One is to talk about the state of our economy, the challenges we face, and the obligations we have to address those challenges, and, secondly, to speak for a couple minutes tonight about our brothers and sisters in Haiti and, in particular, children in Haiti.

Let me first talk about the economy at home. We got word today in Pennsylvania—this is a newspaper story, an AP story, 3:52 p.m. The headline on this very brief story from the wire services is as follows. I know it cannot be read from that distance. But the headline is: “Pa. Jobless Rate Up, Jobs at Most Scarce in Decade.”

It says: A new report says that jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

It goes on to talk about the unemployment rate jumping up four-tenths of a percent, to 8.9 percent. That is disturbing in a lot of ways. First of all, not just the rate, because sometimes when we look at the unemployment rate, it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

What it means in real terms, in numerical terms, I should say, real people, it means that in Pennsylvania, there are well more than half a million people out of work. I cannot even imagine what those numbers look like proportionally, when we look at the unemployment rate, but it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

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I think, in addition to that, we should pass health care legislation. We do not know how that will happen in light of the new political realities here in Washington. But I think we need to do that as well.

But no matter what happened in the election, no matter what happens on the issue of health care, job creation has to be the No. 1 priority, second to none, in terms of the work we do here in Washington.

I ask unanimous consent to have printed in the RECORD this very brief wire service story about the unemployment situation in Pennsylvania.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PA JOBLESS RATE UP, JOBS AT MOST SCARCE IN DECADE

[From the Associated Press, Jan. 2010]

HARRISBURG, PA. (AP)—A new report says jobs in Pennsylvania were—harder to find in December than they have been in more than a decade.

The state Department of Labor and Industry said Thursday that statewide unemployment jumped to 8.9 percent last month.

That was a 0.4 percent increase, the highest level in 25 years, before dipping to 8.5 percent in November.

The department says employers eliminated about 8,100 jobs in December, leaving Pennsylva-nia with fewer than 5.6 million jobs—the lowest level since September 1999.

The state’s unemployment rate is below the national average of 10 percent. Among the 10 most populous states, only ‘Texas’ rate is lower.

Mr. CASEY. Let me conclude this part of my remarks by speaking for a couple minutes about what we have done in this past year: The Recovery and Reinvestment Act, known by—as many things are here—the acronym AARA, the American Recovery and Re-investment Act. Those two words in the middle are very important, the word “investment” because that is the intended effect of that legislation. It was the right legislation—not perfect but the right legislation—at the right time at the beginning or the early months of 2009.

But there are a lot of Americans who believe it is not being implemented fast enough. The jump-starting effect of the spending, whether it is on infrastructure or energy efficiency or investments in education, investments in health care, tax cuts for 95 percent of the American people, which was in the recovery bill, that all of that is not moving fast enough.

So one of the jobs we have, in addition to new strategies on job creation, is to implement, at a faster pace, at a faster rate, the recovery bill. I also believe we should remind ourselves that the recovery bill was not a 10-month plan. We have to implement, at a faster pace, those investments actually get a return to the taxpayer as well.

So what do we need to do? We have to focus on job creation. When we focus on that legislation, it should have a couple component parts or elements. First of all, stabilizing that safety net for vulnerable Americans which I just spoke of. Secondly, supporting small business in a very direct and targeted way. Investing and investing more in infrastructure and broadband infrastructure, which is another kind of knowledge infrastructure and, finally, building a clean energy economy. If we continue to do that, we will create jobs, we will keep our environment clean, we will reduce our dependence on foreign oil and literally make us more secure from a national security standpoint.

I think a major part of job creation, in the short term, has to be a job creation tax credit.

HAITIAN ORPHANS

Mr. CASEY. Mr. President, over the past week, we have watched the immense destruction that the earthquake in Haiti and its subsequent aftershocks have wrought on the Haitian people. Old and young, rich and poor, weak and strong, no matter who you are, this earthquake has caused heartache and sadness to numerous lives.

First, I want to send my condolences to the people of Haiti and their family and friends around the world who lost loved ones in this tragedy. I also want to send my condolences to our brave men and women in the U.S. Embassy who also have lost loved ones, but who are continuing to help the people of Haiti and Americans in Haiti in this time of need.

These individuals represent the very best of what America encompasses.

I am proud that as soon as this earth-quake struck our southern neighbor, the U.S. Government as well as the American people galvanized their resources to ensure that resources were delivered for people who have lost every-thing.

Today, I come to the floor to speak about a specific population that has been and will continue to be affected by this disaster, the most vulnerable population of all, Haitian orphans. Before the earthquake, these children were looking for families, for people to love them and for people to love. This has not changed now that their tenuous situation in life only further deteriorated after the earthquake. While I know that everyone has suffered so much, these children are without the natural protection that parents provide. Therefore, it is our duty to be their voice and to make sure that if they survived the earthquake that they also survive this critical period of time while resources are trying to be delivered and a sense or order is trying to be restored.

This weekend several of my constituents have contacted me about their concern for this most vulnerable popu-lation. One constituent wrote:

Senator Casey: I am writing on behalf of our friends, Michael and Monica Simonsen who have been in the process of adopting their son, Stanley Hermance (DOB: 1/9/2008), from Haiti since August 2008. Stanley was brought to Petit Anges de Chantall orphanage when he was only two months old. He was severely mal-nourished and covered in lice. They have visited him in Haiti three times, each time bringing supplies and donations to the orphanage. The resources are scarce under normal circumstances and with the current cri-sis, there is a genuine concern that the children will not survive.

I am writing to request that you support initiatives created to help expedite the adoption process for children who already have completely committed U.S. approved fami-lies waiting at home. Expediting the process will not only secure their safety but will free up already scarce resources for children orphaned by this disaster.

Senator Casey: After years of personal investment there, Jamie and Ali McMurtie, of Pittsburgh, Pennsylvania, have brought 30 children almost through the entire adoption process to anxiously waiting families here in America.

The recent earthquake of January 12th has destroyed their orphanage, Petit Anges de Chantall, and Ali to sleep outside on the lawn with all their children. With food and water in short supply and rioters all around, the clock is ticking for you to do something.

I am happy to report that Jamie and Ali McMurtie, who help run the BRESMA orphanage in Haiti, were able to evacuate 53 of their orphans and
have been working around the clock trying to ensure the safety of these orphans and all those affected in Haiti.

“Though he brings grief, he will show compassion, so great is his unfailing love,” Lamentations 3:22. In this time of darkness, I believe that Haiti can emerge in a better place. And I am grateful that our country will be a friend with Haiti in this endeavor.

Similar to a lot of Americans, I am not surprised but heartened and proud by the response of the American people, a tremendous outpouring of generosity. People in America from all walks of life recognized immediately that the people of Haiti, in the depths of an incalculable, an indescribable horror and tragedy, in the depths of that, the American people showed their generosity, they showed that they understand that our Haitian brothers and sisters are just that, they are part of the family, as expeditiously as possible, and they are our brothers and sisters.

The most vulnerable member of that family, in most instances—maybe not in every instance in every family but most of the time—will be a child. We are seeing unforgettable imagery and video of young children being rescued in Haiti, surviving for days at a time in the rubble and the horror they have been living through. Thank goodness so many people have invested in ways to save those children.

But what we still have to do a better job on is making sure that if a Haitian child is in the adoption process, is in the pathway, so to speak, to be adopted—everything is possible, in addition to the obvious safeguarding, to provide that child with security, physical security and food and water and medicine and medical treatment and, in addition to that, that we provide an orderly process by which eligible orphans could be processed and evacuated.

I continue to hear reports that orphanage directors in Haiti are going to the U.S. Embassy and while some are being admitted others are being turned away. Some of these orphans are more than 125 miles away. I am concerned for the safety of the 600-700 orphans that this announcement affects. They may be harmed trying to get to the embassy, and if they are okay on that journey and even succeed in obtaining travel documents, they may be harmed when they are told to wait back at the orphanage until a plane is available. I am also hearing from American families so desperate to ensure that their child is safe and to try to make their way to Haiti. We don’t need more chaos in an already chaotic situation.

I along with some of my colleagues have called on the State Department and USAID to set up safe havens for orphans, which will provide food, water and protection for all orphans as well as time to ensure that those orphans who are eligible for humanitarian parole are processed and evacuated in a timely manner. This is just one idea, one way to help. In the absence of an alternative plan, more and more children will continue to show up at the American Embassy. It is vitally important that happen.

I commend the work of our government at various levels in terms of what they have been doing to respond to this challenge and preserved the lives and their circumstances. I know in our home State of Pennsylvania, Governor Rendell and Congressman ALTMIKALON worked very hard to bring some of these children back to Pennsylvania. I commend them for the efforts they put forth. For all these reasons, there is plenty of evidence to show that the American people understand that these individuals, these families, and especially these children are God’s children. We have to be cognizant of that as we go forward with sound policies in the days ahead.

I yield the floor.

The PRESIDENT pro tempore of the Senate, Mr. DORGAN. Mr. President, first let me say to my colleague, Senator CASEY, his comments about the nearly unspeakable tragedy that has occurred in Haiti strike me very poignantly and deeply. I have been to Haiti. It is one of the poorest regions in the world. We have people in Haiti living in unbelievable poverty. Fly to the airport and near the airport is an area called City Soleil. It is a slum of nearly a half million people living in desperate conditions. The entire country of Haiti has suffered such immense difficulties for so long. The people of Haiti are wonderful people. To be visited now by this tragedy with the unbelievable loss of life that will exceed 200,000 people is heartbreaking to me, and I know to all Americans who watch this tragedy play out on television as volunteers are digging through rubble and, in some cases, finding people who have lost their lives.

The American people are a people full of great generosity, and that expression of generosity in the form of contributions to those who are there helping these people is something that is very important. All of us can be proud of the generosity of this country and what is now happening in the outpouring of support.

CHAIRMAN BERNANKE
Mr. DORGAN. Mr. President, I rise to briefly explain why I am going to vote against the nomination of Ben Bernanke as Chairman of the Federal Reserve Board. Mr. Bernanke has been serving as Chairman of the Federal Reserve Board. I will be the first to say I think there are things that Mr. Bernanke has done that are important to this country. He steered our country in a very difficult circumstance. There was a time when our economy could have completely collapsed, which would have been devastating for the precipice of that. Mr. Bernanke and others made decisions, some of which I thought were good decisions.
January 21, 2010

It is the case that Mr. Bernanke worked for the previous administration that in many ways created circumstances that took us to that cliff or near the cliff with economic policies. I will talk about that for a moment. When Mr. Bernanke became Chairman, I understood that his background fit fairly well what we were going through, and I think he did some things that should be commended and supported. I have told him that I supported a number of these actions that he took.

One of those actions was to open, for the first time in history, the window at the Federal Reserve Board to extend credit directly from the Federal Reserve Board to the biggest investment banks in the country. It has always been the case that FDIC-insured banks, commercial banks, would have a window at the Fed to get direct loans from the Fed, but it has never been the case that the investment banks were able to do that. During this great crisis, Fed Chairman Bernanke and the Board of Governors opened that window for direct lending from the Federal Reserve Board to the investment banks.

I wasn’t critical at that moment. I didn’t come to the floor and express criticism. I don’t know exactly what they saw that persuaded them to do that. But some months later, I sent, along with nine of my colleagues who signed the letter, a letter, dated July 31, to Chairman Bernanke and said: The Federal Reserve Board took action to allow all of the major investment banks in the United States to effectively access direct lending from the Federal Reserve Board for the first time in history.

Down in the letter I say: We now urge you to release the names of financial institutions that have received the emergency assistance and how much each has received. The American taxpayers’ funds were put at risk, and we believe the American people deserve information about the Federal Reserve Board’s bailout activities to determine how much and what kind of funds were used, and so on.

We received a letter back from the Chairman of the Fed in which he said: Publicly releasing the information on the names of borrowers and amounts borrowed under the Federal Reserve Board’s programs would substantially undermine our liquidity programs. He essentially said: I don’t intend to tell you, and I don’t intend to tell the Congress or the American people.

It is interesting to me that a Federal judge last year ordered the Fed to release the names of the institutions that received the emergency financial assistance from the Federal Reserve Board and the amount of the assistance. A Federal judge said to the Fed: You cannot withhold that information to the American people. The judge in this case, which was an FOIA case, found that the Federal Reserve had “improperly withheld agency records.” The judge said that the Fed’s argument that borrowers would be hurt if their names were released was “conjecture without evidence of imminent harm.”

But the Fed went ahead to appeal the judge’s ruling and, therefore, it has been delayed.

The American people are now in a situation where their Federal Reserve Board said for the first time in history: We will give the biggest investment banking institutions direct access to loan money from the Federal Reserve Board, and we don’t intend to tell anybody who got it, how much they got, or what the concessions or prices were. We don’t intend to give anybody that information.

I find that completely untenable. I just am not going to vote for the nomination of a Chairman of the Federal Reserve Board who says to Congress and the American people: Yes, we opened that window. We decided to do direct lending to the investment banks, which, by the way, steered this country right into a huge wreck. Take a look at what and who caused this financial wreck that cost this economy $15 trillion in wealth. American families had lost $15 trillion in wealth.

The Federal Government had either spent or lent or committed $12 trillion to bail out particularly Wall Street and the biggest firms on Wall Street. All of those biggest firms on Wall Street, I believe, and even those that are now the healthiest firms that are experiencing record profits and are preparing to pay out record bonuses of somewhere around $120 to $140 billion, those firms would not have survived. They would have gone under were it not for the help of the American people through their government.

The question for the Federal Reserve Board from the Congress and the American people: What did you do? How much did you do? What was the collateral? Under what conditions? We need to know.

The Chairman of the Fed said he supports transparency. If that is the case, show us a little transparency. How is it that someone can possibly argue that telling us now that they gave $200 billion here or $1 trillion there to firms that are now showing record profits and preparing to pay the biggest bonuses of all time is not injurious to those firms? In fact, many of them have apparently paid the TARP funds back, yet alone the direct loans from the Federal Reserve Board.

My only point is simple. I don’t have a beef against Ben Bernanke personally. I kind of like him. I met him a number of times. I think he steered us through some tough times and probably made some good decisions at the right time. I also have some differences with him on economic policy and monetary policy. But I have a very big difference on this question. This question is controlling for me. If the Federal Reserve Board believes it has unlimited capability to decide it will change the rules on everything, open a direct lending window and give it to the biggest investment houses in the country, and they don’t intend to ever tell any of us what they did or why or how; they don’t intend to disclose any of it, that is not something I call open government.

That is not something that is written in the Constitution. It is not something that this Congress should tolerate.

This Congress should say to Mr. Bernanke: Your nomination is here in front of the Senate. Act on it as soon as you provide the information Senators have requested of you—by the way, the information that a Federal judge has already ordered that you disclose. As soon as you comply with that, then your nomination shall have a vote in the Senate.

I wanted to explain in more detail my response to people who had asked me what I was going to do on the nomination. That gives adequate explanation.

I also wanted to comment briefly that the President today said something quite extraordinary, and I want to compliment him for it. I know he is walking into a thicket of trouble because a whole lot of big interests are going to gang up on these proposals. Let me tell you the two proposals the President offered that make a lot of sense.

No. 1, he said big financial institutions that are too big to fail are too big. That is pretty simple. If they are too big to fail, they are just flat out too big. We ought to stop this concentration because too big to fail means no-fault capitalism. If they run themselves into trouble, the taxpayer picks up the tab. The taxpayer bails them out. That is what too big to fail means.

The President says no more. Let’s get rid of that too-big-to-fail tag and let’s decide that if they are that big, let’s stop this concentration.

The President also has indicated that we ought to have financial institutions that are not trading in derivatives on their own proprietary accounts. I wrote a piece in 1994, 15 years ago, that was the cover story for Washington Monthly magazine. The piece I wrote was "Very Risky Business." I believe at the time there was $16 trillion of notional value of derivatives in our country. I said what is happening is outrageous. We have taxpayer-insured banking institutions that are trading on derivatives in their own proprietary accounts, putting taxpayer money at risk. It is flat out gambling. I said they may just as well have a craps table or a Keno table in their lobby. Oh, they can still call it a bank, but it is a casino.

Fifteen years ago, I wrote that article. The fact is, we have gone through this unbelievable collapse of the economy—$15 trillion of wealth lost by the American people—and we still have
these institutions trading on propriety accounts. The President says it ought to stop. I agree with him.

The President also says we ought to separate, as Paul Volcker suggests, the FDIC-insured commercial banking institutions from the investment banks over here. They were put back together. I said on the floor of this Senate 10 years ago—five, six, eight times—and gave long speeches predicting. We do this, if you put together commercial banks and investment banks, you are headed for trouble. I said on this floor: Within a decade I think you are going to see massive taxpayer bailouts. People have asked me: How did you find the crystal ball? I just guessed. But I worried that if you put this together, this is a bargain for trouble, this is asking for trouble. Ten years later, we have seen this unbelievable collapse.

There is a lot at stake; and it takes courage for him to say it—let’s decide to separate investment banking from commercial banking. Paul Volcker has talked a lot about that, and he is right about it. So I know what is happening.

I quote from my colleague Senator Kaufman of Connecticut: “Banks Kick Off Effort Against Volcker Rule.” “A curious lobbying effort among large banks was set off today by President Obama’s announcement that he will push a rule forcing them to choose between being a commercial institution or an investment bank that focuses primarily on trading for its own profits.” The President dubbed this plan the ‘Volcker Rule.’ I met with Paul Volcker in my office recently. I have talked with him at some length about this. Paul Volcker is dead right, and so is the President. This is going to provoke an unbelievable battle here. I understand that.

The President is right. It is gutsy. It is of tissue paper and the whole thing collapsed. We will put up firewalls. It turned out they were made of tissue paper and the whole thing collapsed. I just say I think the President has made the right call. It is gutsy. It is going to provide a big fight around here. But it is not a secret, perhaps—given my history and what I have said in opposing the kinds of things that were done 10 years ago that set us up for this fail—it is not surprising that I fully intend to support the President’s effort. Let’s get important to get our financial system reformed and done right.

Then, it is important to do one other thing; and that is have regulators who do not have blind spots. We had a bunch of folks in here for a bunch of the last decade who said: Do you know what? We have decided to take this important government job—in any number of these regulatory areas—and we are proud to say we are probusiness. What does that mean? We are proud to say we are at the SEC, we are at this agency or that agency, and you all do whatever you want. We won’t look. We won’t watch.

In fact, some of them were so incompetent they were whistle-blowers—came and said: Bernie Madoff is running a Ponzi scheme, even when somebody told them what was going on, they did not have the guts or the time or the intelligence to investigate it.

But being willfully blind ought not to be something to boast about anymore. Going forward, we want effective regulation. Regulation is not a four-letter word. The lack of regulation caused this crash in days and cost trillions of dollars to American families. I am not suggesting overregulation. I am saying when you have certain areas that are regulatory in this government, to make sure the free market system works, and works well, when people commit fouls in the free market system in this area of competition, you need to have somebody there with a whistle and a striped shirt to blow the whistle and say: That’s a foul. If you do not have them, that does not work and the system gets completely haywire. That is what happened in the last decade. That is not a technical term, that haywire issue. But we have the right and the opportunity to get this right now, and I say to the President, good for you. This proposal is the right proposal.

Then, let’s see, in the weeks ahead and the months ahead: Whose side are you on? I say to those in public service in Federal elections, the Court today ruled that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office.

What makes today’s decision particularly gallling is that it is at odds with the testimony of the most recently confirmed members of the Court’s majority, who during their confirmation hearings claimed to have a deep respect for existing precedent. Although the terms of “judicial activism” are often lobbed, as if by rote, at judicial nominees of Democratic Presidents, including Justice Sotomayor, this case is just take deposits and make loans and do underwriting in between, looking in somebody’s eyes to say: You want a loan? What is it for? Let me evaluate that. Can you repay this loan? That is underwriting. That is the way it works. The President did not try it and I know, ran a bank and understands that.

We need a good financial system. You even need investment banks. I know one of my colleagues once said: Investment banking is to productive enterprise system work, to help people who want to start businesses and hire people. That is very important for our country.

So we will have that debate in a longer fashion in the weeks ahead.

Mr. President, I yield the floor and 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. DORGAN. 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. DORGAN. 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.

CITIZENS UNITED v. FEC

Mr. KAUFMAN. Mr. President, I wish to discuss today’s regrettable Supreme Court decision in Citizens United v. the Federal Election Commission.

Despite nearly 100 years of statutes and precedent that establish the authority of Congress to limit the corrupting influence of corporate money in Federal elections, the Court today ruled that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office.

What makes today’s decision particularly galling is that it is at odds with the testimony of the most recently confirmed members of the Court’s majority, who during their confirmation hearings claimed to have a deep respect for existing precedent. Although the terms of “judicial activism” are often lobbed, as if by rote, at judicial nominees of Democratic Presidents, including Justice Sotomayor, this case is just
one in a long line of disturbing cases in which purportedly "conservative" justices have felt free to disregard settled law on a broad range of issues—equal pay, antitrust, age discrimination, corporate liability, and now the corrupting influence of corporate campaign contributions—all in ways that favor corporate interests over the rights of American citizens.

The majority opinion in Citizens United should put the nail in the coffin of claims that "judicial activism" is a sin committed only by judges of only one political stripe. Indeed, as I have said before, charges of judicial activism, while persistent, are almost always unfounded. What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

"Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite 'activist.' 'Then activism' just means Judges Behaving Badly—and each person fills in a different definition of 'badly'."

In other words, the term "activist," when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for the positions that the accuser disagrees with.

I don't mean to say that the term "judicial activism" is necessarily without content. Indeed, legal academics and political scientists are hard at work trying to shape a set of common definitions. If we want to take the term seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than "the law."

I think it is fair to say that, based on any of these definitions, the Supreme Court's current conservative majority has been highly "activist." Let me give just a few examples. In U.S. v. Morrison, decided in 2000, the Rehnquist Court struck down a key provision of the Violence Against Women Act. Congress held extensive hearings, made explicit findings and voted, 95 to 4, in favor of the bill. An activist Court chose to ignore all that and substitute its own constructed view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided Kimel v. Florida Board of Regents. The five-Justice majority concluded that private citizens could not sue States for age discrimination without their consent because of a general principle of sovereign immunity. This is another decision in which the opinion simultaneously, conservatives in terms of policy outcome and activist in terms of judging. It was conservative because it expanded States' rights and contracted anti-discrimination rights. It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five justices.

In his dissent in Kimel, Justice Stevens said:

"The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., the conservative majority of the current Court has continued to be highly activist. In Leegin v. PSKS, the court discarded 96 years of precedent in ruling that manufacturers may fix the prices that retailers charge. It elevated big manufacturers' interests over those of the consumer based not on any change in facts or circumstances but, rather, based on the Court's embrace of a particular economic theory.

Then there is Parents Involved in Community Schools v. Seattle School District No. 1, in which the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts's plurality opinion for the four-person conservative bloc gave scant respect to a long line of precedents that afforded local communities discretion in this arena. Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to stare decisis. If not for the opinion concurring in the judgment by Justice Anthony Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

That brings us back to Citizens United. In reviewing what is wrong with the Court's opinion in this case, it is hard to know where to begin. As with the cases listed above, the Court went out of its way to overturn settled precedent. As Justice Stevens said in his dissent, "The final principle of judicial process that the majority violates is the most transparent: stare decisis."

Beyond ignoring precedent, the Court could have decided this case on far narrower grounds. Citizens United is a a corporate rival to the United States? These are questions left unresolved by today's reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that shareholders, the "owners" of an economic, political, or military rival to the United States?

Today's decision does far more than ignore precedent, make bad law, and leave vexing unanswered questions. As noted by Justice Alito in his dissent, the "Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution, share Justice Blasingame's."

I am particularly concerned that the decision will erode the public's confidence in its government at precisely the time when so many challenges—climate change, financial regulatory reform, health care, immigration—and the need to stimulate job creation—all call for bold congressional action. Our ability to meet our Nation's pressing needs depends on our ability to earn and maintain the public's trust.

Earning that trust will be all the more difficult in a world in which undiluted corporate money is allowed to drown out the voices of individual citizens and corrupt the political process.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BLASINGAME

Mr. BEGICH. Mr. President, I congratulate a hard-working Alaskan, Mr. Jim Blasingame, on his well-deserved retirement after many years of dedicated service to the Alaska Railroad Corporation. AKRR.

Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he

issuing the broadest possible reading, the majority opinion admits of no differences between Citizens United and General Motors.

Even if we accept that purpose-built political advocacy corporations have a right to direct resources to influence elections, how do we apply this to larger corporations that exist to make a profit? Who determines what candidates General Motors supports or opposes? Is it the board of directors? The CEO or other officers? Employees? All of these groups and individuals serve the corporation for the benefit of the shareholders. Even so, how are we to determine what speech the shareholders favor? And do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival to the United States?

These are questions left unresolved by today's reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that shareholders, the "owners" of an economic, political, or military rival to the United States?

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Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he
has proven to be an exceptional member of the AKRR family. One of his greatest accomplishments was the pivotal role he performed in assisting with the transference of the AKRR from Federal to State ownership. This greatly assisted the development of the AKRR into an award-winning, world class, State-owned corporation. His work has helped the AKRR safely operate and successfully contribute to the economic development of Alaska.

During his time with the AKRR, Mr. Blasingame was a mentor to his fellow railroaders and his leadership abilities resonated through the depots and rail yards. Outside work, Mr. Blasingame is a dedicated member of his community. He volunteers his time on behalf of several nonprofit organizations and in various civic board memberships.

The Alaska Railroad is a truly unique element of Alaska. For many Alaskans, the AKRR signifies a great source of pride. Running from Seward north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame’s commitment and enthusiasm towards developing the AKRR, this hallmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.

TRIBUTE TO BARRY W. JACKSON

Mr. BEGICH. Mr. President, on the occasion of his 80th birthday, January 27, I recognize the life achievements of a resident of Fairbanks, AK, Mr. Barry W. Jackson.

As a young man, Mr. Jackson served in the Marine Corps during World War II and later retired as major. While still working on his law degree from Stanford University in 1957, he traveled north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame’s commitment and enthusiasm towards developing the AKRR, this hallmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.

TRIBUTE TO RAYMAN DODSON

Mr. LEVIN. Mr. President, I speak today in tribute to one of the citizens of my own hometown of Detroit, one of the thousands of decent, hard-working, community-minded Detroiters who make me so proud to call the city my home.

You will not find Rayman Dodson in the history books or the newspapers. But for the last 80 years, since he graduated from Northwestern High School, you would have found him doing what so many other Detroiters have done: working hard, and doing his part, building the lives that make up our city.

As an employee of Ford, Chrysler, the city’s street railway, and in the homes of several of Detroit’s most prominent citizens, Rayman earned a living sufficient for him and his beloved wife Margaret to buy a home on the city’s east—side a place for Margaret to display her crystal collection. For decades, he has contributed to Mayflower Congregational Church of Christ.

Several years ago, Rayman lost his sight but not his interest in the world around him or his ability to delight his friends. Many of those friends are preparing to help him celebrate his 100th birthday. I wish him well on that day, and congratulate him on a century well lived.

RECOGNIZING APPLIED THERMAL SCIENCES

Ms. SNOWE. Mr. President, as our country seeks a sustained recovery, we will be looking to innovative small businesses to jumpstart the Nation’s economy. My home State of Maine is home to hundreds of such firms that display the stellar ingenuity and creativity of the American people. Today I recognize one of these businesses, Applied Thermal Sciences of Sanford, which has been at the cutting edge of engineering for over two decades.

Founded as a sole-proprietorship in 1989, Applied Thermal Sciences, or ATS, is rooted in the promotion of thermal, structural, and fluid sciences. Specifically, ATS, which was later incorporated in 1998, focuses on the research and development of fuel-efficient engines and propulsion systems. The company’s high-skilled and diligent employees regularly work on a number of contracts for government and industry, their solutions are often recognized as groundbreaking. They fabricate prototypes in-house for testing, using computer modeling and simulations to ensure that these archetypes are of the highest quality.

The research facilities at ATS house critical engineering workstations, high-tech supercomputers, various analytical tools, and significant experimental lab space. Additionally, the fabrication facilities include a machine shop and laser welding equipment, giving them a leg up when competing for contracts and customers.

ATS employs a unique system that combines laser welding with a gas-metal arc weld, thereby enabling customers to manufacture products with improved metallurgical properties at higher speeds and with greater reliability and repeatability than typically possible. Utilizing this distinctive method, ATS is able to provide its clients the most advanced and state-of-the-art technology available. Indeed, because of this exceptional technology, ATS recently won a major multi-year award from Bath Iron Works to produce hybrid laser welded gas engines for the Navy’s DDG 1000 destroyer, and later earned the 2008 Department of Defense Manufacturing Technology Achievement Award.

One of ATS’s most impressive prototypes is the high-performance toroidal engine concept, or HiPerTEC, engine. This innovative technology, which is hundreds of pounds lighter than a traditional engine of similar power, provides an unprecedented power-to-weight ratio in a naval combat engine. Additionally, HiPerTEC’s combustion processes are extraordinarily fuel efficient, a crucial concern for ATS’s numerous clients. Another of
MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

MESSAGES FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the “Congresswoman Jan Meyers Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

MESSURES PLACED ON THE CALENDAR

The following messages were submitted to the Senate:

The following communications were received:

At 2:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

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–4208. A communication from the Chairman of the Committee of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–244, “F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009”; to the Committee on Homeland Security and Governmental Affairs.


EXECUTIVE MESSAGES REFERRED

A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010–2015 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

A communication from the President of the James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Grants Management Officer, Management Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Department of Homeland Security Implementation of OMB Guidance on Negotiation Determination Delegation of Authority” as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

A communication from the Chief Financial Officer of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial operations for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.
EC–4226. A communication from the Acting Director of Infrastructure Security Compliance, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Appendix to Chemical Facility Anti-Terrorism Standards” (RIN1601–AA41) as received during adjournment of the Senate on January 12, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–4227. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Compliance with NEPA In terms of the 2009 Farm Act” (APHS–2009–0020) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “State Technical Committees Final Rule” (RIN0578–AA51) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Change in Disease Status of the Republic of Korea with Regard to Foot-and-Mouth Disease and Rinderpest” (APHIS–2008–0060) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4230. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Citrus Canker; Movement of Fruit From Quarantined Areas” (Docket No. APHIS–2009–0023) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4231. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 09–141, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4232. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 135–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4233. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 190–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4234. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 09–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4235. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 122–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4236. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 103–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4237. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 142–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4238. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDT 153–09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4239. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Iran-Related Multilateral Sanction Regime Efforts”; to the Committee on Armed Services.

EC–4240. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Lead System Integrators” (DFARS Case 2006–D051) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Armed Services.

EC–4241. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Definition of ‘Federal Administration’” (DFARS Case 2009–D038) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Armed Services.

EC–4242. A communication from the Under Secretary of Defense (Policy), transmitting a report relative to cleanup operations due to the use of weapons systems, and munitions containing depleted uranium. Transmitting, pursuant to law, a report of the Energy Department, which includes the following countries: Saudi Arabia, Kuwait, Iraq, and Afghanistan; to the Committee on Armed Services.

EC–4243. A communication from the Deputy Assistant Secretary for Import Administration, Foreign Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an addendum to an Annual Report of the Foreign-Trade Zones Board, for fiscal year 2008; to the Committee on Finance.

EC–4244. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Class 9 Bonded Warehouse Procedures” (RIN1505–AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC–4245. A communication from the Senior Advisor for Regulations, Office of Regulations and Policy, United States Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled “Technical Revisions to the Supplemental Services Regulations” (RIN0969–AG66) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Finance.

EC–4246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance on Correcting Failures of Nonqualified Deferred Compensation Plans under Section 409A” (Notice 2010–6) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC–4247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Total Return Swaps (TRSs) Used to Avoid Dividend Withholding Tax” (LMSB–6–1209–044) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC–4248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Treatment of Certain Obligations under section 956(c)” (Notice 2010–7) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC–4249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Technical Revisions to the Supplemental Services Regulations” (RIN0969–AG66) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Finance.

EC–4250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Annual Update of Domestic No-Rule Areas” (Rev. Proc. 2010–3) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.
EC–4251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Refinement of Income and Expenditures in the Public Housing and Assisted Housing Programs: Implementation of the Enterprise Income Verification System—Amendments” ((RIN2501-AD46) (FR–Vol. 25379–4) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Repub. Rev. Proc. 2009–6” (Rev. Proc. 2010–6) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC–4253. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Repub. Rev. Proc. 2009–4” (Rev. Proc. 2010–4) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC–4254. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, a report titled “Approval of Changes in Funding Method for Takeover Plans and Changes in Pension Valuation Software” (Announcement 2010–3) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Finance.

EC–4255. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, a report titled “Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States and Entity Modified for Clarification” (RIN0094–EA78) as received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4256. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Exception to the Maturity Limit on Second Mortgages” (RIN0094–EA79) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4257. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Accuracy of Advertising and Notice of Insured Status, and 12 CFR Part 745—Share Insurance and Appendix” (RIN0132–AD34) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4258. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” ((44 CFR Part 64) (Docket No. FEMA–8033) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4259. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District” (FRL No. 9097–1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC–4259. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District” (FRL No. 9097–1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC–4260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the approval of the rule as declared in Executive Order 13396 with respect to Cote d’Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC–4261. A communication from the Assistant Secretary for Congressional and Inter-governmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the awarding of a sole-source bridge contract to provide property management support for Freddie Mac’s Federal Housing Executive, Single-Family Homes; to the Committee on Banking, Housing, and Urban Affairs.

EC–4262. A communication from the Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13223 with respect to the implementation of the International Narcotics Control Act of 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC–4263. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PMI Limited Maintenance Plan and Redesignation Request” (FRL No. 9091–4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC–4264. A communication from the Secretary, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12898 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC–4265. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of the State Reinvestment Act Regulations” (RIN1557–AD29) as received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4266. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, a report on the Bank’s system of internal controls for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4267. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank’s management report for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4268. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District” (FRL No. 9097–1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN, Mr. BENNET, Mr. ENSON, and Mr. BOND:

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. CARDIN):

S. 2944. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens in the United States, to require the Secretary of Homeland Security to review all visa applications before adjudication, and to provide for the revision of visa revocation information; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. LEVIN):

S. 2945. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STARENOW:

S. 2946. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself, Mrs. LINCOLN, Mr. BARRASSO, Mr. NELSON of Nebraska, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. THUNE, Mrs. HUTCHISON, Mr. GRAHAM, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BOND, Mr. ISHOPE, Mr. BINGUN, Mr. CRAPRO, Mr. BROWN, Mr. ROBERTS, Mr. MCCONNELL, Mr. ENZI, Mr. MCCAIN, Mr. WICKER, Mr. LUGAR, Mr. CORNER, Mr. COCHRAN, Mr. VYL, Mr. BENNETT, Mr. RISCH, Mr. JOHANNS, Mr. SESSIONS, Mr. VONNOCH, Mr. BURR, Mr. SHELY, Mr. GREGG, Mr. HATCH, Mr. LEEMIUX, and Mr. DEMINT):

S. J. Res. 26. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; 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. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER):

S. Res. 390. A resolution prohibiting text messaging by employees of the Senate while driving on official business; to the Committee on Rules and Administration.

By Mr. CRAP (for himself, Ms. KLOBuchar, and Mr. VITTER):

S. Res. 391. A resolution recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10901 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Mr. STALBENOW, Mr. SANDERS, Ms. BENNET, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROW, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LEVIN, Mr. KIRK, Mr. BROKICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBuchar, Ms. CANTWELL, Ms. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUYE, Mr. AKAI, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KRAFT, and Mr. REID):

S. Res. 392. A resolution expressing the sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 393. A resolution recognizing the contributions of the American Kennel Club; to the Committee on the Judiciary.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Res. 394. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 694

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of
S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1058

At the request of Mr. Lautenberg, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 1058, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer over-flow control grants.

S. 1324

At the request of Mr. Udall of Colorado, the name of the Senator from Georgia (Mr. Isakson) and the Senator from Florida (Mr. Miseum) were added as cosponsors of S. 1324, a bill to modify the prohibition on recognition by United States courts of certain marks, trade names, or commercial names.

S. 1329

At the request of Mr. Kohl, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1345

At the request of Mr. Reed, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1859

At the request of Mr. Rockefeller, the name of the Senator from Oregon (Mr. Merkle) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2760

At the request of Mr. Udall of New Mexico, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2786

At the request of Mr. Enzi, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 2786, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2893

At the request of Mr. Crapo, his name was withdrawn as a cosponsor of S. 2893, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all.

S. 2893

At the request of Mr. Brownback, his name was withdrawn as a cosponsor of S. 2893, supra.

S. 2895

At the request of Ms. Landrieu, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 2895, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 2908

At the request of Mr. Kohl, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S. 2908

At the request of Mrs. Lincoln, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 2908, a bill to amend the XVIII of the Social Security Act to provide for the application of a consistent Medicare premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain government benefits.

S. 2908

At the request of Mr. Baucus, the names of the Senator from California (Mrs. Feinstein), the Senator from Maryland (Mr. Cardin), the Senator from Alaska (Mr. Begich), the Senator from Montana (Mr. Tester), the Senator from Missouri (Mr. Bond), the Senator from Kansas (Mr. Roberts), the Senator from Tennessee (Mr. Corker), the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 2908, a bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

S. 2908

At the request of Mr. Thune, the names of the Senator from Kansas (Mr. Roberts), the Senator from Maine (Ms. Collins), the Senator from Utah (Mr. Hatch), the Senator from Idaho (Mr. Risch), the Senator from Georgia (Mr. Isakson), the Senator from Arizona (Mr. Kyl) and the Senator from Alabama (Ms. Murkowski) were added as cosponsors of S. 2908, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

S. CON. RES. 39

At the request of Mr. Menendez, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 373

At the request of Mr. Crapo, the names of the Senator from Idaho (Mr. Risch), the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

AMENDMENT NO. 3301

At the request of Mr. Thune, the names of the Senator from Arizona (Mr. Kyl), the Senator from Alaska (Ms. Murkowski), the Senator from Utah (Mr. Hatch), the Senator from Wisconsin (Mr. Feingold), the Senator from Georgia (Mr. Chambliss), the Senator from Idaho (Mr. Risch), the Senator from Maine (Ms. Collins), the Senator from Kansas (Mr. Roberts), the Senator from New Hampshire (Mr. Gregg), the Senator from Montana (Mr. Tester), the Senator from Georgia (Mr. Isakson) and the Senator from Tennessee (Mr. Corker) were added as cosponsors of amendment No. 3301 proposed to H.J. Res. 45.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Pryor (for himself and Mr. Cardin):

S. 2942

A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

Mr. Pryor. Mr. President, I rise today with Senator Cardin to introduce the Nanotechnology Safety Act of 2010 which will authorize a program of scientific investigation by the Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the
public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Safety Act of 2010 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target tumors, how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material characteristics between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to ordinary material's do. It is at the surface of materials that biological and chemical reactions take place, and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The lack of tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust scientific framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, cosmetics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency’s regulatory effectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanomaterials in drugs, medical devices, biologics, cosmetics, and food. This will require the FDA to devote more of its regulatory attention to nanotechnology-based products.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care.

The early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The presence of a disease like cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single nanoparticle at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the in vitro area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale in vitro techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the in vivo area, one of the most pressing needs in clinical oncology is for new tools that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging palette at the nanoscale.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. In the early stages of nanotechnology, scientists may develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutic tools could provide very precise site specific targeting of cancer cells. More sophisticated "smart" systems for drug delivery still have to be developed that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, one device might be to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

The FDA has already begun to devote some resources to better understanding of the human health effects and safety of nanotechnology. It has established a Nanotechnology Core Facility at the FDA’s Jefferson Arkansas Laboratory. Combining the expertise of the National Center for Toxicological Research and the Arkansas Research Laboratory, which is part of the FDA Office of Regulatory Affairs, this new Nanotechnology Core Facility will support nanotechnology toxicity studies, develop analytical tools to quantify nanomaterials in complex matrices, and develop procedures for characterizing nanomaterials in FDA-regulated products.

In conclusion, the Nanotechnology Safety Act of 2010 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment in the promise of nanotechnology to improve human health and reduce costs in the 21st Century.

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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nanotechnology Safety Act of 2010”.

SEC. 2. NANOTECHNOLOGY PROGRAM.

(a) In General.—Chapter X of the Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 1011. NANOTECHNOLOGY PROGRAM.

(1) IN GENERAL.—Within 180 days after the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicity of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

(2) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to:

(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

(2) develop and organize information using databases and models that will enable
the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

(3) promote intramural Administration programs, to collaborate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

(4) participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

(6) build scientific expertise on nanoscale materials within such Administration;

(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

(8) encourage such Administration to participate in international and national consensus standards activities; and

(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

(c) Program Administration.—

(1) Authorization.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

(2) Duties.—The program manager shall—

(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

(d) Reports.—Not later than March 1, 2012 and March 1, 2014, the Secretary shall submit to the Senate Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the program carried out under this section. Such report shall include—

(1) a review of the specific short- and long-term goals of the program;

(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this program—$25,000,000 for each of fiscal years 2011 through 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, yesterday the Senate Homeland Security Committee heard testimony from the three top U.S. intelligence officials about the errors that the Federal Government made leading up to the thwarted Christmas Day plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on flight 253 in the skies above Detroit.

But today, Mr. President, I rise to discuss an error that was made after that foreign terrorist had already been detained by American authorities in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of three of our Nation's top intelligence officials at the committee's hearing yesterday. Frankly, Mr. President, I was stunned to learn that the decision to place the captured terrorist into the U.S. civilian criminal court system had been made without the knowledge of the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary of Homeland Security. That is right, Mr. President, these officials were expected to be consulted by the Department of Justice before the decision was made.

That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of terrorists can provide critical intelligence, but our civil justice system, as opposed to the military detention and tribunal system established by Congress, encourages terrorists to lawyer up and to stop answering questions. Indeed, that was exactly what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials in the hours immediately after his capture, and we surely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Instead, once he was read his Miranda rights, given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decisionmaking may well have prevented us from finding out more of Yemen’s role in training terrorists and more about future plots that are underway in Yemen targeting American citizens in this country or abroad. Good intelligence is clearly critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide important intelligence. To charge Abdulmutallab in the civilian criminal system without even consulting three of our Nation’s top intelligence officials simply defies common sense.

To correct this failure and to ensure that our Nation’s senior intelligence officials are consulted to prevent the decision to try future terrorist in civilian court, I am today introducing a bill that would require this crucial consultation. I am very pleased to be joined by the chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this entire area, as well as by three other Senators, Senator BENNETT, Senator JOHN ENSIGN and Senator KIT BOND, who are also concerned about the threat.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials, Mr. President, are the best positioned to give us what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement between the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the Nation’s chief law enforcement officer.

To be clear, this bill would not deprive the President of any investigatory or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system, if in our civil justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security and Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodically reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

While prosecutorial discretion ultimately resides with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such
as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

[The determination of whether to leave a subject in place should be retained by the host agency.]

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant threat facing our Nation, and that is the threat of terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences could be a matter of life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2943

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

SECTION 1. CONSULTATION REQUIREMENT. (a) IN GENERAL.—Subject to subsection (b), no action shall be taken by the Attorney General, or any officer or employee of the Department of Justice, to—

(1) initiate a custodial interrogation of; or

(2) file a civilian criminal complaint, information, or indictment against;

any foreign person detained by the United States Government because they may have engaged in conduct constituting an act of war against the United States, terrorism, or material support to terrorists, or activities in preparation therefor.

(b) CONSULTATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to taking any action identified in subsection (a).

(2) PRESIDENTIAL DIRECTION.—If, following consultation under paragraph (1), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, or the Secretary of Defense believe that any action identified in subsection (a) and proposed by the Attorney General may prevent the collection of intelligence related to terrorism or threats of violence against the United States or its citizens, the Attorney General may not initiate such action without specific direction from the President.

(c) ANNUAL REPORT.—The Attorney General shall report annually to appropriate committees of jurisdiction regarding the number of occasions on which direction was sought from the President under subsection (b)(2) and the number of times, on those occasions, that the President directed actions identified in section (a) against such foreign person.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF JURISDICTION.—The term "appropriate committees of jurisdiction" shall include—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Permanent Select Committee on Intelligence of the House of Representatives;

and

(E) the Committees on Armed Services and Judiciary of the Senate and the Committees on Armed Services and Judiciary of the House of Representatives.

(2) ACT OF WAR, TERRORISM, MATERIAL SUPPORT TO TERRORISTS.—The terms "act of war", "terrorism", and "material support to terrorists" shall have the meanings given such terms in title 18, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prevent the Attorney General, or any officer or employee of the Department of Justice, from apprehending or detaining an individual as authorized by the Constitution or laws of the United States except to the extent that actions incident to such apprehension or detention are specifically identified in subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—PROHIBITING TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS

Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 390

Resolved, SECTION 1. PROHIBITION ON TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS.

(a) DEFINITIONS.—In this resolution—

(1) the term "employee of the Senate" means any employee whose pay is disbursed by the Secretary of the Senate; and

(2) the term "text messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(b) PROHIBITION.—An employee of the Senate may not engage in text messaging when—

(1) driving a Government owned or leased vehicle;

(2) driving a privately owned or leased vehicle while on official business; or

(3) using text messaging equipment provided by any office or committee of the Senate while driving any vehicle at any time.

(c) EFFECTIVE DATE AND APPLICATION.—This resolution shall apply to the 111th Congress and each Congress thereafter.


Mr. CRAPO (for himself, Ms. KLOBUCAR, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. Res. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enabled approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of $432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer-offender-generated funds deposited into the Crime Victims Fund have been used to provide almost $7,560,000,000 to State crime victims assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice.
Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti, and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas, Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than $1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti’s struggle to rebuild its infrastructure and to restore critical services related to education, sanitation, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, “I have directed my administration to respond with a swift, coordinated, and adequate response to save lives. People of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver aid and assistance to the people of Haiti in the aftermath of the earthquake, and to secure a more stable and sustainable future;”

Whereas the American Kennel Club created and supports the AKC Companion Animal Registry, which promotes responsible dog ownership and breed recognition practices and supports thousands of volunteer handlers and judges who teach responsible dog ownership.

WHEREAS the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;
Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community; and

Whereas the American Kennel Club maintains the world’s largest dog library and the Museum of the Dog in St. Louis, which houses one of the world’s largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

Resolved, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

SENATE RESOLUTION 394—CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE FOR ITS 150 YEARS OF COMMITMENT TO ADVANCING SCIENCE AND IMPROVING HEALTH

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 394

Whereas, on May 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a medical school in the United States;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the Department of Medicine for the University;

Whereas in 2002, the Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the pre-eminent medical schools in the Nation, attracting the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of medical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually in national college rankings as one of the top medical schools for research;

Whereas the Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on the most pressing medical and research issues: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Feinberg School of Medicine for appropriate display.

Mr. BURRIS, Mr. President, 150 years ago, a group of forward-thinking doctors assembled to establish a new medical school, which would offer the first graded medical curriculum in the history of the U.S. This medical college eventually became a part of the world-renowned Northwestern University—located just outside of Chicago, IL—and grew to become one of the most prominent medical schools in the Nation.

Today, it is known as the Feinberg School of Medicine, and it stands at the forefront of education, research, clinical care, and many related fields.

Today I am proud to join the students, faculty, and alumni of the Feinberg School in celebrating 150 years of excellence.

Thanks to their fine work and their lasting commitment to the highest standards of medical care, thousands of lives have been saved.

Countless patients have received high-quality treatment from some of the most skilled caregivers in the medical profession.

At the same time, the Feinberg School has prepared the next generation of leaders, innovators, and researchers, who will shape the course of healthcare in this country for generations to come.

I would ask my colleagues to join with me in celebrating the hundred and fiftieth anniversary of this outstanding institution, which is located in my home state of Illinois.

Along with my good friend Senator DURBIN, I am proud to offer a Senate Resolution to mark this momentous occasion, and to shine a spotlight on the Feinberg School of Medicine in the home state of Illinois.

As we are all well aware, health care is one of the most important issues in America today.

But quite apart from the contentious debate that continues to capture so much national attention, it is vital to recognize the exemplary work of institutions such as this one.

I invite my colleagues on both sides of the aisle to come together to recognize the outstanding work of the Feinberg School of Medicine, and their continuing contributions to health care services.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available.

TEXT OF AMENDMENTS

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available.
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‘‘(i) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

‘‘(ii) the findings, conclusions, and recommendations as described in paragraph (2)(D).

‘‘(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall be submitted not later than 14 days after the date of enactment of this section.

‘‘(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

‘‘(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit its report to the President, the Vice President, the Speaker of the House, and the Majority and Minority Leaders of both Houses.

‘‘(v) TECHNICAL ASSISTANCE.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of such findings, available to the public.

‘‘(4) MEMBERSHIP.—

‘‘(A) IN GENERAL.—The Task Force shall be composed of 18 Members designated pursuant to subparagraph (B).

‘‘(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

‘‘(i) The majority leader of the Senate shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

‘‘(ii) The majority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

‘‘(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

‘‘(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

‘‘(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

‘‘(C) CO-CHAIRS.—

‘‘(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair from among Members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair from among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

‘‘(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

‘‘(iii) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

‘‘(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not be filled by new Members, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

‘‘(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their regular places of business in performance of services for the Task Force.

‘‘(G) ADMINISTRATION.—

‘‘(i) AUTOMATIC ESTABLISHMENT OF RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of the Task Force. If such rules and regulations are not inconsistent with this section or other applicable law, the Commissioner of Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

‘‘(ii) COPY SUPPLIED.—Copies of written requests and all written or electronic reports, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

‘‘(ii) C ONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendation pursuant to clause (2)(B)(ii) in accordance with section 308(a) and 301(f) of the Congressional Budget Act of 1974. The Task Force shall not vote on any portion of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 48 hours prior to the vote.

‘‘(ii) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

‘‘(iii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

‘‘(iv) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members may be placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

‘‘(v) HEARINGS.—

‘‘(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, at any time or such times and places, take such evidence, receive such evidence, and administer such oaths as the Task Force considers advisable.

‘‘(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

‘‘(i) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

‘‘(ii) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following notification that there is good cause for failure of compliance.

‘‘(iii) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

‘‘(ii) RESOURCES.—

‘‘(i) IN GENERAL.—Notwithstanding section 108 of title 31, United States Code, the Task Force may carry out its duties directly through an office of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Executive Office of the President, the Treasury, the Social Security Administration, the National Science Foundation, the National Institutes of Health, the Government Accountability Office, the Joint Committee on Taxation, the Library of Congress, and the Government Accountability Office, or any combination thereof. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

‘‘(ii) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

‘‘(i) ASSISTANCE FROM FEDERAL AGENCIES.—

‘‘(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services may provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, legal, accounting, and support services.

‘‘(i) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

‘‘(i) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with other departments and agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

‘‘(i) STAFF OF TASK FORCE.—

‘‘(i) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and other personnel who may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointment of officers and employees of the United States, but at rates not to exceed the daily rate paid a person occupying a position at
 Members of the Task Force. 

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

(C) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, fee, or through memorandum agreement, may be hired without the approval of the Co-Chairs.

(D) DETAIL.—With the approval of the Co-Chairs, Federal Government employees may be detailed to the Task Force with or without reimbursement from the Task Force, and such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

Reimbursable amounts may include the fair value of equipment and supplies used by the detailed in support of the Task Force’s activities. For the purpose of this paragraph, Federal Government employees shall include employees and volunteers.

(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals which do not exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 5511 of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of title 5 of such title.

(8) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation.

The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, includ- ing per diem for personal services, which are authorized by section 5703 of title 5, United States Code.

(9) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of the Executive Schedule under section 5314 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

(10) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff director and any other staff director, staff shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

(11) ADVISORY PANEL.—The Task Force may consist of a panel consisting of volunteers with knowledge and expertise relevant to the Task Force’s purpose. Membership of the Advisory Panel, and the scope of the Panel’s activities, shall be at the discretion of the Co-Chairs in consultation with the other members of the Task Force.

(d) TERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

(E) EXPEDITED CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

(1) IN GENERAL.—

(A) RECONVENING.—

(I) IN THE HOUSE OF REPRESENTATIVES.—

Upon receipt of a report under subsection (b)(3)(B), the Speaker, if the House would otherwise adjourn, shall not notify the Members of the House of that pursuant to this section, the House shall convene not later than November 23, 2010.

(II) IN THE SENATE.—

(1) CONVENING.—Upon receipt of a report under subsection (b)(3)(B), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than November 23, 2010.

(2) ADJOURNING.—No concurrent resolution adjournment occurring more than 3 days shall be in order until the Senate votes on passage of the Task Force bill under paragraph (2)(B)(iv).

(B) INTRODUCTION OF TASK FORCE BILL.—

The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Con- gress, shall be introduced not later than November 23, 2010.

(C) COMMITTEE CONSIDERATION.—

The Task Force bill shall be considered under the Rules of the House or Senate to which the bill is referred, and the Rules may not report a rule or order that would have the effect of causing the Task Force bill to be considered by any committee to which it was referred, for the majority leader of the House of Representatives or the majority leader’s designee, to move to proceed to the consideration of the Task Force bill.

It shall be in order for any Majority Member of the House to move to proceed to the consideration of the Task Force bill at any time after the conclusion of such 2-day period. All points of order against the motion to proceed shall be decided by a motion of the majority leader or the majority leader’s designee, without intervening motion.

The motion shall not be debatable. A motion to reconsider the vote by which the motion is decided shall not be in order.

(D) VOTE.—The Task Force bill shall be considered as read. All points of order against the Task Force bill and against its consideration are waived.

(IV) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in paragraph (2), a consideration of a Task Force bill shall be governed by the House of Representatives.

(V) NO AMENDMENTS.—No amendment to the Task Force bill shall be in order in the House of Representatives.

(VI) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the Task Force bill, the vote on passage of the Task Force bill shall occur without any intervening action or motion. If, in the opinion of a majority of Members of the House, the bill should be disapproved, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House. The vote on passage shall occur not later than December 23, 2010.

(VII) THE HOUSE COMMITTEE ON RULES.—The House Committee on Rules may not report a rule or order that would have the effect of causing the Task Force bill to be approved by a vote of less than three-fifths of the Members, duly chosen and sworn.

(2) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) TASK FORCE BILL TO BE DISCHARGED.—

Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the
Task Force bill at any time after the conclusion of such 2-day period. A motion to pro-
cceed is in order even though a previous mo-
tion to the same effect has been disagreed to. All points of order against the motion to pro-
ceed to the Task Force bill are waived. 
The motion to proceed is not debatable. The motion is not subject to a motion to post-
pone. If the motion to proceed to the Task Force bill is agreed to, the Task Force bill shall rem-
ain the unfinished business until disposed of. 

(ii) DEBATABLE.—All points of order against the Task Force bill and all debatable 
mo tions and appeals in connection therewith shall be in order except a total of 100 hours. 
Debate shall be divided equally be-
tween the Majority and Minority Leaders or their designees. A motion further to limit 
debate on the Task Force bill is in order, shall require an affirmative vote of three-
fifths of the Members duly chosen and sworn, and is not debatable. Any debatable 
motion or appeal considered for not exceeding 1 hour, to be divided equally between those 
favoring and those opposing the motion or appeal. All time used for consideration of the 
Task Force bill in the following time limit for quorum calls and voting, shall be counted 
towards the total 100 hours of consideration. 

(iii) AMENDMENTS.—An amendment to the Task Force bill, or a motion to postpone, 
or a motion to proceed to the consideration of other business, or a motion to recommit 
the Task Force bill, is not in order. 

(iv) VOTE ON PASSAGE.—The vote on pas-
sage shall occur not later than December 23, 2010. 

(v) ADMISSION.—If, by December 23, 
2010, either House has failed to adopt a mo-
tion to proceed to the Task Force bill, para-
graph (1A)(ii)(II) shall not apply. 

(vi) RULES TO COORDINATE ACTION 
WITH OTHER HOUSE.—

(i) REFERRAL.—If, before the passage by 1 
House of any bill of that House, that House receives from the other House a 
Task Force bill, then the Task Force bill of the other House shall be referred to a com-
mmittee and shall immediately be placed on the calendar. 

(ii) PROCEDURE.—If the Senate receives 
the Task Force bill passed by the House of Representa-
tives before the Senate has voted on passage of the Task Force bill— 

(i) the procedure in the Senate shall be the 
same as if no Task Force bill had been 
received from House of Representatives; and 

(ii) the vote on passage in the Senate 
shall be on the Task Force bill of the House of 
Representatives. 

(iii) TREATMENT OF TASK FORCE BILL 
OF OTHER HOUSE.—If 1 House fails to intro-
duce or consider a Task Force bill under this sec-
tion, the Task Force bill of the other House shall 
be transmitted to expedited floor pro-
cedures under this section. 

(iv) TREATMENT OF COMPANION MEASURES 
IN THE SENATE.—If following passage of the 
Task Force bill by the Senate, the House receives 
the Task Force bill from the House of Representatives, the House-passed 
Task Force bill shall not be debatable. The vote on passage of the Task Force bill in the 
Senate shall be considered to be the vote on passage of the Task Force bill received from 
the House of Representatives. 

(1V) VOTES.—If the President vetoes the 
Task Force bill, debate on a veto message in 
the Senate under this section shall be 1 hour 
equally divided between the Majority and 
minority leaders or their designees. 

(v) SUSPENSION.—No motion to suspend 
the application of this subsection shall be in 
order in the Senate or in the House of Repre-
sentatives. 

(c) FUNDING.—From the amounts appro-
prated or made available and remaining 
unobligated under subsection (A) (other than under 
title X of Division A) of the American 
Law 111-5), there is rescinded pro rata an 
aggregate amount equal to $9,000,000, which 
amount shall be made available without 
need for further appropriation to the Bipar-
tisan Task Force for Responsible Fiscal Ac-
tion to carry out the purposes of the Bipar-
tisan Task Force for Responsible Fiscal Ac-
tion, and which shall remain available 
towards fiscal year 2011. Not later than 14 days after the enactment of this sec-
tion, the Director of the Office of Manage-
ment and Budget shall administer the rescis-
sion and make available such amount to the 
Bipartisan Task Force for Responsible Fiscal 
Action.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information 
of the Senate and the public that a hearing has been scheduled be-
fore the Senate Committee on Energy and Natural Resources. The hearing 
will be held on Tuesday, February 9, 2009, at 10 a.m., in room SD–366 of the 
Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Depart-
ment of Energy’s Loan Guarantee Pro-
gram. Because of the limited time available for the hearing, witnesses may testify by 
invitation only. However, those 
wishing to submit written testimony for the hearing record may do so by 
sending it to the Committee on Energy and Natural Resources, United States Senate, 
Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell@ energy.senate.gov.

For further information, please contact 
Mike Carr at (202) 224–8164 or Abi-
gail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ARMED SERVICES 

Mr. BAUCUS. Mr. President, I ask 
umanimous consent that the Com-
mittee on Armed Services be autho-
ized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m. 
The PRESIDING OFFICER. Without 
objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES 

Mr. BAUCUS. Mr. President, I ask 
umanimous consent that the Com-
mittee on Energy and Natural Re-
sources be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m. in 
room SD–366 of the Dirksen Senate Office 
Building, to conduct an executive busi-
ness meeting.

The PRESIDING OFFICER. Without 
objection, it is so ordered.

EAST ASIA SUBCOMMITTEE 

Mr. BAUCUS. Mr. President, I ask 
umanimous consent that the Select 
Committee on Intelligence be autho-
ized to meet during the session of the Senate on January 21, 2010, at 10 a.m., 
to hold an East Asia subcommittee 
hearing entitled ‘Principles of U.S. En-
gagement in Asia.’

The PRESIDING OFFICER. Without 
objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE 

Mr. BAUCUS. Mr. President, I ask 
umanimous consent that the Select 
Committee on Intelligence be autho-
ized to meet during the session of the Senate on January 21, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without 
objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on be-
half of Mr. DODD, I ask unanimous con-
sent that Deborah Katz, a member of 
his staff, be granted the privilege of the 
floor for the duration of the consid-
eration of H. Res. 49.

The PRESIDING OFFICER. Without 
objection, it is so ordered.

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. DORGAN. Mr. President, I ask 
umanimous consent that the Judiciary 
Committee be discharged from further
consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the joint resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 25


Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) Consent.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) Amendments.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

"(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission."

(2) Section 1 is amended by inserting at the end the following:

"(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment's effective date."

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any substantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.


Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 391 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecution of United States Attorneys' offices and other components of the Department of Justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 provided assistance and temporary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services for sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of $432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer-offender-generated funds deposited into the Crime Victims Fund have been used to provide almost $7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and watch coordinators at United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas in 2008, with financial support from the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects; Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecution of United States Attorneys’ offices and other components of the Department of Justice.

EXPRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010, EARTHQUAKE IN HAITI

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 392 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 392) expressing the sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.
Whereas, on January 13, 2010, President Obama stated, “I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.”;

Whereas, on January 14, 2010, President Obama pledged $100,000,000 in immediate assistance to the people of Haiti, and dispatched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS Carl Vinson, the USS Bataan, the United States Navy hospital ship, the USS Comfort, and several Disaster Assistance Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hedi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General, Ban Ki-Moon has pledged that “the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.”

Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Leclercq of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructural assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) recognizes the need for the international community’s ongoing and renewed commitment to Haiti’s security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

ORDERS FOR FRIDAY, JANUARY 22, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Friday, January 22, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.J. Res. 45, the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.
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**WITHDRAWALS**

Executive message transmitted by the President to the Senate on January 21, 2010 withdrawing from further Senate consideration the following nominations:

- **ERROLL G. SOUTHERS**, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 17, 2009.
IN HONOR OF THE 100TH ANNIVERSARY CELEBRATION OF THE UNITED STATES IMMIGRATION STATION, ANGEL ISLAND

HON. NANCY PELOSI OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Ms. PELOSI. Madam Speaker, on January 21, 2010, we celebrate the 100th Anniversary of the United States Immigration Station, Angel Island. This national historic landmark, designated as one of America’s most endangered historic sites, served as a processing center for immigrants coming across the Pacific from 1910 to 1940. More than one million immigrants, including those from China, Japan, Korea, the Philippines, and Central and South America were processed at the station. This “Ellis Island of the West,” also known as “The Guardian of the Western Gate,” was designed to control the flow of immigration, especially from China. While many immigrants passed through, many were detained here for lengthy periods of time. Inscribed on the walls of the barracks are their voices of hope, fear and despair.

The facility was used by the U.S. Army during World War II, then abandoned, and became part of the California State Park system in 1963. I was proud to have helped secure federal funding to rebuild the dilapidated barracks which enabled the facility to reopen to the public in February 2009. I will continue my commitment to restoring not just an historic landmark but a symbol of the struggles and courage of people from around the globe who look to America as the land of possibility.

In addition to its unique history, Angel Island is a place of great beauty and breathtaking views. It is imperative that we as San Franciscans and Americans preserve and enhance what Angel Island represents culturally, educationally, recreationally and environmentally for present and future generations.

JOB-KILLING AGENDA CONTINUES

HON. JOE WILSON OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. WILSON of South Carolina. Madam Speaker, sadly the Labor Department said today that claims for unemployment insurance rose last week. The unemployment rate is still at 10 percent with more seeking jobless benefits each day. When will Congress get the message?

The job-killing agenda pushed by liberals in 2009 needs to be scrapped. A national take-over of health care and a national energy tax 2009 needs to be scrapped. A national take-over of health care and a national energy tax 2009 needs to be scrapped. A national take-over of health care and a national energy tax 2009 needs to be scrapped.

It’s time to put these bad ideas to rest and look forward to policies to create jobs and capital. We should heed the counsel of Steve Forbes in his new book, How Capitalism Will Save Us.

In conclusion, God bless our troops, and we will never forget September 11 in the Global War on Terrorism.

ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS

SPEECH OF HON. SHEILA JACKSON LEE OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquakes in Haiti, introduced by my illustrious colleague Representative CHARLES B. RANGEL, from New York. This legislation will allow qualifying charitable donations for the victims of the earthquake in Haiti that are made between January 11, 2010, and March 1, 2010, to be treated as if such contributions were made in 2009, rather than in 2010. This will give Americans even more incentive to give to the relief efforts in Haiti.

Madam Speaker, the world witnessed the vivid devastation of Haiti’s strongest earthquake in more than two centuries on Tuesday, January 12, 2010 which rocked the very core of the Caribbean. With thousands reported dead and thousands more estimated to be counted in that group, it has been the custom and the unstipulated duty of the American people to help our fellow world citizens in their time of desperation and need.

I have the honor and privilege to represent and serve a city such as Houston, Texas, which has, time and time again, shown its generosity and caring spirits, to anyone who is in need. This is why this bill is very significant; notwithstanding different economic conditions, America is STILL doing what it does best, giving much needed aid and hope to whom-ever is in need. We are already playing a key role in both security and much-needed funds in Haiti. This bill will identify a qualified contribution as “a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010” and will give much needed tax relief to the many companies and private citizens who have already given millions of dollars to the relief efforts.

The passage of this bill will cultivate more charitable giving by the American people. In the spirit of the American people, in the spirit of the American people, in the spirit of the American people, in the spirit of the American people, the entire team was evacuated to the Bahamas and is now safe at home with their families and loved ones.

In conclusion, it was not their intention when they signed up, the members of this team deserve to be recognized for their selflessness and service. Their names are:


I join their family, friends, and parishioners in a prayer of thanksgiving for their safe return. I am especially proud of Erica Pattky and

EXTENSIONS OF REMARKS

A national energy tax would be just as devastating, raising gas prices, food prices, and the cost of doing business for millions of Americans. $3,400 a year is what American families might be forced to pay if this national energy tax passes. American manufacturing would be made non-competitive with foreign manufacturers.

It’s time to put these bad ideas to rest and look forward to policies to create jobs and capital. We should heed the counsel of Steve Forbes in his new book, How Capitalism Will Save Us.

In conclusion, God bless our troops, and we will never forget September 11 in the Global War on Terrorism.

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Wednesday, January 20, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquakes in Haiti, introduced by my illustrious colleague Representative CHARLES B. RANGEL, from New York. This legislation will allow qualifying charitable donations for the victims of the earthquake in Haiti that are made between January 11, 2010, and March 1, 2010, to be treated as if such contributions were made in 2009, rather than in 2010. This will give Americans even more incentive to give to the relief efforts in Haiti.

Madam Speaker, the world witnessed the vivid devastation of Haiti’s strongest earthquake in more than two centuries on Tuesday, January 12, 2010 which rocked the very core of the Caribbean. With thousands reported dead and thousands more estimated to be counted in that group, it has been the custom and the unstipulated duty of the American people to help our fellow world citizens in their time of desperation and need.

I have the honor and privilege to represent and serve a city such as Houston, Texas, which has, time and time again, shown its generosity and caring spirits, to anyone who is in need. This is why this bill is very significant; notwithstanding different economic conditions, America is STILL doing what it does best, giving much needed aid and hope to whom-ever is in need. We are already playing a key role in both security and much-needed funds in Haiti. This bill will identify a qualified contribution as “a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010” and will give much needed tax relief to the many companies and private citizens who have already given millions of dollars to the relief efforts.

The passage of this bill will cultivate more charitable giving by the American people. In the spirit of the American people, in the spirit of the American people, in the spirit of the American people, in the spirit of the American people, the entire team was evacuated to the Bahamas and is now safe at home with their families and loved ones.

In conclusion, it was not their intention when they signed up, the members of this team deserve to be recognized for their selflessness and service. Their names are:


I join their family, friends, and parishioners in a prayer of thanksgiving for their safe return. I am especially proud of Erica Pattky and
Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and accomplishments of a man who generously helped shape his state and community. Jack Finney of Greenville, Texas, passed away on January 1, 2010, at the age of ninety-three.

Jack was born to Reginald Horace Finney and Valma Bracken in Commerce, Texas on August 15, 1916. Finney attended Paris High School in Paris, Texas. He later graduated from Texas A&M in College Station with a degree in agricultural administration.

Jack founded Finney’s Holsum Bread Company in Greenville shortly after graduation. At age thirty-six, Jack was appointed to the Texas A&M Board of Directors where he recruited the famous “Grambling Boys” football coach Paul “Bear” Bryant. President and CEO of the Association of Former Students at Texas A&M University, Porter Garner, called Finney a great Aggie and states, “He was always there when Texas A&M needed him.”

Jack was a proud resident of Greenville, stating in a 2006 interview, “I could’ve left Greenville when I sold the bakery, but I stayed here. This is where I was meant to be.” He donated land to the city where a public library and swimming pool now sit. He was also a major contributor to the nearby Texas A&M University at Commerce and Hunt Memorial Hospital District Foundation.

Jack was preceded in death by his wife, Lou House Finney. He will be missed by his large family and the grateful citizens of Greenville.

Madam Speaker, Jack Finney was my good friend for many years. I could always rely on Jack to give me his honest opinion about any issue—as well as his support. Jack was the heart and soul of Greenville, and he will be greatly missed. As we adjourn today, let us do so in memory of this great American, Jack Finney.
HONORING THEODORA J. KALIKOW AND THE UNIVERSITY OF MAINE AT FARMINGTON'S SUSTAINABLE CAMPUS COALITION

HON. MICHAEL H. MICHAUD OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition.

Earlier this month President Theodora J. Kalikow announced that the University of Maine at Farmington (UMF) had finalized its roadmap to achieve the goal of carbon neutrality by 2035. The “Climate Action Plan”, as it is called, was developed through UMF’s own Sustainable Campus Coalition, a collaborative group of driven students, faculty, staff and community members. The plan identifies a number of strategies to reduce carbon emissions, including implementing energy efficient behavior and policies, ensuring future campus structures conform to LEED standards and investing in the use of renewable energy.

According the U.S. Department of Energy, the UMF campus uses approximately 20 percent less energy per square foot than the national average for colleges of similar size and climate. Despite an 11 percent increase in campus building space, the university managed to reduce campus wide energy costs by 5 percent of the 2005 levels. A new geothermal heating and cooling system is projected to save $60,000 and 325 metric tons of carbon emissions per year. These astounding feats are made even more impressive by the fact that the university community led the planning process, with little to no cost to the university system.

The leadership of UMF President Theodora Kalikow in guiding the campus towards energy solutions that reduce greenhouse gases and long-term energy costs is an inspiration to institutions everywhere. I applaud the efforts of the Sustainable Campus Coalition, which reminds us that biggest force of change in a community is the drive of its members. Although the nation has a long way to go in moving towards a clean energy future, the people of UMF have shown that progress is possible and that it is happening now.

Madam Speaker, please join me in honoring Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition for their efforts in making a clean energy campus a reality.

HONORING THE LIFE OF DR. JACK HOMER HITTSON, JR.

HON. RALPH M. HALL OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a fellow veteran and treasured citizen of Garland, Jack Hittson, who passed away last year at age of eighty-three.

Jack, a fifth generation Texan, was born June 19, 1925 in Palo Pinto, Texas. He graduated from Strawn High School at the age of sixteen and enrolled at the University of Texas at Arlington. Before completing his studies, Jack enlisted in the U.S. Navy as a pilot. Jack returned to college following World War II and graduated from Baylor College of Dentistry at the age of twenty-three.

Jack first practiced in Panama where he met and married his wife, Elizabeth Weltzin. Shortly thereafter, they moved to the Alaskan Territories where Jack began work with the Alaskan Health Service. Jack went on to attend the University of Tennessee at Memphis to specialize in orthodontics.

Following graduation, Jack was re-commissioned during the Korean War and stationed in Orleans, France. He returned to Garland after completion of his commission and started one of the first orthodontic practices in North Texas.

Jack was actively involved in the community where he volunteered his time and resources to the benefit of the YMCA, Boy Scouts, Masons, Garland Dental Club, Texas Dental Association, and the Texas Democrats. Jack will be missed by his wife and the greater Garland community.

Madam Speaker, I commend Jack Hittson for his service to the North Texas community and his country.

CONGRATULATING NANCY GOODMAN BRINKER

SPEECH OF HON. RON KLEIN OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 20, 2010

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of H. Res. 708, a bill to congratulate Ms. Nancy Goodman Brinker for receiving the Presidential Medal of Freedom. Nancy Brinker, a resident of my Congressional District in South Florida, has had a remarkable impact on the fight against breast cancer. As founder of Susan G. Komen for the Cure, a foundation named for her sister who unfortunately lost her battle with breast cancer 30 years ago, Nancy has helped raise over $1 billion dollars in support of research, education campaigns and support services for patients and their loved ones.

Susan G. Komen for the Cure and the Race for the Cure have helped create a global movement to empower and support those touched by this disease. Now the largest grass roots breast cancer movement in the world, Susan G. Komen for the Cure offers a place for patients, their friends and family, and those who have lost loved ones to breast cancer to share their stories, raise awareness and donate their time and resources toward finally putting an end to this disease.

I was honored to participate in the Race for the Cure held in West Palm Beach, FL where I walked in honor of my sister, who was recently diagnosed with breast cancer. At this event, I was delighted to meet Nancy in person, and thank her for her tireless efforts in fighting this terrible disease.

Nancy's work to honor the life of her sister by helping countless others is truly admirable, and deserving of this distinguished civilan award. I would like to thank my friend from Illinois, Congressman SCHOCK for introducing this resolution, and Chairman TOWNS for his leadership in bringing this bill to the House floor today. I urge passage of the bill and I yield back the balance of my time.

RESPECT THE WILL OF THE PEOPLE AND SEAT SENATOR SCOTT BROWN

HON. CANDICE S. MILLER OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mrs. MILLER of Michigan. Madam Speaker, prior to my service in this body I had the honor for eight years to serve as Michigan's Secretary of State. In that role I also served as Michigan's chief elections officer.

I am always awed by elections where the people of this nation choose those who they wish to have serve them in government.

Everyone of us who serves in this House is here because of the will of the people.

The people's collective voice must always be honored and respected.

Yesterday we saw another example of the voice of the people when the voters of Massachusetts went to the polls in large numbers to fill the unexpired term of the late Senator Ted Kennedy.

The result of that election is clear. The people of Massachusetts have chosen Senator SCOTT BROWN to be their voice. There is no doubt of the outcome, there is no contest to the election and his opponents have conceded.

When Senator Kennedy was elected in 1962 to fill the unexpired term of his brother President Kennedy, he was seated the very next day, because the people had clearly chosen him to do so.

Senator BROWN and the people of Massachusetts deserve the same consideration.

With all of the important issues facing this nation it is vital that the people's duly elected representatives are able to exercise their important duties.

I respectfully urge the other body to seat Senator BROWN immediately so that the people of Massachusetts can be heard through their elected Senator.
ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS

SPEECH OF
HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. VAN HOLLEN. Madam Speaker, I commend Chairman RANGEL and Ranking Member CAMP for bringing this timely legislation to the floor and support its swift enactment.

Simply put, H.R. 4462 will allow charitable cash contributions for Haitian earthquake relief made before March 1, 2010 to be deducted on the contributor’s 2009 tax return. As the ongoing rescue and recovery effort in Haiti is still very much an issue of life and death, this targeted initiative will reward those who have already given while providing an extra incentive for those who are considering a contribution.

Additionally, I applaud Secretary Napolitano’s decision to grant Temporary Protected Status to Haitian nationals living in the United States, which will enable these individuals to stay in the U.S. for up to 18 months past their visa expiration.

America is a generous and compassionate Nation that has always responded to our neighbors in need. I’m proud to support this bipartisan legislation.

HONORING THE LIFE OF JANET SIMPSON COYLE

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a lifelong teacher and public servant, Janet Coyle of Rowlett, Texas, who passed away last year at the age of ninety-nine.

Janet was born on April 7, 1910 in Brownwood, Texas to Charles and Janie Simpson. She taught elementary school in Garland, Richardson, and Rowlett for twenty-five years where she followed her personal motto, “There is something to love in every child.”

Janet served as President of Classroom Teachers of Garland from 1959 to 1960. She later volunteered her time as the first woman on the Rowlett Planning and Zoning Commission. She was a charter member of the Rowlett Historical Society and was given the Chamber of Commerce Heritage Hall of Fame Award in 2007.

Janet was an active member of her church, First United Methodist of Rowlett, for seventy-seven years. She is preceded in death by her husband of fifty years, William “Bill” Coyle. She will be missed greatly by his family, his friends, his colleagues, and the countless people he affected in a positive and enduring way. I was proud to call him a friend, and privileged to watch him serve others with great sincerity and passion.

CONGRATULATING NANCY GOODMAN BRINKER

SPEECH OF
HON. DEBBIE WASSERMAN SCHULTZ
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 706, which congratulates Ambassador Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

I was thrilled when I heard the news last year that President Barack Obama had given this highest civilian honor to Ambassador Brinker.

No one could be more deserving of this great honor. For nearly 30 years she has shown, not only to the Navy but also to the community, that people with inspiration and dedication can make a difference.

As Executive Support Officer, he directed a staff which encompasses security, public affairs, congressional affairs, command instructional design, drug free workplace program, internal review, and parking control. His work during this period was complicated by the merger of the Mid-Atlantic Regional Maintenance Center into the Norfolk Naval Shipyard. He not only welcomed new personnel into his organization with proper courtesy and care, his public affairs expertise was helpful in developing and executing a communication strategy for the workforce to accompany such a significant change. That integration was completed in phases, with each phase being executed seamlessly, in accordance with established schedules.

As Executive Support Officer, he developed a relationship of trust and open communication among all levels of the Shipyard, from labor organization representatives up to and including the Shipyard Commander. He brings to the table a well-deserved depth of experience. When emergent or new tasks come about, he continually delivers not only within his assigned responsibilities, but he goes out of his way to help other departments where he can.

Strickland’s aggressive actions in connection with identified security deficiencies at Norfolk Naval Shipyard resulted in improve-ments in processes which have crossed over and positively impacted the region as a whole. Similarly, his recent involvement regarding proposed reductions in fire and emergency services at NNSY, Naval Medical Command Portsmouth and Naval Station Norfolk resulted in no reduction in service or adverse impact to customers.

Mr. Strickland was awarded the Purple Heart for injury sustained during his service in the Navy, demonstrating his selfless sacrifice and
the full measure of his devotion to the United States.

Madam Speaker, please join me and the employees of Norfolk Naval Shipyard in offering our sincere congratulations to Mr. Strickland on his exemplary service and a retirement well deserved.

EARLY DETECTION MONTH FOR BREAST CANCER

SPEECH OF
HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 158 to express my support for the designation of an early detection month for breast cancer and all other forms of cancer.

Early detection is incredibly important in saving the lives of victims of cancer. While this is true for people suffering from every form of cancer, it is particularly important for those suffering from breast cancer. Breast cancer can be detected through procedures that screen for abnormalities in breast tissue, and it is considered to be the best way for women to lower their risk of dying from the disease. Essentially, these screenings find the cancer early, when it is most treatable, and for this reason, designating an early detection month is incredibly important to help save the lives of the almost 200,000 women in the United States who are diagnosed with invasive breast cancer each year.

It is important to note, as well, that the risk of getting breast cancer is much lower for African-American women than white women; however, African-American women are more likely to die from breast cancer. This is attributed partly to the fact that African-American women are less likely to get regular mammograms, resulting in a diagnosis of breast cancer at a later stage. This is one more reason why designating an early detection month is so important.

In my district, we are doing our part to ensure early detection. Susan G. Komen for the Cure is one of the leading advocates for breast cancer awareness and actively promotes early detection. From their headquarters in Dallas, they have been advancing the cause for breast cancer prevention and awareness across the country. I am proud of the work they have done to save countless lives across the country.

Mr. Speaker, today I encourage my fellow colleagues to join me in supporting this very important resolution that expresses support for the designation of an early detection month for breast cancer.

HONORING THE LIFE OF WILLIAM MATSON BOYD

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and achievements of William Boyd of McKinney, Texas, who passed away last year at the age of seventy-one.

Bill was born August 8, 1938 in McKinney, Texas to Roland and Nanette Boyd. He received both an undergraduate and JD from SMU in Dallas. He was elected Collin County District Attorney even before completing his law degree.

Bill realized his passion for law and gave up his political ambitions to work for the successful law firm his father founded. Over his career, Bill handled many prominent cases. He was well-known in north Texas area for his work with the Dallas police and firefighters in a back-pay lawsuit.

Bill was a longtime member of the First Baptist Church of McKinney, Texas where he served as Chairman of the Board of Deacons. He was preceded in death by first wife, Betty Boyd.

He will be missed by wife, Barbara White Boyd and a host of friends. Bill and I stayed in touch. I received much advice that I acted on. Bill was a great lawyer and a super friend.

Madam Speaker, I commend Bill Boyd for his commitment to his community, and I ask the U.S. House of Representatives to retire at close of House business today in honor of this fine friend.

EARLY DETECTION MONTH FOR BREAST CANCER

SPEECH OF
HON. DEBBIE WASSERMAN SCHULTZ
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 158, expressing support for the designation of an Early Detection Month to enhance public awareness of cancer screening.

As a young woman, I recently experienced firsthand why early detection is vital. As you may know, nearly two years ago, I was diagnosed with breast cancer.

During my course of treatment, I underwent genetic counseling and testing. I met with many specialists. I had seven surgeries. I am pleased to stand before you today cancer-free.

But the fact is, I may not have been around for any of these life saving procedures if I didn’t have the knowledge and awareness to catch my lump early.

As a Member of Congress and lifelong advocate for early detection of cancer, I knew the statistics for breast cancer—that 1 in 8 women will be diagnosed in her lifetime.

I knew the importance of knowing what your breasts are supposed to feel like—that’s why I chose to do self-exams.

I knew the importance of early detection—clinical exams every 3 years as of age 20; every year after 40...mammograms every year after 40.

And yet for all that I knew to help me increase my chances of early detection of cancer, I soon realized how much I didn’t know.

I didn’t know that—even with no immediate family history of breast cancer—as an Ashkenazi Jew I was five times more likely to have the mutation...and, if I did, that I’d have up to an 85 percent lifetime chance of getting breast cancer...and up to a 60 percent chance of getting ovarian cancer.

I didn’t know that, because it’s often more aggressive and diagnosed later, younger women—compared to older women—are more likely to die.

But I thank God that I knew enough. I didn’t find my tumor through luck. I found it through knowledge and awareness, the fundamental tools for early detection.

These are the reasons why I commend my colleagues, Congressman E THERIDGE, for introducing this critical resolution that will enhance public awareness of screening for breast cancer and all other forms of cancer.

At the end of the day, knowledge is power. And with this resolution, we will give men and women all across America the power to detect cancer early, and we will save lives.

HONORING THE LIFE OF ZANER FAY CULBERSON ROBISON BENETIN

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a respected public servant, Zaner Fay Culberson of Royse City, Texas, who passed away this past June at the age of ninety-five.

Zaner was born to Tom and Hattie May Culberson on March 13, 1914 near Gilmer, Texas. In 1939 Zaner married Robert Robison. They soon moved to Caddo Mills, Texas, where they jointly founded the Caddo Mills Enterprise and purchased the Royse City American in 1942. They started the Tawakoni News in 1963. Robert passed away in 1975, and Zaner continued operation of the newspapers. She went on to find four more local papers in the region.

Zaner served as Mayor of Royse City from 1980 to 1982. She was a longtime member of the Chamber of Commerce of Royse City and the Texas Press Association. In 1979 Zaner married to John Benetin, whom she led into the newspaper industry.

Zaner was an active member of the Royse City United Methodist Church where she taught several classes and served as a member of the administration board. She was later President of the United Methodist Women for the region. She is preceded in death by her husband, Robert Robison and John Benetin. She will be missed by a host of nieces and nephews and the entire Royse City community.

Madam Speaker, as we adjourn today, let us do so in memory of Zaner Fay Culberson, who for many years I could count on for wisdom and support. I commend Zaner for her lasting impact on the newspaper industry and devotion to community service.

HONORING TONY KENNETH MEUNIER

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor Tony Kenneth Meunier in celebration of his recent retirement from the U.S. Geological Survey (USGS) after almost 42 years of
Federal Government service. He is a remarkable, inquisitive man who, with passion and dedication, has worked tirelessly throughout his career to advance our knowledge of the Earth, Space, and social sciences. He has been a soldier, educator, explorer, scientist, writer, and devoted family man.

Mr. Meunier, originally from Buffalo, New York, began his Federal Career by enlisting in the U.S. Air Force (USAF) in 1963, when President John F. Kennedy was Commander-in-Chief. Staff Sergeant (E-5), Meunier served overseas for almost 3 of his 4 years with the USAF Service Security. After military service, he used the GI Bill (Vietnam War Era) to earn a Bachelors and Masters Degree in Geology, Geography, and Earth-Space Sciences from the State University of New York at Stony Brook and SUNY Brockport, New York. After teaching math and science in the Rochester, New York area, Mr. Meunier joined the USGS Topographic Division, Office of Research and Technology Standards, May 1972.

Always interested in cutting edge science and technology, Mr. Meunier became one of the USGS’s first Research Digital Cartographers and an early advocate of using Landsat imagery for field research and mapping applications. Also, as a physical scientist/cartographer, Mr. Meunier made significant contributions to the USGS program in Antarctica, an international program that spans more than 60 years. He has been a member of three deep field expeditions to Antarctica, including a 14-month period, serving as a member of one of the first USGS satellite surveying winter-over teams at South Pole Station during 1974. For this expedition, in 1974, Mr. Meunier was awarded the Antarctic Service Medal by the United States of America. During the 1982–83 and 1983–84 field seasons, as a member of the Antarctic Search for Meteorites (ANSMET) group, working in a previously unexplored region on the East Antarctic Plateau, he initiated a successful plan for locating blue-ice areas with meteorite concentrations using Landsat satellite imagery and also developed a new satellite surveying positioning method to locate and map the meteorites discovered in field operations. In 1995–96, Mr. Meunier was a member of the first U.S. Absolute Gravity team that made measurements in McMurdo and Dry Valley areas and as a supporting member of the South Pole Overland Traverse’ search for a usable over-snow route to resupply the South Pole Station. Finally, during the just completed International Polar Year (IPY), Mr. Meunier published a series of USGS Open-File Reports on the Scientific Accomplishments of the USGS over the past 60 years.

Throughout his career, Mr. Meunier has demonstrated a continuing dedication to the advancement of polar science. His contributions to research and the mapping of Antarctica have provided the Nation an invaluable asset. In 1977, at the recommendation of the Advisory Committee on Antarctic Names, Mount Meunier, a feature on the Walgreen Coast of Marie Byrd Land, Antarctica, was named in his honor by the United States Board on Geographic Names. Also, in recognition of his exemplary scientific and programmatic contributions to the U.S. Geological Survey’s scientific activities in the exploration of Antarctica, the Department of the Interior, in 2009, awarded Tony Kenneth Meunier, its second highest honor, the Meritorious Service Award.

Madam Speaker, I ask my colleagues to join me in saluting Mr. Meunier for his 42 years of public service, for his accomplishments and for all he has done to engender continued interest in the advancement of knowledge among his colleagues and the public at large.

HONORING TRAVIS W. CHILDERS OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Bud Huddleston as a music legend from North Mississippi. Mr. Huddleston has been a working musician in Tippah County and across North Mississippi for over 50 years.

Mr. Huddleston, a lifelong resident of Tippah County, has spent the last half century making music and thrilling local crowds with his beloved wife Hazel, now deceased. The two met in the mid-1940s when Bud encountered Hazel playing at a dance in a band with her father and brothers. He remembers liking both her looks and her guitar playing. Despite the fact that Hazel’s father accompanied them on their first date, they continued to see each other and play together, eventually getting married in 1949.

Both Bud and Hazel Huddleston played music from childhood and learned from family members. The Huddlestons attributes a 1979 encounter with bluegrass musician Clarence Gildrum as having a significant impact upon their career. Although the two played country music, Mr. Huddleston’s great love was bluegrass. Having the opportunity to spend time and play with Goodrum convinced Mr. Huddleston to make the change and they have played mountain music ever since.

Despite an excellent reputation as live performers, the couple may be best known for their radio work. Since 1982, the Huddlestons have been a fixture on the airwaves on Kudu 102, a station that covers a large portion of North Mississippi, northern Alabama, and South Tennessee. They performed a bluegrass show on KUDUZ 104.9 Saturday mornings and a bluegrass gospel program on Sundays. Mr. Huddleston is the voice of the program and chooses the music. Mrs. Huddleston lost her long battle with cancer on March 29, 2008.

Mr. Huddleston still lives in Ripley, Mississippi where the Huddlestons have sponsored the Tippah Lake bluegrass festival for over 20 years, now with crowds of more than 700. I ask my colleagues to join me today in thanking Mr. Bud Huddleston for the joy his years of performing have brought to his audience. We recognize him today for a life of love and musicianship.

IN HONOR OF BISHOP DR. AUDREY F. BRONSON

IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. SESTAK. Madam Speaker, I wish to honor Bishop Dr. Audrey F. Bronson in recognition of her investiture as President of the Zion Baptist Church in Philadelphia, Pennsylvania on January 24, 2010.

Dr. Bronson is an ordained minister and consecrated bishop. She began preaching at the early age of fourteen and after many years of serving as an evangelist, she established the Sanctuary Church of the Open Door in 1975. Under her leadership, Sanctuary Church grew rapidly. She also founded the Sanctuary Christian Academy in 1978, a private academic school from pre-school to fifth grade; the Sanctuary Bible Institute and the Sanctuary Counseling and Referral Center.

Because of the demands of a growing church, Dr. Bronson retired from Cheyney University in 1984 as Associate Professor of Psychology after seventeen years of teaching. She served as Dean of the Philadelphia Urban Education Institute, a subsidiary of the African American Interdenominational Ministries, Inc. (AAIM, Inc.) of Philadelphia in association with the major seminaries of Philadelphia, Pennsylvania. Dr. Bronson serves as secretary on the board of One Church, One Child, Inc. of Pennsylvania, a statewide organization organized to encourage members of African American Churches to adopt African American children. She also served on the Mayor’s Transition Team.

Dr. Bronson is deeply touched by human suffering and her church doors are open seven days a week to minister to people in need of both spiritual and physical help. Dr. Bronson has served as block captain; ministered in prisons; worked to rid the area of drugs surrounding her church and helped to feed homeless people. She has a tremendous desire to bring about changes in the lives of her fellowman and faith in his ability to help himself. Dr. Bronson will continue her good works as President of the Zion Baptist Church.

The Zion Baptist Church began as a missionary prayer meeting in 1882 led by Reverend Horace B. Wayland in the home of Mr. & Mrs. Lewis Simms. Over the years, Zion membership grew to an extraordinary 6,000 congregants. In 1955, Zion moved to its current location at Broad & Venango Streets, where it was transformed into an urban Christian center. To this end, the Church initiated the following programs: a day care center, credit union, community center programs, employment agency, retirement home, adult education courses, reading classes and family counseling.

The Zion Baptist Church and its leadership have consistently placed an emphasis on community development and Christian youth. Community, social, and theological initiatives organized by the Church include the Zion Center for Corresponding Biblical Studies, weekly Bible Study, Transportation Ministry, Puppet and Clown Ministry, spiritual retreats, leadership workshops, Zion Outreach Support Ministry and the Human Services Center.

Dr. Bronson’s selection as President of the Zion Baptist Church is the well-deserved result of many years of dedicated service to the church and the Philadelphia community at large. On behalf of the Seventh Congressional District, I wish Dr. Bronson continued success in this new endeavor.
HONORING TEDDY PENDERGRASS (1950–2010)

HON. CHAKA FAITAH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. FAITAH. Madam Speaker, Teddy Pendergrass lived many remarkable lives—a life of song, rich and sensuous, a life of determination to overcome a difficult childhood in North Philadelphia, and finally a life of perseverance and triumph against the greatest odds imaginable.

When Teddy Pendergrass, at the too-young age of 59, died January 13 in a hospital several miles from where he grew up in North Philadelphia, the tributes flowed from across the nation and the world. But they weren't nostalgic reminiscences for a faded star whose career might have been cut short by a paralyzing automobile accident. The praise and adoration were present-tense, for a man who—by guts and willpower—kept performing, kept recording, on stage, everywhere he went. He was playing the drums for various local groups in a row for Gamble and Huff at Philadelphia International Records. No one who heard him in a church pew, in a wheelchair, kept filling concert halls, stayed vibrant on the playlists and wherever music is enjoyed.

Even more, Teddy Pendergrass was a man of character and example. He grew in stature with the passage of years. He endured the hard solitary work of rehab so that he could return to the limelight—in a wheelchair, ever-soulful. The tragedy of March 18, 1982 did not render Teddy bitter or consumed with self-pity. He emphatically made it clear that "there is life after paralysis".

Offstage, Teddy Pendergrass worked to inspire and encourage others. He established the Teddy Pendergrass Alliance to raise money for other victims of spinal cord injuries. He partnered with the National Spinal Cord Association. He inspired young artists—and youth people with severe spinal cords.

Theodore DeReese Pendergrass, born March 26, 1950, had a strong and special relationship with his mother Ida Burgess Pendergrass—and with the gift of music that she nurtured. Ida would stand young Teddy, at the age of two, on a chair in church and he would sing spirituals to the Lord. At age ten he was licensed to the Gospel Ministry. Soon he was playing the drums for various local groups including The Cadillacs. It was while drumming for Harold Melvin and the Blue Notes that his vocal gift was discovered.

In 1972, he signed to Gamble & Huff’s Philadelphia International Records label. “Teddy Bear” was smoldering hot—in his recordings, on stage, everywhere he went. He recorded 10 platinum (million-selling) albums in a row for Gamble and Huff at Philadelphia International Records. No one who heard him in a church pew, in a wheelchair, kept filling concert halls, stayed vibrant on the playlists and wherever music is enjoyed.

A year after his accident Teddy Pendergrass returned to recording, memorably in a 1984 duet with Whitney Houston, titled “Hold Me.” He rolled that wheelchair onstage at JFK Stadium to perform at the unforgettable “Live Aid” charity concert. He produced a 1998 autobiography, undertook a 2002–2003 concert tour, and all the while serving as an inspiration to many artists. The highlight of his life was “Teddy 25—A Celebration of Life, Hope and Possibilities” at Philadelphia’s Academy of Music. It was a fund raiser for his Alliance, and it marked 25 years since the accident.

Then, at last, came retirement. This past year, Teddy Pendergrass faced a battle with colon cancer that his great heart and courage could not overcome.

Teddy Pendergrass loved life and would light up any room with his million dollar smile. He loved his family and held them close to his heart. This love was evidenced in the way that he encouraged family and friends to share private moments with him. He and his wife Joan enjoyed spending every possible moment together; being a loving and devoted part of their life. Their love for each other was ordained by God and they became one in marriage. Teddy returned to the Lord Jesus Christ and together they joined the Enon Tabernacle Baptist Church.

Teddy leaves to cherish his memory, his loving wife, Joan Pendergrass, his devoted mother, Ida Pendergrass, his children, Teddy II (daughter-in-law, Felicia), Tishia (son-in-law, Cedric) and LaDonna; stepdaughters Sherilla Lestrade and Jessica Avila; grandchildren, Montaunius Drane, D丝ayna, Martin Pendergrass III, Alana Nida Sky Pendergrass, Jasmine Lestrade, Gabriel Gomes and Jeremiah Sanford. In addition to his immediate family, Teddy will be dearly missed by his godchildren, family and friends; especially, his cousins, Jerrin and Francina Pendergrass; Jerry Mouzon, Pee Wee Mosley and Neverland Dent; his special family; Joyce Canderler, Edwin Dereese Canderlero, Antonio Canderlero, Keya Perinchief, Kyild Perinchief, Lori Edmonds, Paya Williams, Jerold Robinson, Louise Kellenhay, his manager’s Danny Markus, Shep Gordon and Allan Strahi and longtime friend, Henry Evans.

It is as Enon Tabernacle, one of Philadelphia’s great churches, that a Celebration of Life will be conducted on Saturday, January 23, at 10 a.m. Teddy Pendergrass lived a life worthy of celebration at every level. His music lives on. His spirit lives on. His fierce determination and zest for life endures. This is how we know him, by now.

RECOGNIZING DEPUTY CURTIS CEPHAS FOR RECEIVING THE MEDAL OF VALOR

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Deputy Curtis Cephas of the Escambia County Sheriff’s Department. Upon receiving the Medal of Valor, the department’s highest honor, Deputy Cephas risked his life in service to the community, and I am proud to recognize his selfless act of heroism.

On July 3, 2009, while off-duty, Deputy Cephas was summoned to a residence by an citizen that a nearby house was on fire. Deputy Cephas ran to the house, noticed smoke pouring from inside, and began searching the home to determine if anyone was inside. After discovering that the home’s occupant was inside and unable to escape the fire, Deputy Cephas proceeded to the basement of the house and found the resident inside and immobile. He succeeded in pulling the man outside and safely away from the fire.

For his courage and bravery at extreme risk to his own life, Deputy Cephas is being awarded the Medal of Valor, the highest award of the Escambia County Sheriff’s Department. Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Deputy Curtis Cephas for going above and beyond the call of duty, his爱心 to his community and a true public servant. My wife Vicki and I wish Deputy Cephas and his family all the best for the future.

RECOGNIZING CAPTAIN JOSEPH A. IANNITTI—SCOTTSDALE HEALTHCARE’S “SALUTE TO MILITARY” HONOREE

HON. HARRY E. MITCHELL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home state of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to our country. Scottsdale Healthcare has recognized Captain Joseph A. Iannitti for the month of January 2010.

Captain Iannitti has served in the Army for nine years and is currently the Executive Officer for the 288th Signal Company, 11th Air Defense Artillery Brigade at Fort Bliss, Texas. Next month, he will deploy to Kuwait where he will be serving a one year tour of duty as a Communications Officer for the 3rd Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade.

During his service Joseph has received numerous awards, all of which serve as a tribute to his honorable character. He was awarded two commendation medals, an achievement medal, good conduct medal, national defense service medal, reserve mobilization medal and a global war of terrorism service medal.

Madam Speaker, please join me in recognizing this courageous service member for his outstanding contributions and service to our country.

HIGHLIGHT’S GUERRA HONORED WITH STATE LAWN CARE AWARD

HON. TIM RYAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. RYAN of Ohio. Madam Speaker, the Ohio Lawn Care Association recently announced Christopher Guerra, of Highpoint Lawn Service in Stow, as the recipient of its first-ever Ohio Lawn Care Applicator of the Year Award. The new annual award recognizes Guerra for his dedication to customer service and 7 years of work experience at Highpoint. He was presented a plaque by OLCA Publicity Committee Chair, Rob Palmer,
Weed Pro, Ltd. at the OLCA annual meeting Dec. 8 during the Ohio Turfgrass Conference & Show.

Guerra was selected from five finalists including: Matt Dixon, Buckeye Ecoware; Fred Hoyt, Custom Lawns; Matt Netley, Fitzwater Tree & Lawn Care; and Dan Paolini, Weed Man Lake County.

Guerra was nominated by Highpoint President John Prusa, who commend Guerra for his productivity and personal, caring service to a loyal customer base while completing his education and earning a degree from the University of Akron. Several complimentary letters from customers accompanied his nomination.

The Ohio Lawn Care Applicator of the Year Award, sponsored by Dow AgroSciences, is a new award to be presented annually by OLCA. To apply, one had to be a member company of the association and could only be nominated by a company owner, manager or supervisor. Nominees were required to have a minimum of two years experience.

OLCA represents nearly 500 professional lawn care companies throughout Ohio, and is committed to promoting and protecting the lawn care industry in Ohio. For more information about OLCA or the Applicator of the Year Award, call 800–510–5296; email info@OhioLawnCare.org; or visit www.OhioLawnCare.org.

CONGRATULATING NANCY GOODMAN BRINKER

SPREAD OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. HENSARLING. Mr. Speaker, today I would like to honor Ambassador Nancy Brinker for her continued leadership and advocacy in breast cancer research and congratulate her on receiving America’s highest civilian honor, the Presidential Medal of Freedom.

Ambassador Brinker’s commitment to defeating breast cancer began 28 years ago after she lost her sister to the disease. Since that time, Ambassador Brinker has dedicated her life to increasing public awareness and developing a grassroots network of individuals affected by breast cancer.

As the founder of Susan G. Komen for the Cure, Ambassador Brinker has campaigned tirelessly to help those affected by breast cancer and has raised over $1.3 billion for research and education purposes since it was founded.

Now serving as the Goodwill Ambassador for Cancer Control for the United Nations World Health Organization, Ambassador Brinker’s dedication and leadership are felt throughout the world as she promotes awareness and continues the global fight against breast cancer.

Breast cancer is a devastating disease that has touched many lives. As a former volunteer and board member of the American Cancer Society of Dallas, I have seen how cancer impacts a family. As a husband and father, I share a deep commitment to the fight against cancer.

Mr. Speaker, on behalf of the Fifth District of Texas, I applaud Ambassador Brinker for her longstanding dedication, leadership and selfless spirit and congratulate her on receiving the Presidential Medal of Freedom.

INITIATIVE TO WIPE OUT CREDIT CARD FRAUD

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. ROHRABACHER. Madam Speaker, I rise to speak briefly about an initiative by MagTek, a company from California’s 46th District, which I represent. This initiative is aimed at fighting credit card fraud which funds gangs, crime syndicates and global terrorist organizations, including Al Qaeda.

I would include in the record a short excerpt from a speech describing the initiative, and I ask all of my colleagues and the American people to join us in wiping out credit card fraud.

EXCERPT FROM A SPEECH TO THE FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) PAYMENT SECURITY CONFERENCE

(By MagTek Chief Security Officer Tom Patterson)

Billions of dollars are being stolen every year from thousands of banks, hundreds of thousands of merchants, and millions of consumers—and it’s being used to fund gang activity, organized crime, and terrorist plots. And it’s got to stop.

Our identities and credit card information are being stolen across America, by waiters and waitresses in restaurants, by clerks at our stores, and even our ATM machines and gas pumps. In fact, every time we hand over our credit or debit card, Americans are taking a risk that our critical information could be stolen. Last year, over $1 billion dollars was stolen from us with these methods and others like them, and many of these thefts are being perpetrated by people and machines that have been co-opted by criminal gangs.

Gangs in America, like the “Bloods” and the “Crips”, have now moved aggressively into the counterfeit card business, providing the devices (called skimmers), and paying out $20 for every card number stolen. In fact, counterfeit card machines capture the third largest revenue source for many of our largest gangs, moving ahead of extortion. They make their money by selling blocks of these freshly stolen identities upstream, to foreign organized crime.

A 2009 United Nations report has identified Russian organized crime as the world’s largest source of counterfeit card fraud, just ahead of the Chinese triad gangs. The largest of these, known as the Russian Business Network, work the land for gold by purchasing these aggregated lists of identities and card numbers, combining them with near-perfect looking fake cards and then selling them on under-world-sponsored auction sites to the highest bidder.

One of the largest bidders for these counterfeit cards this past decade has been Al Qaeda, who repeatedly purchases them for use in funding their terror plots around the world. The horrific bombing in the nightclub in Bali, which killed 202 people, was funded in large part by recently skimmed cards. A captured Al Qaeda handbook describes in great detail how to fund their plots, including the translocation “obtain credit card numbers and manipulate the network.”

The security of our citizens should be paramount, especially in light of its negative effects on merchants and banks, and its role in funding of US gang violence, transnational organized crime, and global terrorism. It’s time for our financial services industry to put a stop to this, by working together to allow merchants to tell the difference between our real cards, and these fakes that are plaguing our way of life.

I am proud to represent the citizens of Grayson County and they should be celebrated for their contributions to making Kentucky such a wonderful place. I ask my colleagues to join me in honoring Grayson County and congratulating them on 200 amazing years.

A TRIBUTE TO GRAYSON COUNTY, KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a great place in the Commonwealth of Kentucky—Grayson County. On Monday, January 25, 2010, Grayson County will celebrate its 200th birthday.

The county was established in 1810 as the 5th county in Kentucky. It was named after Colonel William Grayson, a Virginia statesman and Revolutionary War aide to General George Washington.

Col. Grayson once owned over 5,000 acres, which included the western end of Grayson County. As the story goes, Washington purchased the land for $10.00. The father of Robert E. Lee, by trading his favorite horse.

Grayson County includes many great attractions, offering individuals a great place to visit and live. Grayson County’s Twin Lakes and the Rough River State Resort Park offer recreational opportunities, including swimming, nature trails, boating, tennis, and go-cart racing as well as camp sites and lodging.

I am proud to represent the citizens of Grayson County and they should be celebrated for their contributions to making Kentucky such a wonderful place. I ask my colleagues to join me in honoring Grayson County and congratulating them on 200 amazing years.
Mr. CHANDLER. Madam Speaker, I rise today to recognize an exemplary resident of Kentucky’s Sixth Congressional District, Ms. Kristen Jarboe. Ms. Jarboe, a teacher at Elkhorn Elementary School in Frankfort, has been named as a semifinalist for the Presidential Award for Excellence in Mathematics and Science teaching. This prize, awarded on behalf of the White House’s Office of Science and Technology Policy, is a very high honor, and I am proud today to recognize the accomplishments of this exceptional educator in the U.S. Congress.

Her teaching methods emphasize individual attention and small classes so that struggling students are brought up to speed and not left behind. She is recognized as a leader not only among her students, but among the school as a whole, organizing after-school programs such as Family Math Night and creating a school-wide math test for primary through second grades. Her work does not end once students leave her classroom at the end of the year, as she strives to instill a desire to learn in each of her students, and motivates them to become lifelong learners.

Madam Speaker, I believe teaching is one of the most important jobs in our nation and is often underappreciated. Ms. Jarboe’s devotion to her work and her students is certainly deserving of this great award and recognition, and with people like her teaching our young people, I am excited for our future generation of leaders.

HONORING THE UNBORN
HON. JEB HENSARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. HENSARLING. Madam Speaker, I need not tell you that tomorrow millions of Americans will reflect upon the Supreme Court decision, Roe v. Wade. Some Americans will celebrate. Many others will mourn. I will mourn that decision.

I know this question represents one of the great political fault lines in America today and that many of my countrymen and women feel quite differently than I do. But I believe in my heart and in my head that there is no more fundamental right that we have than the right to life. It is enshrined in our founding documents. Our Creator brought us into this world with certain unalienable rights, including the right to life. I can come to no other conclusion in my heart and in my head that life begins at conception. I cannot understand my countrymen who come to different conclusions. I do not hate these people, nor do I disparage them, but I have great sadness about what has occurred because of their beliefs: that millions of our fellow countrymen will never experience that moment because of what I believe to be a very wrongheaded and a very unconstitutional decision made many, many years ago.

And so, a battle continues in this great body as a battle continues all across our land. It’s not just a battle to change laws. It is a battle to change the hearts and minds of our countrymen. It is something that I take as an article of faith. But, if there is any parent in this body who has seen that sonogram when your baby is just weeks old, to see that beating heart, to see those little fingers, to see those little toes, and know that you have this great privilege that God Almighty has entrusted you with this gift to nurture this life, how you see that and turn your back on it is beyond me, it is absolutely beyond me.

I wish I knew what I could say to reach out to my fellow citizens and try to convince them to treasure human life and to understand how precious it is. And often when we hear in the debate in this institution that we ought to do something for the least of these, truly unborn life is the least of these. Let us recognize it. Let us hold it precious. Let us live up to our constitutional responsibilities and let us live up to our responsibilities from the Creator and grant our fellow citizens that precious right to life.

There is much work to be done. I see a day, which may not be in my life, but maybe in the life of my children and maybe in the life of my grandchildren, should I be blessed with any, that one day all Americans will somehow lock arms and lock hearts and decide that they will protect and defend that unalienable right to life.

TESTIMONY ON THE 37TH ANNUAL MARCH FOR LIFE
HON. HENRY E. BROWN, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. BROWN of South Carolina. Madam Speaker, I rise today in support of the 37th Annual March for Life. On Friday, thousands of people from around the country will gather in Washington, DC to rally against the Supreme Court’s 1973 Roe v. Wade decision.

I have always been a pro-life advocate and throughout my years in Congress have earned a 100% pro-life voting record. I believe every human being has the right to life and that every life should be preserved and protected.

This year it is even more important to bring attention to the unethical principles of abortion as Democrats in Congress continue to discuss the possibility of taxpayer funded abortions in their attempt to create a government takeover of our healthcare system.

I applaud those who made the trip to Washington to participate in the March for Life and assure you that I will continue to fight for the rights of the unborn.
Chester did not fully retire until recently, instead choosing to continue to work several days a week at the Lowe’s Drug Store in Maryville up until his 90th birthday.

Madam Speaker, I would like to congratulate Chester Graves on his well-deserved retirement. My name is Rodney Frelinghuysen, and I am the congressman representing New Jersey’s Third Congressional District.

Chester Graves is a native of McMinn County, Tennessee, and he has been working in the pharmaceutical field for more than 60 years, spending the majority of his career at the Lowe’s Drug Store in Maryville. He originally wanted to attend college to major in chemical engineering until the pharmaceutical opportunity came along.

Graves added that he would want his legacy to state that he helped a lot of people. "I would hope that I helped a lot of them," he said. "I worked as manufacturer and worked with some very nice people," he said. "They are the technician and me. If there was somebody who I knew I would go and talk to them."

"I would still be working if I could—I need the money," Graves added with a laugh. He said he would miss the contact with people he worked with at Lowe’s. "They are very nice people," he said.

Graves retired last month after a career that spanned more than half of a century. Reportedly he is the longest-serving pharmacist in the State of Tennessee.

"He had a drug store, and he said if I would go into pharmacy, he would let me come into business with him," said Graves, who will turn 90 next month. "They opened up a New Baptist Hospital in Knoxville and he became a chief pharmacist and he sold his drug store."

A McMinn County native, Graves spent more than four years in the military, serving during World War II. He went to pharmacy school at the University of Tennessee at Memphis and worked for the former Cole Drug Store (which became Revco, then bought out by CVS).

He worked for several years in Greeneville, working for Ciba, (Chemical Industries Basel) for 37 years in sales before it merged with Novartis, in 1997.

He won the Tennessee Pharmacy Association’s Ruben Sales Representative Award in 1984.

For 13 years, Graves worked for Lowe’s Drug Store in Maryville in its nursing home division two or more days a week until his retirement. He originally wanted to attend college to major in chemical engineering until the pharmaceutical opportunity came along.

"I didn’t need to be changing career choices right now," Graves said.

He said with his work at Ciba, which is based in Switzerland, he traveled frequently with the company all over the country.

Graves said the best thing about being a pharmacist was that “you help people. A lot of people come in and talk to a pharmacist before they go see a doctor. It’s a good profession. What I did over (at Lowe’s), they service a lot of nursing homes. We had technicians fill, orders and make sure customers were the right orders.”

The pharmaceutical business has changed frequently over the years, Graves said.

"Pharmacists don’t talk much with the patients like they used to," he said. "I didn’t talk to customers much—I worked back in the back. The only people back there were the technicians and me. If there was somebody I knew I would go and talk to them."

"I would still be working if I could—I need the money," Graves added with a laugh. He said he would miss the contact with people he worked with at Lowe’s. "They are very nice people," he said.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of The Morristown Club as they celebrate 125 years in our community.

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“Many people now feel like second-class citizens when they enter the doctor’s office. That’s because everyone in the office knows that the patient isn’t really the payer—the patient is the purse string. The purse string is where the government gets its funding.

“The greater the percentage of medical costs that patients pay to their insurance company in premiums, the more insurers are in charge. The greater the percentage that patients instead pay directly to their doctor out-of-pocket, the patients are in charge.

“What it broke in the first place! The answer is not the morass that is our current system. Healthcare over the decades was the key ingredient in creating the bureaucratic, inefficient system that is healthcare these days. It needs to be recognized that government can or must provide incentives to pursue value have diminished, costs have skyrocketed, and the percentage is just 26%.

“Consumers are paying less directly to doctors, but they’re paying four times as much overall—to insurers or the IRS. Only two basic ways exist to cut costs: putting consumers in charge and letting them pursue value; putting the government in charge and letting it ration care. ‘So, how do we put consumers back in charge? First, we need to reject the current bills in Congress, which would restrict consumer choice substantially. Then we need to empower consumers in three key ways:

1. End the unfair tax on the uninsured. We need to educate people to individual。”

Mr. Speaker, I rise today in support of H. Res. 1008 to honor the contributions of Catholic schools. I join me today in supporting H. Res. 1008 to honor the contributions of Catholic schools.

HONORING THE MARTIN LUTHER KING OBSERVANCE COMMITTEE OF MORMISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Martin Luther King Observee Committee of Morristown, New Jersey, in recognition of my congressional district, which this year is celebrating its 40th anniversary.

Since 1970, the Committee, has been dedicated to promoting the rich legacy of the life and works of the Reverend Dr. Martin Luther King, Jr., with the involvement of the Morris County community in its annual commemorative services.

The observance for 2010 marks the 25th year that Dr. King’s birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to join with the committee in sponsoring services on Monday, January 18, 2010.

This year’s theme “King’s Dream: America, Fight Hate with Love,” is the true embodiment of Dr. King’s philosophy of teaching. From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts have broadened to include members of the Morris Area Clergy Council, with representatives from all major faiths. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William “Jack” Harris, Reginald and Emanuelle Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and the Rev. Charles Marks.

The core planning committee is continuing to carry on the tradition of excellence for this great program and has grown to include many dedicated volunteers. Some of those individuals include Nadine Alston, Dr. Judy L. Banks, Pastor Alfonzo Scharald, Reverend Leon Sims, Dr. David Hollowell, Reverend Robert C. Rogers, Deacon Henry Lee, George Lovingless, Leonard Posey, James Mack, Janet Bonar, Patricia Johnson, Esq., Mae Williams, Ella Sims, Rabbi Donald Rosoff, James Vance, Minister Marian Sykes Johnson, and the Reverend Dr. Jerry M. Carter, Jr.

Madam Speaker, I am quite certain that the Martin Luther King Observance Committee will
continue in the years ahead to promote the cause of equality and opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Ob-
serveance Committee of Morristown, especially the chairwoman, Dr. Felicia Jamison, as they celebrate 40 dedicated years of serving our community.

ESPIONAGE TRIAL AGAINST SEVEN LEADERS OF THE IRA-
NIAN BAHÁ’Í COMMUNITY

HON. FRANK R. WOLF
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. WOLF. Madam Speaker, Monday’s Washington Post featured a story about seven leaders of the Baha’i community who are fac-
ing “trial behind closed doors in Tehran.”

The U.S. Commission on International Reli-
gious Freedom rightly called the trial a “sham.” The U.S. State Department issued a statement strongly condemning the Iranian government’s decision to commence the espi-
one trial against seven leaders of the Ira-
nian Baha’i community; Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naimei, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm and Mrs. Mahvash Sabet.

After 20 months in prison these individuals finally had their first court appearance on January 12. According to the Baha’i International Community Iranian authorities have notified the lawyers of seven imprisoned Baha’i leaders that the next session of their trial will be held on February 7.

They spent their first year in prison without formal charges or access to lawyers, in viola-
tion of Iranian law. And now, the stakes are getting even higher for members of this minor-
ity faith.

A recent state-sponsored media campaign levied false accusations against the Baha’is claiming this religious group incited the latest protests in the Iran. This is a regime that is scared of its own people and desperately look-
ing to redirect public discontent.

Sadly, we should not be surprised by these actions. The government of Iran’s gross viola-
tions of religious freedom are well-documented and long-standing including the execution of over 200 Baha’i leaders since 1979, the dese-
cretion of Baha’i cemeteries and places of worship and the violent arrest and harassment of members of the Baha’i faith.

The U.S. must continue to work with our partners to speak with one voice about inexcusable human rights violations that are occur-
ing in Iran. We must continue to speak out for due process and a fair trial for these seven Baha’i leaders.

The world cannot turn a blind eye to this re-
gime’s persecution of its own people.

CELEBRATING 30TH ANNIVERSARY OF SONG TRIBUTE TO DR. MAR-
TIN LUTHER KING, JR.

SPEECH OF

HON. SHEILA JACKSON LEE
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1010, Celebrating the life and work of Dr. Mar-
tin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, “Happy Birthday,” introduced by my distin-
guished colleague from Michigan, Representa-
tive CONYERS. The first Dr. Martin Luther King, Jr. Federal holiday was officially observed on January 20, 1986, and was celebrated with a concert headlined by Stevie Wonder, who has, in the years since, continued his commitment to promoting peace and equality, for which he has been recognized with a Lifetime Achieve-
ment Award from the National Civil Rights Mu-
seum in Memphis, Tennessee.

Stevie Wonder encouraged the establish-
ment of a Federal holiday in recognition of Dr. King on his album sleeve for “Hotter Than July” by expressing that, “I and a growing number of people believe that it is time for our country to adopt legislation that will mark January 15, Martin Luther King’s birthday, a na-
tional holiday, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled.” The tribute song “Happy Birthday,” became a rallying cry that led to over 600,000 signatures supporting a Federal holiday in honor of civil rights leader Dr. Martin Luther King, Jr. Legislation design-
ating the third Monday of January as a Fed-
eral holiday in observance of Dr. Martin Luther King, Jr. occurred on November 3, 1983, was signed into law. This campaign secured a Federal holiday in honor of Dr. Martin Luther King, Jr. lasted for fifteen years with the 1980 Stevie Wonder song solidified the campaign’s success.

The life and work of Dr. King, to advance justice, equality, and peace for an entire human race ended prematurely when he was assassinated in Memphis, Tennessee, on April 4, 1968, while he was challenging the wages and treatment of Memphis sanitation workers. Four days after the assassination of Dr. King, on April 8, 1968, Representative John Con-
yers, Jr. introduced legislation to recognize civil rights leader Dr. King with a Federal holiday coinciding with his birthday on January 15, 1929.

Stevie Wonder dedicated his album sleeve for “Hotter Than July,” an album released on September 29, 1980, and upon which “Happy Birthday” is recorded, to Dr. King, with an in-
scription that read, “Martin Luther King, Jr. showed us, non-violently, a better way of life, a way of mutual respect, helping us to avoid much bitter confrontation and inevitable blood-
ed.” On January 17, 2000, for the first time, Dr. Martin Luther King, Jr. Day was officially observed in all fifty states.

Dr. Martin Luther King, Jr. was a dreamer. His dreams were a tool through which he was able to lift his mind beyond the reality of his segregated society where it was possible that white and black, red and brown, and all others live and work alongside each other and prosper.

But Martin Luther King, Jr. was not just an idle daydreamer. He shared his visions through speeches that motivated others to join in his nonviolent effort to lift themselves from poverty and isolation by creating a new Amer-
ica where equal justice and institutions were fami-
lies.

It appears that too many of our nation’s young people have forgotten how to dream. They have forgotten what Dr. Martin Luther King, Jr. taught us, when he started his jour-
ney towards equality—with peace in his heart and the dream of equality in his eyes.

Today, children and young people often ask: “What is a dream?” or “How can it change my life?” We must once again introduce our young people to the life of Dr. King and his enduring dream. His vision is still so pertinent today, our lives continue to be shaped by his efforts.

A young Martin managed to find a dream, one that he pieced together from his read-
ings—in the Bible, and literature, and just about any other book he could get his hands on. And not only did those books help him educate himself, but they also allowed him to work through the destructive and traumatic ex-
periences of blatant discrimination, and the discriminatory abuse inflicted on himself, his family, and his people.

The life and work of Dr. Martin Luther King, Jr. was properly captured in Dr. King’s most famed speech, “I Have A Dream;” on August 28, 1963, when he said, “I have a dream that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident, that all men are cre-
ated equal.’” The legacy of Dr. Martin Luther King, Jr. is continued today, as evidenced by the work of organizations like the National As-
sociation for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference, which is currently led by Dr. King’s daughter, Bernice King, and was at one time led by Dr. King’s son, Martin Lu-
ther King, III. In addition to organizations, the legacy of Dr. King continues on today with people in the United States and throughout the world, with individual acts of compassion, courage, and peace.

This legislation will benefit the well-being of the public as it celebrates the life and work of Dr. Martin Luther King, Jr. during the 30th an-
niversary of the Stevie Wonder tribute song to Dr. King. It recognizes the legacy left by Dr. Martin Luther King, Jr. with commitments to freedom, equality, and justice, as exhibited by Stevie Wonder and so many others; and fi-
nally, encourages the people of the United States to commemorate the legacy of Dr. King by renewing pledges to advance those prin-
ciples and actions that are consistent with Dr. King’s belief that “all men are created equal.” As such, I strongly support this legislation and urge my colleagues to join me and do the same.

INAUGURAL SPEECH OF GOV-
ERNOR ROBERT F. MCDONNELL

HON. FRANK R. WOLF
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. WOLF. Madam Speaker, I rise today to share with our colleagues the speech new Vir-
ginia Governor Robert F. McDonnell gave at
The actions of those patriots that came before us had a common purpose—to create and expand freedom and opportunity for the generations that came behind them. The continued creation of new opportunity has shaped Virginia from its foundation.

It was in seeking the Opportunity of a New World that Captain John Smith and 101 settlers braved the perilous Atlantic to step onto the sands of Cape Henry in April 1607. It was in the opportunity of a New Nation that Virginia patriots joined together with their fellow colonists in the first fight for freedom and independence, and thus was born a country of ordered liberty that, 234 years later, is the beacon of hope for the world.

It was in seizing the Opportunity of equality and education for a courageous 16-year-old girl named Barbara Johns, memorialized behind this majestic Capitol at the Virginia Civil Rights Memorial, stood up and walked out of Moton High School in Farmville 59 years ago this spring.

New opportunity helped them meet the challenges of their time. Greater opportunity will help us meet the challenges of ours.

Together we must create jobs and economic opportunity.

Provide new educational opportunities for all Virginians.

And enhance family and community opportunities by easing government burdens on free people.

As Virginians, we believe that government must help all citizens in a way in which all our people can use their God-given talents in liberty to pursue the American Dream. Where opportunity is absent, we must create it. We must expand it. Where opportunity is unequal, we must make it open to everyone.

Our Administration will be dedicated to building a Commonwealth of Opportunity for all Virginians.

It starts with restoring economic opportunity to Virginians in every corner of our Commonwealth.

Tens of thousands of our family members, friends and neighbors have lost their jobs. Thousands more worry they could be next. As we confront the worst economy in generations, the creation of new job opportunities for all our citizens is the obligation of our government and community. We must expand it. Where opportunity is unequal, we must make it open to everyone.

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These are policies focused on addressing the real problems our people face, and delivering results. I’ve had people tell me they fear that America may no longer be the land of opportunity it has always been, and that Virginia’s history in playing a leading role in the life of our nation may be just that—history. They are wrong.

Working together—Republicans, Democrats, and Independents alike—Virginia will continue to blaze the trail of opportunity and prosperity.

And like the mechanic looking to the owner’s manual to troubleshoot the automobile, we should look to the Founders and their writings for wisdom.

The Founders’ capstone on the Constitution is the Bill of Rights. No federal mandate or program crafted by either political party should undermine the central principle of federalism, enshrined in the birth certificate of America by those who pledged their lives, for freedom and sacred honor.

As we enthusiastically pursue the vision of “A Commonwealth of Opportunity”, I ask all Virginians to continue to seek your own opportunities to get involved in the life of our Commonwealth.

Half a century ago President Kennedy challenged the American people to “ask not what your country can do for you—ask what you can do for your country.” Today, I ask all Virginians to rise up to meet this timeless challenge.

We live in the most generous nation on Earth. So many Virginians give sacrificially of their time, talents and treasure, and rightly so. The Scriptures say, “To whom much is given, much will be required.”

Right now, much is required in the nation of Haiti. And I urge all Virginians to donate to the relief efforts underway.

Here in our Commonwealth, I urge business owners to look for opportunities to sponsor a little league team, help a charity, and promote corporate responsibility in the communities in which you live and work.

I urge all the leaders of our faith communities to expand your selfless work of helping the homeless, feeding the poor, and comforting the broken hearted.

I urge the young people of Virginia to use your creativity to fully engage in the future of this Commonwealth.

I urge Virginians who came here from other lands to contribute your culture, your history and your traditions to our rich tapestry of life.

I urge every Virginian to take every opportunity to thank a man or woman in a law enforcement or military uniform for the preservation of our freedoms.

There is so much each one of us can do to leave our Commonwealth a better place than we found it.

No government program can substitute for the incredible good done through voluntary action performed freely by caring individuals every day.

And while government can help provide opportunities, we must do our part by accepting the responsibility to take advantage of them.

In recent weeks I’ve seen people exercising that responsibility, and changing lives at: the Healing Place in Richmond, the Carpenter’s Shelter in Alexandria, Food Banks in Abingdon, Norfolk and Richmond, the Boys and Girls Club in Virginia Beach, the USO in Norfolk.

As a Commonwealth, we must do the same . . . and we will.

Standing here today, on the steps of our State Capitol, in the inspiring shadows of the shared history behind us, we embrace the limitless future opportunities stretching out far before us.

And now it is here, in this place, that we pledge to work together to create “A Commonwealth of Opportunity” . . . for all Virginians, and to add our steps to Virginia’s journey.

It was George Washington who noted, in his first Inaugural Address, “The propitious smiles of Heaven can never be expected to remain on a nation that disregards the eternal rules of order and right which Heaven itself has ordained.”

It is right to help one another. It is right to work together to get results and solve problems.

It is right to provide opportunities for all.

Let us heed the words of the Father of our Country, employ these eternal rules of order and right, and get to work for the good of the people of Virginia.

Thank you and God Bless the Commonwealth of Virginia.

HONORING SEVEN AMERICANS KILLED IN AFGHANISTAN ON DECEMBER 30, 2009

SPEECH OF
HON. JAMES R. LANGEVIN
OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. LANGEVIN. Madam Speaker, I rise today to recognize the bravery and sacrifice of the seven CIA officers and contractors who gave their lives in the line of duty during the December 30 bombing of a CIA base in Khost, Afghanistan. I also want to recognize those Americans who were injured in the blast and offer my wishes for a full and quick recovery.

As we have all learned by now, a suicide bomber who was believed to possess information critical to counterterrorism operations entered the U.S. forward operating base in Khost, where he activated explosives that took the lives of seven Americans, including one of our nation’s top counterterrorism experts. Six other Americans standing nearby were injured in the explosion.

The men and women of our intelligence community work behind a veil of secrecy, yet as this tragic incident reminds us, they are still exposed to the dangers that come from the difficult and often thankless job of protecting our country. Unlike our soldiers in uniform, these public servants must keep their many victories secret, while their rare failures and raw grief make headlines. My thoughts and prayers are with the families of these brave men and women. They, and all the other patriots who serve so honorably in our intelligence community, have my unending gratitude and my unwavering support.

We must continue to do everything in our power to ensure that they have the tools, resources and encouragement they need to keep America safe.

THE FEHBP PRESCRIPTION DRUG INTEGRITY, TRANSPARENCY, AND COST SAVINGS ACT

HON. STEPHEN F. LYNCH
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. LYNCH. Madam Speaker, I don’t have to remind you that much of the public policy debate in this country has largely focused on healthcare reform and on how best to tackle rising costs, while ensuring access and quality at the same time. These calls for change in the healthcare policy arena have also been coupled with demands for a more fiscally responsible federal government.

Many policymakers look to the FEHBP as a model for providing health care. That’s why it’s important to ensure the program is providing the best benefits and at the best price for subscribers.

In 2009, I co-chaired a Subcommittee on Federal Workforce, Postal Service and the District of Columbia hearing in June, a September policy forum with key stakeholders, and months of additional research and collaboration, I have discovered that when it comes to prescription drugs, the federal employees and retirees are not receiving the best benefit at the best price. Considering that prescription drug costs comprise nearly 30% of the FEHBP’s premiums, it is imperative that we do everything in our power to ensure that federal employees and the American taxpayer are getting the best value for their dollar.

In short, the FEHBP health plans contract with Pharmacy Benefit Managers (PBMs) to price and to provide the pharmacy benefit to FEHBP members. In contrast with other federal health programs, the FEHBP does not regulate or negotiate drug pricing for its members. Instead it relies on competition among the various carriers and PBMs to keep prices low. However, as we recently affirmed, prices for FEHBP drug prices to those of other federal programs, such as the Veterans Administration, the Department of Defense, Medicare, Medicaid and the Public Health Service’s 340B Program, the FEHBP is paying substantially more for its drugs.

Even more disturbing, a recent research actually shows that Costco and drugstore.com offer their employees better prices for drugs than the FEHBP does for federal workers and retirees. In these economically challenging times, it is unacceptable to ask federal employees and the American taxpayer to put up with such an irregularity. If the FEHBP wants to remain a model for providing health benefits, legislative changes that allow for alternative prescription drug benefit contracting and pricing are in order.

For this reason, I am proud to be introducing legislation today that will afford the Office of Personnel Management (OPM) greater oversight authority in the contracting and pricing of the FEHBP prescription drug benefit. Titled “The FEHBP Prescription Drug Integrity, Transparency, and Cost Savings Act,” this bill will prohibit certain ownership relationships; require Pharmacy Benefit Managers (PBMs) to return 99% of all monies received from manufacturers for FEHBP business; cap prices paid by the health plan to the Average Manufactured Price (AMP); end rebates and kickbacks by PBMs; and require enhanced transparency and disclosure of all contract terms and related information. These requirements intend to not only...
lower costs of prescription drugs in the FEHBP but to also provide our federal employees with a safer, higher quality prescription drug benefit.

In this day and age, when every effort is being made to reduce federal spending and to find money to fund healthcare reform and other domestic policy priorities, the level of ambiguity around costs and drug prices under the FEHBP is appalling and must change. What we have before us is an issue that can save the taxpayer billions of dollars while at the same time reduce premiums for federal workers and their families. All I ask of my colleagues is for their support in passing this important legislation.

EXPRESSING CONDOLENCES TO HAITI

SPEECH OF HON. EDDIE BERNICE JOHNSON OF TEXAS IN THE HOUSE OF REPRESENTATIVES Wednesday, January 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to support the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

With reports of up to 200,000 deaths and more than 1.5 million people left homeless, this is the worst natural disaster incurred by Haiti in more than 200 years. As the poorest and least developed country in the Western Hemisphere, it is reassuring to see the United States and the international community coming together in solidarity to help this country in its hour of need. The 7.0 earthquake has caused upheaval for almost one-third of the Haitian population and wrecked the existing infrastructure, making roads impassable, hindering rescue/aid flights, and tainting water supplies.

The earthquake’s destruction spared no nationality, no class, no age, no religion. Thousands of American volunteers and missionaries were also lost; however, due to the selflessness and quick action of first-responders, we are able to celebrate each life as survivors are found. The rescue effort has been led by rescue teams from around the world. Texans in Texas eagerly await the opportunity to deploy to Port-au-Prince and various organizations in my district have been holding fundraisers to contribute to the effort. Americans have contributed over $200 million to major relief groups in just 7 days since this disaster, and their generosity will be important in the coming months as Haiti rebuilds its tangible resources as well as its national consciousness.

Haitian recovery from the tragic events in its capital city will require continued support from the international community, and I urge my fellow colleagues to join me in supporting the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

HONORING THE OUTSTANDING SERVICE OF THE 354TH EXPEDITIONARY FIGHTER SQUADRON

HON. GABRIELLE GIFFORDS OF ARIZONA IN THE HOUSE OF REPRESENTATIVES Thursday, January 21, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor the 354th Expeditionary Fighter Squadron on their recent landmark deployment to Afghanistan in support of Operation Enduring Freedom.

During their recent combat deployment, the 354th distinguished itself as the Air Force’s premiere Close Air Support unit by flying more sorties per day, per aircraft, than any other ground-attack unit in the Central Command area.

Over the course of their 6-month tour, the unit flew more than 10,000 flight hours and launched more than 2,500 sorties in support of thousands of troops on the ground and all with on-halt of their full complement of aircraft. The Bulldogs spearheaded the integration of the SADL communications system or Situational Awareness Data Link. They were also the first A–10 unit to forward deploy to Kandahar Airfield, closer to the action and closer to the enemy.

In order to remain airborne, the maintenance team worked around the clock to ensure a utilization rate of 210% of the usual domestic operational rate. For the 354th that meant 400 sorties a month.

The dedicated service of the airmen of the 354th Expeditionary Fighter Squadron has undoubtedly saved the lives of countless American, Coalition and Afghan ground forces and under the brutal conditions of an unremitting Afghan winter.

As the first A–10 squadron in theater, the 354th has set the bar very high, but I am confident that their follow-on units will meet that standard.

On behalf of the people of Tucson, I am personally very proud to welcome home the 354th to Davis-Monthan Air Force Base.

HON. LAMAR SMITH OF TEXAS IN THE HOUSE OF REPRESENTATIVES Thursday, January 21, 2010

Mr. SMITH of Texas. Madam Speaker, for the second time in a row, CBS is the winner of the Media Fairness Caucus’ highly uncov-ered “Lap Dog Award” for the week’s most glaring example of media bias. During CBS’ coverage of the special election in Massachusetts on Tuesday evening, two hours before the polls closed, political analyst John Dickerson claimed that if Republican candidate SCOTT BROWN won the election, it would “get a lot uglier in Washington.” Brown went on to say that Republicans “feel excited and they see glory in attacking the President.”

It’s no wonder just 2 in 10 Americans say they trust the media. Americans feel that the media is biased and no longer providing fair coverage of government. It is time for change.

The Sunshine Review is an online resource that monitors government transparency at the local, county, and state levels throughout the country. According to the organization, they seek to make government accountability and records accessible for all citizens and tax- payers to read. In order to assess a city’s rating, the Sunshine Review compiles a “transparency checklist”, consisting of ten basic sections of accountability. Each section must
have proper online access for its constituents to review governmental work, including budgets and contractual information for elected and administrative officials.

I am proud that Owasso became the first city in Oklahoma to receive this distinguished honor. As we work towards accountability and transparency, Owasso has set a shining example to local and state governments and to what our nation must accomplish as a whole. By receiving a perfect grade, the City of Owasso remains a shining example of a local government taking responsibility to its citizens and taxpayers they represent. All citizens deserve an open forum to see how their government spends their hard-earned, taxpayor dollars.

I firmly believe that an open and honest government is the most effective way to give Americans the transparency they deserve. Owasso’s focus on this important issue illustrates their steadfast leadership to promote accountable governance at all levels. I am proud of the city for this great accomplishment.

KOREAN AMERICAN DAY 2010

HON. ENI F.H. FALEOMAVAEGA
OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. FALEOMAVAEGA. Madam Speaker, last week, on January 13, we marked the 107th anniversary of the first Korean immigrants to the United States. From those few New Korean individuals who came in 1903 to Hawaii, then a U.S. territory, the Korean American community has grown to nearly two million people.

For the first few decades of the 20th century, Korean immigration was impeded by U.S. law. Regrettably, until the 1960s, U.S. law refused to admit immigrants from East Asia. Fortunately, as attitudes about race and ethnicity changed and matured in the wake of the civil rights movement, these shameful barriers were removed. America became a land of opportunity not just for Europeans seeking refuge and comfort, but for people from Africa, Asia, and Latin America, as well.

Korean Americans have contributed immeasurably to our society and culture. They have raised families and built successful businesses, strong neighborhoods, active civic associations, churches, and charities. Korean Americans have served in the armed forces, been elected to public office, and been appointed to positions of authority in President Obama’s administration.

In my capacity as Chairman of the Subcommittee on Asia, the Pacific, and the Global Environment, I have paid close attention to issues of concern to the Korean American community. With many Korean Americans still having family ties to the Korean Peninsula, they are deeply concerned about the continued existence of the U.S.-Korea alliance. When I served in the U.S. Army in Vietnam in the 1960s, I met many Korean soldiers who fought side by side with Americans, just as Americans had fought side-by-side with Koreans in the Korean War a decade and a half earlier. The close relationship between the United States and the Republic of Korea has included South Korea’s important contributions to fighting terrorism around the world and promoting democracy and liberal values. The Republic of Korea has remained a steadfast ally of the United States and ought be considered America’s greatest foreign policy success in the post-World War II era.

It is worth noting today that, later this year, we will mark the 60th anniversary of the outbreak of the Korean War. Veterans of that conflict, both Korean and American, have strong feelings about the U.S.-Korea alliance. I have attended many ceremonies at which Korean War veterans pay tribute to their fallen comrades and share their memories of the battlefield. Many of them have returned to Korea in peacetime to visit the friends they made and—in some cases—the families of their spouses.

Korean War veterans and members of the Korean American community are significant stakeholders in the maturation of the U.S.-Korea alliance, whether that means a security alliance in our mutual effort to denuclearize North Korea, whether it means growth in the number of Korean students who attend American colleges and universities, or whether it means broader and deeper business and trade ties.

The U.S.-Korea Free Trade Agreement (KORUS FTA), which was signed in June 2007 and awaits ratification and implementation, will bring substantial benefits to both of our countries. The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the KORUS FTA would increase the GDP of the United States by over $10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

Korea’s economy is beginning to recover from the worldwide recession, with a special emphasis on creating “green jobs” and encouraging growth in 21st century industries that look to the future. At the same time, Korea remains a major market for American goods and services, for agricultural products, raw materials, and finished goods.

With growing concern about our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The KORUS FTA stands to further increase U.S. exports to Korea and will generate new jobs for Americans. This agreement will be a triple-win—a win for workers, a win for businesses, and a win for consumers.

Beyond trade, the United States and Korea share common goals. Both countries are democratic republics, both desire peace on the Korean Peninsula and work to assure that nuclear weapons do not proliferate in Northeast Asia, and both want to see economic growth and opportunity throughout the world.

It is in this context that Korea will host and chair a meeting of the G-20 in November 2010. It is a remarkable achievement and one that is emblematic of how far Korea has come considering that 60 years ago, it was a war torn nation. I am confident that Korea will set an ambitious agenda for the G-20 to include how nations can turn to “Low Carbon, Green Growth” sectors to spur economic growth in the aftermath of the global financial crisis.

Last August, I had the privilege of visiting Korea to receive an Honorary Doctorate from Chonbuk National University. I had numerous opportunities to engage in meaningful dialogue with our Korean friends on a host of issues. But above all, I was struck by the kind generosity and hospitality of the Korean people. They generously welcomed me and had a special kinship true of our Korean American friends as well.

Madam Speaker, this is why it is my honor to recognize January 13 as Korean American Day pursuant to House Resolution 487, which was passed in 2005 and introduced by my good friend Representative Tom Davis of Virginia. I urge my colleagues to offer their own expressions of support in recognizing the Korean American community and their achievements and the importance of a comprehensive U.S.-Korea alliance in diplomacy, business, and culture.

TRIBUTE TO ANNE MCMAHON

HON. LOIS CAPPS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mrs. CAPPS. Madam Speaker, I rise to pay tribute to a former member of my staff and my dear friend, Anne McMahon.

Anne recently passed away after a tough battle with cancer. She leaves behind a wonderful loving family, including husband Peter and sons Jono and Ryan, and a host of friends and admirers across the country.

Anne was one of the first Congressional staffers who my late husband, Walter Capps, hired when he was elected in 1996. She was the anchor of Walter’s and, later my, congressional office in San Luis Obispo, California. The consummate professional, she was completely plugged in to the local community and there was no issue or constituency that didn’t have Anne’s ear or attention.

Among her many talents, Anne was a wonderful writer, having worked as a local journalist for several years before moving to politics, where she worked not just with Walter and me but two county Supervisors as well. She was also a tireless advocate for the environment and worked extensively to preserve our beautiful Central Coast, including protecting Santa Margarita Ranch from development. Eventually her unquenchable love for the natural environment led her to other professional opportunities with The Nature Conservancy and most recently with the California Coastal Commission. She excelled in all these endeavors and brought to all of them her relentless commitment to leaving the world a better place than she found it.

Walter and I both loved Anne for her commitment to public service and tireless devotion to her community. But we also reveled in her vibrant personality, her irreverent and irrepressible spirit, and her across the country.

Anne touched many lives and inspired all of us. She faced her battle with cancer with the same courage, grace, and sense of humor that guided her throughout her life. Everyone who knew Anne thought the world of her and
I know that I am not the only one who is heartbroken by her passing.

My thoughts and prayers are with her friends and family during this difficult time.

**SUPPORTING THE INITIATIVES OF CHICAGO WILDERNESS**

**SPEECH OF**

**HON. BETTY MCCOLLUM**

**OF MINNESOTA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, January 13, 2010**

Ms. McCOLLUM. Madam Speaker, I rise today in support of Res. 860, a resolution supporting the Leave No Child Inside initiative and the Children’s Outdoor Bill of Rights. For our children’s physical, emotional and intellectual growth, it is important for them to spend time outdoors and in nature. Unstructured playtime nourishes childhood development by stimulating imagination and creativity and building healthy habits.

America’s children are spending less time outside, and more time in front of the television or computer. This loss of exercise and exploration negatively affects their physical health, and it causes problems later in life. Nearly 119 million American adults are currently overweight or obese. Childhood obesity has doubled since 1980, costing Americans more than $117 billion per year. We simply cannot afford to leave our children inside.

The Children’s Outdoor Bill of Rights is a call to fight obesity and to provide and promote quality outdoor activities for our children. For these reasons, I urge my colleagues to support H. Res. 860.

**RECOGNIZING ALAN SPENCER OF MONETT, MISSOURI**

**HON. ROY BLUNT**

**OF MISSOURI**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, January 21, 2010**

Mr. BLUNT. Madam Speaker, I rise today to honor an educator and coach who has helped mold, inspire and motivate young men and women for almost four decades in Southwest Missouri. I am proud to recognize Monett High School coach and educator, Alan Spencer, upon his retirement at the end of the 2010 school year.

For 35 years, Alan has had a number of considerable coaching accomplishments. However, his higher calling is to teach and instill in young men and women the traits of a strong moral character. He has taught that success in any endeavor is marked by hard work, respect, and dedication in working as a team to accomplish a common goal.

In his retirement letter, Alan demonstrated his philosophy of success as a coach and respected mentor. He wrote, “Our coaches and student/athletes have gained more than just skills and knowledge of the activities they compete and coach in. They have learned about loyalty, accountability, responsibility and trust. They understand that a team cannot be successful without pride in your performance, effort in your work, and the team better, determination to overcome all obstacles, enthusiasm for the game and respect of your opponents and teammates.”

Alan has been head football coach, athletic director, women’s track coach and teacher for the Monett Cubs sports program for nine years. During that period, the Cubs football teams have gone 58–36 and won or shared championships in the Big 8 Conference in 2004, 2007 and 2009. Under his nine years of leadership, the women’s track team captured Big 8 Conference crowns five times.

Alan’s career began as a coach at Neosho High School in 1975. His first head coaching job was at Nevada, Missouri in 1980. From there Alan coached at Springfield Parkview High School, Central High School and at Rogers, Arkansas before going to Monett in 2002.

Alan has been recognized many times for his hard work for students and teams. This year, he will be inducted into Missouri’s Football Coaches Hall of Fame. He was named the 2008–2009 Missouri Interscholastic Athletic Administrators Association’s Athletic Director of the Year for the Southwest District. In 2004 and 2008, Alan was named Big 8 Coach of the Year.

Alan plans to spend time in his retirement with his family and friends while enjoying fishing and hunting. I know Coach Spencer will continue to find ways to use his talents as a motivator to inspire other young people to the highest standards of service to their school, their community and their country.

**ON INTRODUCING THE WILDLIFE AND ZOOLOGICAL VETERINARY MEDICINE ENHANCEMENT ACT OF 2010**

**HON. ALCEE L. HASTINGS**

**OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, January 21, 2010**

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Wildlife and Zoological Veterinary Medicine Enhancement Act of 2010. This legislation will develop affordable opportunities for well qualified individuals who are seeking to become wildlife and zoo veterinarians, spur job growth and promote robust public health policy.

Wildlife and zoo veterinarians are the primary source of essential health care for and management of wild animals in their natural habitat and in captivity. Not only do they preserve natural resources and animal lives, but they help protect human health by preventing, detecting, and responding to exotic and dangerous diseases.

With the intensification of globalization and climate change, along with a growing interface between humans, livestock, and wildlife, the threat posed by emerging infectious diseases to humans and wildlife keeps increasing. Controlling pandemic and large-scale outbreaks of disease has become more problematic. However, the United States faces a shortage of positions for wildlife and zoo veterinarians.

On average, veterinarian graduates owe $130,000 in student loans. Upon graduation, professionals practicing wildlife and zoological veterinary medicine earn relatively low salaries, compared to companion animal medicine. Lower salaries, combined with high educational debt and the small number of positions available discourage students from becoming wildlife and zoo veterinarians.

The number of practical trainings and formal educational programs specializing in wildlife and zoological veterinary medicine are also insufficient to allow graduates to make significant contributions.

My bill will directly address these issues with incentives and dissuade veterinarians from practicing wildlife and zoological medicine. It will participate in the national job creation effort by funding new positions for wildlife and zoo veterinarians and will ensure that veterinary students find jobs upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to study and practice wildlife and zoo veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula specializing in wildlife and zoo veterinary medicine and by expanding the number of practical training programs available to students.

Madam Speaker, we have reached a point in our history when we cannot ignore the importance of protecting America’s wildlife. Wild animals are a very important part of our commonly held natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, the introduction of invasive non-native species, and more infectious disease threats, wildlife and zoo veterinarians must be placed at the core of our efforts and be given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America’s veterinarians by supporting this important piece of legislation.

**HONORING THE SERVICE OF HIS EXCELLENCY ABDULAZIZ KAMILOV, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF UZBEKISTAN TO THE UNITED STATES**

**HON. ENI F.H. FALEOMAVAEGA**

**OF AMERICAN SAMOA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, January 21, 2010**

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to honor the distinguished service of my friend, His Excellency Abdulaziz Kamilov, Ambassador Extraordinary and Plenipotentiary of the Republic of Uzbekistan to the United States.

With distinction, Ambassador Kamilov has represented Uzbekistan in the United States. Some three years after the collapse of the Soviet Union, Mr. Kamilov became the Minister of Foreign Affairs of Uzbekistan, the highest diplomatic position in the newly-formed Republic of Uzbekistan. He served in this prestigious post for nine years.

Mr. Kamilov holds a Ph.D. in the History of International Relations and Foreign Policy. He was President of the University of World Economy and Diplomacy for almost a decade. Ambassador Kamilov spent much of his early career in rigorous study of the Middle East. He held numerous positions in the Middle East Department of the Ministry of Foreign
Affairs of the USSR. He is fluent in English and Arabic.

His Excellency Kamilov is an experienced diplomat who understands that the U.S. and Uzbekistan have mutual interests, and our relationship has been immeasurably enhanced by his professionalism, intelligence and friendship.

At times when relations between our country and Uzbekistan were uncertain, Ambassador Kamilov remained steadfast, becoming a key figure in strengthening and rebuilding our security and economic alliance.

Ambassador Kamilov is to be commended for his loyalty in discharging his duties to his President, His Excellency Islam Karimov, and the people of Uzbekistan.

As Ambassador Kamilov moves on to new responsibilities and assignments, I extend to him and President Karimov my highest regards and best wishes.

EXPRESSING CONDOLENCES FOR GOLDY LEVI

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to express condolences and honor the life of my dear friend, political activist, and Dallasite, Goldye Levi.

Mr. Levi, a life-long Democrat, gave so much of his time and energy supporting his party by serving in national and local leadership positions. He had a front-seat to one of the most intriguing points in American history as the Treasurer of the Democratic National Committee during the 1972 break-in of the Watergate building. He brought his expertise of the political process to Dallas County as a Democratic Precinct Chair, and through the years he encouraged countless Democrats to get out and vote. As a candidate for Dallas County Tax Assessor, he also sought to use his experience as a certified public accountant to serve his community. Mr. Levi demonstrated the ultimate in civic duty and Dallas has lost a great advocate.

Our government, “by the people,” rests wholly on the willingness of citizens to actively participate in the political process—citizens like Mr. Levi. I urge my fellow colleagues to join me in expressing condolences and honoring the life of Mr. Goldye Levi.

HONORING SIDNEY SINGER

HON. TIM MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the veterans community in southwestern Pennsylvania lost a dear friend last Wednesday with the passing of Sidney Singer. While we often talk in Congress about the veterans who have fought for our country and freedom, Mr. Singer fought for veterans. A veteran himself, having served in the Army Air Forces from 1942 to 1945, Sidney dedicated his life to helping homeless veterans. Many of those who suffered from drug and alcohol addictions.

Because of Mr. Singer’s vision and tireless efforts Veterans Place of Washington Boulevard was built for Pittsburgh’s veterans. First opened in 1992, it started as a transitional housing project. Due to enormous success was expanded in 2003. The units provide a home for veterans as they recover and transition back into society.

Sydney knew that Veterans Place had to be more than just a place to live, but also a place for veterans to get back on their feet. This is why Veterans Place has a Service Center to give veterans job training, life skills, and alcohol and drug counseling.

Even in his final moments, Sydney’s thoughts were with his fellow veterans. On his deathbed, Sydney described his vision to expand Veterans Place right down to the details of the kitchens.

While Sydney is no longer with us, his legacy will live on in Pittsburgh. He will continue to be with every veteran granted a new lease on life at Veterans Place.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,327,380,804,696.82.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,688,955,058,403.02 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING SGT. KIMBERLY MUNLEY

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 21, 2010

Mr. POE of Texas. Madam Speaker, today we honor one of our nation’s bravest women, Sgt. Kimberly Munley. Sgt. Munley responded within three minutes after gunfire was reported at Ft. Hood, Texas. If it was not for her quick and heroic response, many more could have been killed. Sgt. Munley was shot during the exchange, but continued shooting at the gunman even after being wounded herself. Her bravery serves as a stark contrast to the cowardly actions of the shooter. Sgt. Munley portrayed the real courage that all of our men and women in the Armed Forces embody that we are all grateful for.

HONORING SEVEN AMERICANS KILLED IN AFGHANISTAN ON DECEMBER 30, 2009

SPEECH OF
HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 20, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of House Resolution 1009, which honors the seven Americans who died in the bombing that took place in Khost, Afghanistan on December 30, 2009, and the families of those patriots for their service and their sacrifice to our country.

These men and women were on the front lines of the battle against terrorism and worked tirelessly on a daily basis for the safety of the American and Afghanistan people. Their absence will be greatly felt throughout the intelligence community.

In 2008, I had the opportunity to visit Khost with the 101st Airborne Division of the U.S. Army along with a Texas Reserve Unit based in Pasadena, Texas in our district. There, I saw these men and women working under harsh conditions, away from their loved ones, and in the face of great risks. Our entire nation owes a great debt to all the men and women working to protect our country and stabilize Afghanistan.

Again, I would like to express my deepest condolences to the families, friends, and loved ones of those killed in the bombings and also offer my support and hope for a full recovery to the other six Americans who were wounded in this tragic bombing.
Chamber Action

Routine Proceedings, pages S61–S134

Measures Introduced: Five bills and five resolutions were introduced, as follows: S. 2942–2946, S.J. Res. 26, and S. Res. 390–393.

Measures Reported:

S. 375, to authorize the Crow Tribe of Indians water rights settlement, with an amendment in the nature of a substitute. (S. Rept. No. 111–118)

S. 313, to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, with an amendment in the nature of a substitute. (S. Rept. No. 111–119)

Measures Passed:

Relief for Victims of the Earthquake in Haiti: Senate passed H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, clearing the measure for the President.

Washington Metropolitan Area Transit Regulation Compact: Committee on the Judiciary was discharged from further consideration of S.J. Res. 25, granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, and the resolution was then passed.


Sense of the Senate on the Earthquake in Haiti: Senate agreed to S. Res. 392, expressing the Sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti.

Measures Considered:

Increasing the Statutory Limit on the Public Debt—Agreement: Senate continued consideration of H.J. Res. 45, increasing the statutory limit on the public debt, taking action on the following amendments proposed thereto:

Withdrawn:

By 53 yeas to 45 nays (Vote No. 2) Thune Amendment No. 3301 (to Amendment No. 3299), to terminate authority under the Troubled Asset Relief Program. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn).

Pending:

Baucus (for Reid) Amendment No. 3299, in the nature of a substitute.

Baucus Amendment No. 3300 (to Amendment No. 3299), to protect Social Security.

Conrad/Gregg Amendment No. 3302 (to Amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:30 a.m., on Friday, January 22, 2010.

Nominations Received: Senate received the following nominations:

42 Air Force nominations in the rank of general.
1 Army nomination in the rank of general.
Routine lists in the Air Force, Army, and Navy.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Erroll G. Southers, of California, to be an Assistant Secretary of Homeland Security, which was sent to the Senate on September 17, 2009.

Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the
rank of Ambassador, which was sent to the Senate on September 24, 2009.

Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, which was sent to the Senate on September 24, 2009.

Roszell Hunter, of Virginia, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013, which was sent to the Senate on October 1, 2009.

INDEPENDENT REVIEW RELATING TO FORT HOOD

Committee on Armed Services: Committee concluded open and closed hearings to examine findings and recommendations of the Department of Defense Independent Review Relating to Fort Hood, after receiving testimony from Togo D. West, Jr., and Admiral Vernon E. Clark, USN (Ret.), both Co-Chair, Department of Defense Independent Review Relating to Fort Hood.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Kevin Wolf, of Virginia, to be Assistant Secretary for Export Administration, who was introduced by Senator Lincoln, Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, who was introduced by Senator Menendez, and David W. Mills, of Virginia, to be Assistant Secretary for Export Enforcement, all of the Department of Commerce, Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development, Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association, who was introduced by Senator Brown, and Orlan Johnson, of Maryland, and Sharon Y. Bowen, of New York, both to be a Director of the Securities Investor Protection Corporation, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE RESEARCH AND DEVELOPMENT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the research and development priorities and imperatives needed to meet the medium- and long-term challenges associated with climate change, after receiving testimony from Steven Chu, Secretary of Energy.

U.S. ENGAGEMENT IN ASIA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine principles of United States engagement in Asia, after receiving testimony from Kurt M. Campbell, Assistant Secretary of State for East Asian and Pacific Affairs; and Robert Sutter, Georgetown University School of Foreign Service, and Robert Herman, Freedom House, both of Washington, DC.

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine civilian strategy for Afghanistan, focusing on a status report in advance of the London conference, after receiving testimony from
Richard C. Holbrooke, Special Representative for Afghanistan and Pakistan, Department of State; and Right Honorable David Miliband, Secretary of State for Foreign and Commonwealth Affairs, London, United Kingdom.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported S. 714, to establish the National Criminal Justice Commission, with an amendment in the nature of a substitute; and

The nominations of O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit, and Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.
Committee recessed subject to the call.

House of Representatives

Public Bills and Resolutions Introduced: 18 public bills, H.R. 4484–4501; and 16 resolutions, H.J. Res. 67–7;1 and H. Res. 1025–1035 were introduced.

Additional Cosponsors:

Reports Filed: There were no reports filed today.


Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted.

H. Res. 1017, the rule providing for consideration of the bills (H.R. 3254, H.R. 3342, and H.R. 1065) was agreed to on Wednesday, January 20th.

Aamodt Litigation Settlement Act: The House passed H.R. 3342, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, by a yea-and-nay vote of 249 yeas to 153 nays, Roll No. 15.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted.

H. Res. 1017, the rule providing for consideration of the bills (H.R. 3254, H.R. 3342, and H.R. 1065) was agreed to on Wednesday, January 20th.

Nuclear Forensics and Attribution Act: Agreed to the Senate amendment to H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, by a 2⁄3 yea-and-nay vote of 397 yeas to 10 nays, Roll No. 16; Pages H299–H300

Private First Class Garfield M. Langhorn Post Office Building Designation Act: H.R. 3250, to designate the facility of the United States Postal Service located at 1210 West Main Street in
Riverhead, New York, as the “Private First Class Garfield M. Langhorn Post Office Building”; and

Expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer: H. Con. Res. 158, amended, to express support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26th for morning-hour debate.

Senate Message: Message received from the Senate today appears on page H269.

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of today and appear on pages H298, H298–99, H299, H300, H300–01. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:29 p.m.

Committee Meetings

AIR FORCE NUCLEAR SECURITY ROADMAP STATUS
Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the status of the Air Force nuclear security roadmap. Testimony was heard from the following officials of the U.S. Air Force, Department of Defense: LTG Frank G. Klotz, USAF, Commander, Air Force Global Strike Command; MG C. Donald Alston, USAF, Assistant Chief of Staff, Strategic Deterrent and Nuclear Integration, Headquarters, U.S. Air Force; and BG Everett H. Thomas, USAF, Commander, Air Force Nuclear Weapons Center.

LONG-TERM DEFICITS PERSPECTIVES
Committee on the Budget: Held a hearing on Perspectives on Long-Term Deficits. Testimony was heard from public witnesses.

RADIO SPECTRUM/SPECTRUM RELOCATION
Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet approved for full Committee action the following bills: H.R. 3125, as amended, Radio Spectrum Inventory Act; and H.R. 3019, Spectrum Relocation Improvement Act of 2009.

CRIB SAFETY
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Crib Safety: Assessing the Need for Better Oversight.” Testimony was heard from Inez Moore Tenenbaum, Chairman, Consumer Product Safety Commission; and public witnesses.

BANK FAILURE AND SEIZURES
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “The Condition of Financial Institutions: Examining the Failure and Seizure of an American Bank.” Testimony was heard from the following officials of the Department of the Treasury: David Miller, Director, Investments; and Jennifer Kelly, Senior Deputy Comptroller, Midsize/Community Bank Supervision, Office of the Comptroller of the Currency; Mitchell Glassman, Director, Division of Resolutions and Receiverships, FDIC; and public witnesses.

JUDGE PORTEOUS IMPEACHMENT
Committee on the Judiciary: Task Force on Impeachment voted to recommend articles of impeachment against U.S. District Judge G. Thomas Porteous to the full Committee.

BILLY’s LAW
Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 3695, Billy’s Law. Testimony was heard from Representatives Murphy of Connecticut, and Poe of Texas; the following officials of the Department of Justice: Stephen L. Morris, Deputy Assistant Director, Criminal Justice Information Services Division, FBI; and Kristina Rose, Acting Director, National Institute of Justice, Office of Justice Programs; and a public witness.

MISCELLANEOUS MEASURES
Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 2788, Distinguished Flying Cross National Memorial Act; H.R. 2944, Southern Arizona Public Lands Protection Act of 2009; H.R. 3914, San Juan Mountains Wilderness Act of 2009; H.R. 4003, Hudson River Valley Special Resource Study Act; H.R. 4192, Stornetta Public Lands Outstanding Natural Area Act of 2009; and H.R. 4395, To revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes. Testimony was heard from Representatives Calvert, Thompson of California, Platts and Salazar;
Marcilynn Burke, Deputy Director, BLM, Department of the Interior; Jay Jensen, Deputy Under Secretary, Natural Resources and the Environment, USDA; and public witnesses.

SMALL/MEDIUM-SIZED MANUFACTURERS SUPPORT PROGRAMS
Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Commerce Department Programs to Support Job Creation and Innovation at Small-and Medium-Sized Manufacturers. Testimony was heard from Dennis F. Hightower, Deputy Secretary, Department of Commerce; and public witnesses.

LONG-TERM SOLUTION FOR POST-9/11 G.I. BILL
Committee on Veterans Affairs: Subcommittee on Economic Opportunity held a hearing on Long-Term Solution for Post-9/11 G.I. Bill. Testimony was heard from the following officials of the Department of Veterans Affairs: CPT Mark Krause, USN (ret.), Program Manager, Space and Naval Warfare Systems Center Atlantic; and Roger W. Baker, Assistant Secretary, Information and Technology.

TRANSITIONING VETERANS
Committee on Veterans Affairs: Subcommittee on Oversight and Investigations held a hearing on Transitioning Heroes: New Era Same Problems? Testimony was heard from Noel Koch, Deputy Under Secretary, Office of Wounded Warrior Care and Transition Policy, Department of Defense; Madhulika Agarwal, M.D., Chief Officer, Office of Patient Care Services, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and a public witness.

BRIEFING—CYBERSECURITY
Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Cybersecurity Threats. The Committee was briefed by departmental witnesses.

Joint Meetings
MOLDOVA
Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine democratic change and challenges in Moldova, after receiving testimony from Vlad Filat, Prime Minister of the Republic of Moldova.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 22, 2010
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Financial Services, hearing entitled “Compensation in the Financial Industry,” 10 a.m., 2128 Rayburn.
Next Meeting of the Senate
9:30 a.m., Friday, January 22

Program for Friday: Senate will continue consideration of H.J. Res. 45, increasing the statutory limit on the public debt.

Next Meeting of the House of Representatives
10 a.m., Friday, January 22

Program for Friday: The House will meet in pro forma session at 10 a.m.

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